

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

Martin A. Hurley  
*applicant*

and

Correctional Service Canada  
*employer*

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Decision No. 02-029  
December 04, 2002

[1] On June 12, 2001, correctional officer Martin Hurley refused to work at Mountain Institution Complex, Correctional Service, in Agassiz, B.-C., because he felt that, given the actual and future number of inmates in the compound, the staffing levels of correctional officers at the institution was dangerously low, " thereby putting at risk all correctional officers, non-security staff, inmates and society in general."

[2] Health and safety officer Todd Campbell investigated the refusal to work and rendered a verbal decision of no danger pursuant to subsection 129(4) of the *Canada Labour Code*, Part II.

[3] Mr. Hurley appealed the decision and a hearing date was set for March 13, 2003. On that day, Mr. Hurley verbally informed the Canada Appeals Office that he was withdrawing his appeal of the above-mentioned decision.

[4] As the appeals officer seized of the case, I confirm that Mr. Hurley withdrew his appeal of the decision of no danger rendered by health and safety officer Todd Campbell. This case is closed.

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Michèle Beauchamp  
Appeals Officer

## **SUMMARY OF APPEALS OFFICER DECISION**

**Decision No.:** 02-029

**Applicant:** Martin Hurley

**Employer:** Correctional Service Canada

**Key Words:** Refusal to work, staffing levels

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

### **Summary:**

An employee refused to work at the Mountain Institution Complex, because he felt that, given the actual and future number of inmates in the compound, the staffing levels of correctional officers at the institution was dangerously low, " thereby putting at risk all correctional officers, non-security staff, inmates and society in general." After investigating, a health and safety officer rendered a verbal decision of no danger pursuant to subsection 129(4) of the *Canada Labour Code*, Part II.

The employee appealed the decision of no danger. However, he informed the Canada Appeals Office on the hearing day that he was withdrawing his appeal. The case is close.