

CANADA LABOUR CODE
PART II
OCCUPATIONAL SAFETY AND HEALTH

Review under section 146 of the Canada Labour Code, Part II
of a direction issued by a safety officer

Applicant: Loomis Armored Car Service Ltd.
Toronto, Ontario
Represented by: Mr. Mark Foley, and Mr. G.P. Archambault

Interested Parties: Mr. Les Fisher
ABM Technician
Represented by: Mr. Douglas C. Power
Business Agent
Teamster, Local (Union) 419

Mis-en-Cause: Mr. Robert Maklan
Safety Officer
Labour Canada

Before: Mr. Serge Cadieux
Regional Safety Officer
Labour Canada

On April 15, 1993 safety officer Robert Maklan gave a direction under subsection 145(2) of the Canada Labour Code, Part II to Loomis Armored Car Service Ltd.. The direction was given following a refusal to work exercised by Mr. Les Fisher, an automatic banking machine (ABM) technician with Loomis. The reason given by Mr. Fisher for refusing to work was that the partner who was assigned to accompany him that day would not be carrying a revolver as a side arm and therefore could not protect him in the event of an attack. This situation was perceived by Mr. Fisher as constituting a danger since he would have to divide his attention between servicing the banking machines and acting as the armed guard.

On September 1, 1993 Mr. Archambault advised the Office of the Regional Safety Officer that Loomis Armored Car Service Ltd. was withdrawing its request to have the direction reviewed. Mr. Archambault also indicated they would abide by the direction of the safety officer.

As the Regional Safety Officer responsible to review this direction, I confirm that Loomis Armored Car Service Ltd. has withdrawn its request to have the direction issued on April 15, 1993 by safety officer Robert Maklan, reviewed. I therefore consider that I am no longer seized of this matter. This file is closed.

September 7, 1993

Serge Cadieux
Regional Safety Officer