



CANADA LABOUR CODE
PART II
OCCUPATIONAL HEALTH AND SAFETY

Confédération des syndicats nationaux
applicants

and

Correctional Service of Canada
employer

and

Brigit Barca
health and safety officer

Decision No. 02-002
January 24, 2002

[1] This case concerns an appeal made by the Confédération des syndicats nationaux on behalf of six correctional officers employed at the Kingston Penitentiary, on November 16, 2001, under subsection 129(7) of the *Canada Labour Code*, Part II.

[2] The appeal was made following a decision of no-danger issued by health and safety officer Brigit Barca on November 12, 2001, after 16 correctional officers refused to work due to the possibility of an inmate escaping by tampering with the cell locking device mechanism, thereby leading to the possibility of physical assault.

[3] On January 7, 2002 the union advised the Canada Appeals Office on Occupational Health and Safety that it was withdrawing its appeal.

[4] As the appeals officer responsible for the case, I confirm that the Confédération des syndicats nationaux on behalf of six correctional officers withdrew its appeal of the decision of no-danger rendered by health and safety officer Brigit Barca.

[5] After reviewing the file, the appeals officer confirms that the case is closed.

Serge Cadieux
Appeals Officer

SUMMARY OF APPEALS OFFICER'S DECISION

Decision No.: 02-002

Applicant: Confédération des syndicats nationaux

Employer: Correctional Service of Canada

Health and Safety Officer: Brigit Barca

Before: Serge Cadieux
Appeals officer

Key Words: Refusal to work, cell locking mechanism, escape, assault, withdrawal, penitentiary.

Provisions:

Code: 129(7)

Summary:

This case concerns an appeal made by the Confédération des syndicats nationaux on behalf of six correctional officers working at the Kingston Penitentiary, on November 16, 2001, under subsection 129(7) of the *Canada Labour Code*, Part II.

On January 7, 2002, the Confédération des syndicats nationaux withdrew its appeal of the decision of no-danger rendered by health and safety officer Brigit Barca. After reviewing the file, the appeals officer confirms that the case is closed.