

Canada Labour Code
Part II
Occupational Health and Safety

**The Professional Institute of the Public
Service of Canada**

Applicant

and

**Correctional Service of Canada (Regional
Psychiatric Centre)**

Employer

Decision No.: 04-006

March 15, 2004

[1] On March 13, 2003, Ms. Rose O'Hagan, Psychiatric Nurse at the Regional Psychiatric Centre, Saskatoon, Saskatchewan refused to work in the Assiniboine Unit as a result of exposure to second hand smoke. Health and safety officer Rodney Levinton investigated into her refusal to work that day and following his investigation, advised Ms. O'Hagan that a danger did not exist for her. Ms. O'Hagan appealed health and safety officer Levinton's decision to an appeals officer on March 27, 2003 pursuant to subsection 129(7) of the *Canada Labour Code*, Part II.

[2] On November 28, 2003, Mr. Neil Harden of the Professional Institute of the Public Service of Canada representing Ms. O'Hagan sent a letter to the Canada Appeals Office indicating that the parties had reached a settlement in the case and withdrew the appeal on behalf of Ms. O'Hagan.

[3] As the appeals officer responsible to hear the appeal of the decision of no danger issued to Ms. O'Hagan by health and safety officer Levinton, I am confirming that the appeal has been withdrawn. This file is closed.

Douglas Malanka
Appeals Officer

Summary of Appeals Officer Decision

Decision No.: 04-006

Applicant: The Professional Institute of the Public

Service of Canada Employer: Correctional Service Canada (Regional Psychiatric Centre)

Key Words: Refusal to work, second hand smoke, withdrawal.

Provisions:

C.L.C.: 129(7), 145(5)

Summary:

A psychiatric nurse at the Regional Psychiatric Centre, Saskatoon, Saskatchewan, refused to work as a result of exposure to second hand smoke. A health and safety officer investigated the refusal to work and decided that Ms. O'Hagan was not exposed to danger as defined in the *Code*. The Health and Safety Officer rendered a decision of no danger. The Professional Institute of the Public Service of Canada (PIPS) on behalf of Ms. O'Hagan appealed the decision but later withdrew its appeal as parties had reached a settlement. The file was closed.