

Case No.: 2006-57

Canada Labour Code
Part II
Occupational Health and Safety

Robert Beresh
appellant

and

Canada Border Services Agency
respondent

Decision No.: CAO-06-043
November 24, 2006

This case was decided by Appeals Officer Richard Lafrance.

For the Appellant

Robert Beresh, Enforcement Officer

For the Respondent

Richard Fader, Counsel

Shirley Clou, Enforcement Supervisor

Health and Safety Officer

Craig Ollenberger, Human Resources and Skills Development Canada

- [1] This case concerns an appeal made on October 5, 2006 under the *Canada Labour Code*, Part II, subsection 129(7), by Robert Beresh, employee for Canada Border Services Agency, against a decision of no danger rendered by Health and Safety Officer (HSO) Craig Ollenberger.
- [2] According to HSO Ollenberger's report, on September 25, 2006, Mr. Beresh refused to work because he felt that the ratio of one officer to one deportee in the case of this removal was a danger.
- [3] Further to his investigation, HSO Ollenberger determined that the escort of the deportee from Vancouver International Airport to Los Angeles International Airport without the use of restraints did not constitute a danger.

- [4] On November 23, 2006, Mr. Beresh sent a fax to this Office indicating that he was withdrawing his appeal.
- [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.: CAO-06-043

Appellant: Robert Beresh

Respondent: Canada Border Services Agency

Key Words: Withdrawal, deportee escort, one on one.

Provisions: *Canada Labour Code: 129(7)*

Summary:

On October 5, 2006, Robert Beresh appealed a decision of no danger rendered by HSO Ollenberger. On November 23, 2006, Mr. Beresh withdrew his appeal. The case is therefore close.