

## SUMMARY OF APPEALS OFFICER'S DECISION

**Decision No.:** 01-028

**Applicant:** Marlene Martin  
Represented by Todd Woytiuk  
Public Service Alliance of Canada

**Employer:** Indian and Northern Affairs Canada  
I.L. Thomas Odadrinhonyanita Elementary School  
Represented by Kathryn Hill  
Senior Project Officer

**Health and Safety Officer:** Paul Curle

**Before:** Michèle Beauchamp  
Appeals officer

**Key Words:** Refusal to work, roof structure, water testing, mould

**Provisions:**

**Code:** 129(7)

**Summary:**

Marlene Martin, a teacher at the I.L. Thomas Odadrinhonyanita Elementary School, refused to work in the school, alleging mould contamination of the building, a defective roof structure and unsafe potable water provided in the school corridors. Health and safety officer Paul Curle investigated the refusal to work on the same day, and decided that there was no-danger for Marlene Martin to work there.

At the hearing held on October 31, the employee and her union representative informed the appeals officer that the employee was withdrawing her appeal. The case is closed.



**CANADA LABOUR CODE**  
**PART II**  
**OCCUPATIONAL HEALTH AND SAFETY**

Marlene Martin  
*applicant*

and

Indian and Northern Affairs Canada  
*employer*

and

Paul Curle  
*health and safety officer*

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Decision No. 01-028  
December 12, 2001

This case was heard by Michèle Beauchamp, appeals officer, in Brantford, Ontario, on October 31, 2001

Appearances

For the applicant:

Todd Woytiuk, Regional Representative, Public Service Alliance of Canada

For the employer:

Kathryn Hill, Senior Project Officer

[1] This case concerns an appeal by Marlene Martin, a teacher at the I.L. Thomas Odadrinhonyanita Elementary School, made on March 7, 2001 under subsection 129(7) of the *Canada Labour Code*, Part II, following a decision of no-danger issued by health and safety officer Paul Curle on February 28, 2001.

[2] Marlene Martin refused to work on February 19, 2001, alleging mould contamination of the elementary school, a defective roof structure and unsafe potable water provided in the school corridors.

[3] Health and safety officer Paul Curle investigated the refusal to work with health and safety officer Paul Danton on the same day, and decided that there was no-danger for Marlene Martin to work in the school.

[4] A hearing was held in Brantford on October 31 with the parties, during which the employee and her union representative informed the appeals officer that the employee was withdrawing her appeal. Written confirmation was sent to the appeals officer on November 1<sup>st</sup>, 2001.

[5] As the appeals officer responsible for this case, I confirm that Marlene Martin withdrew her appeal of the decision of no-danger issued following her refusal to work .

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Michèle Beauchamp  
Appeals Officer