

Canada Labour Code
Part II
Occupational Health and Safety

Correctional Service Canada
appellant

and

UCCO-SACC-CSN
respondent

Decision No.: 06-039
November 3, 2006

This case was decided by Appeals Officer Richard Lafrance.

For the Appellant

Neil McGraw, Counsel, Treasury Board Legal Services
Mel Sater, Counsel, Correctional Service Canada
Harvey Newman, Senior Counsel, Treasury Board Legal Services
Richard Fader, Counsel, Treasury Board Legal Services

For the Respondent

Michel Bouchard, Union Advisor, UCCO-SACC-CSN

Health and Safety Officer

Chris Mattson, Labour Program, Human Resources and Skills Development Canada

- [1] This case concerns an appeal made on January 26, 2004 under the *Canada Labour Code*, Part II, subsection 146(1), by Richard Fader, Counsel for Correctional Service Canada, against a direction issued by Health and Safety Officer (HSO) Chris Mattson following a site visit to monitor compliance to an AVC.
- [2] According to HSO Mattson's report, on January 7, 2004, it was brought to his attention that the Safety Committee had not done a monthly inspection in a year. It was also brought up that efforts, by the health and safety committee, to do a risk assessment on the Self Contained Breathing Apparatus (SCBA) had been delayed on tree occasions by management and had still not been done.

- [3] Further to his investigation, HSO Mattson issued a direction to the employer under paragraphs 145.(1)(a) and (b) of the *Canada Labour Code* as follows:

“The said health and safety officer is of the opinion that the following provision(s) of the *Canada Labour Code*, Part II, is being contravened:

1. 125.(1)(z.12)

Ensure that the workplace committee inspects each month all or part of the work place so that every part of the work place is inspected at least once each year.

2. 125(1)(z.08)

Cooperate with the workplace committee in the execution of their duties under this part.

Therefore, you are HEREBY DIRECTED, pursuant to subsection 145(1)(a) of the *Canada Labour Code*, Part II, to terminate the contravention(s) no later than 31/01/04.

Further, you are HEREBY DIRECTED, pursuant to paragraph 145(1)(b) of the *Canada Labour Code*, Part II, within the time specified by the health and safety officer, to take steps to ensure that the contravention does not continue or reoccur.

- [4] On October 31, 2006, Neil McGraw, Counsel for Correctional Service Canada, sent a letter to this Office indicating that Correctional Service Canada was withdrawing its appeal of the direction.
- [5] Considering the written request to withdraw the appeal and having reviewed the file, I accept and declare this case closed.

Richard Lafrance
Appeals Officer

Summary of Appeals Officer's Decision

Decision No.: 06-039

Appellant: Correctional Service Canada

Respondent: UCCO-SACC-CSN

Key Words: Withdrawal, safety committee, monthly inspection

Provisions: *Canada Labour Code*: 146(1)

Summary:

On January 26, 2004, Correctional Service Canada appealed a direction issued following a site visit. On October 31, 2006, Correctional Service Canada withdrew its appeal of the direction. The case is therefore close.