

Canada Labour Code
Part II
Occupational Health and Safety

T.S. Secord
applicant

and

Canadian National Railways
employer

Decision No.: 04-013
March 16, 2004

This case was decided by Douglas Malanka, appeals officer.

[1] On April 18, 2003, Mr. T.S. Secord, Canadian Legislative Director, United Transportation Union appealed on behalf of employee Mr. Michael Winstanley the decision of health and safety officer Andre Lalonde at Transport Canada not to investigate into Mr. Winstanley's refusal to work. Health and safety officer Lalonde wrote and explained to Mr. Secord that the employer, Canadian National Railway, had resolved the matter with Mr. Winstanley at the internal investigation level in accordance with subsection 128.(10) of the *Canada Labour Code (Code)*, Part II. As a result, it was unnecessary for him to investigate into Mr. Winstanley's refusal to work pursuant to subsection 129.(4) of the *Code*. With this explanation, Mr. Secord withdrew his appeal on May 6, 2003, on behalf of Mr. Winstanley.

[2] Based on the scant facts provided to me in this case, it appears questionable that this appeal was within the jurisdiction of an Appeals Officer to hear. Regardless, the appeal has been withdrawn and I now confirm that the file on this matter is closed.

Douglas Malanka
Appeals Officer

Summary of Decision

Decision No.: 04-013

Applicant: T.S. Secord

Employer: Canadian National Railway

Key Words: Decision, refusal to work, internal investigation.

Provisions:

Code: 129(7)

Regulations:

Summary:

The applicant appealed a decision of no danger issued by a health and safety officer, following a refusal to work. The applicant further withdrew its appeal and the appeals officer closed the file.