

Canada Labour Code
Part II
Occupational Health and Safety

André Urbain
applicant

and

Correctional Service of Canada
employer

Decision No. 04-001
January 27, 2004

Representations

Sandro Bartucci, UCCO-SAAC-CSN, for the employee
Alain Jacques, for the employer

- [1] On August 28, 2003, André Urbain informed his employer that, as a result of threatening shouts and looks from inmates and the fact that this was the first time he had felt uncomfortable about doing his job, he had decided to exercise his right of refusal. Health and safety officer Pierre Morin investigated the refusal to work by Mr. Urbain, of the Federal Training Centre, and subsequently decided that there was no danger.

- [2] On September 22, 2003, Sandro Bartucci of the Union of Canadian Correctional Officers (UCCO-SAAC-CSN) filed an appeal on behalf of the above-mentioned employee against the decision rendered by health and safety officer Pierre Morin on August 28, 2003. Nonetheless, on January 26, 2004, Mr. Bartucci of the Union of Canadian Correctional Officers (UCCO-SAAC-CSN), representing the employee, informed the Canada Appeals Office on Occupational Health and Safety that the employee was withdrawing his appeal against the above-noted decision of no danger.

- [3] As the appeals officer reviewing this matter, I confirm that the Union of Canadian Correctional Officers (UCCO-SAAC-CSN), representing Mr. Urbain, has withdrawn the appeal of the decision of no danger rendered by health and safety officer Pierre Morin. This file is now closed.

Pierre Rousseau
Appeals Officer

Summary of Appeals Officer's Decision

Decision No.: 04-001

Applicant: André Urbain

Employer: Correctional Service Canada

Key Words: Refusal to work, threatening shouts and looks

Provisions: *Code* 129(7)
Regulations

Summary:

On August 28, 2003 Mr. André informed his employer that threatening shouts and looks by the inmates and the fact that it was the first time he had felt uncomfortable about doing his job posed a danger to him. The health and safety officer decided that there was no danger to the employee.

On September 22, 2003, Sandro Bartucci of the Union of Canadian Correctional Officers (UCCO-SAAC-CSN) filed an appeal against the decision rendered by health and safety officer Pierre Morin on August 28, 2003, and withdrew it on January 26, 2004. This file is now closed.