

Canada Labour Code
Part II
Occupational Health and Safety

Valérie Legris and Daniel Thériault
applicants

and

SECUR
employer

Decision No. 04-025
August 12, 2004

For the employees:

François Legendre, Canadian Union of Public Employees (CUPE)

For the employer:

Chantal Giroux, Supervisor, OHS and Employee Benefits

Occupational Health and Safety Officer:

France Racicot, Human Resources and Skills Development Canada, Labour Program,
Investigation Services Directorate, Montreal

- [1] On January 16, 2002, Valérie Legris and Daniel Thériault informed their employer that the absence of a radio transmitter on board Vehicle 97-210 represented an unsafe situation in the event of an emergency or sudden attack. They therefore exercised their right to refuse to work in potentially dangerous situations. Health and safety officer France Racicot conducted an investigation into the SECUR employees' refusal to work, subsequently decided that a situation of no danger existed.
- [2] On 20 February 2002, Mario Demers, co-president of the SECUR employees' union, local 3812 (CUPE), filed an appeal on behalf of the above-mentioned employees against the decision of no danger rendered by health and safety officer France Racicot on 24 January 2002. On 9 August, 2004, CUPE representative François Legendre informed the Canada Appeals Office on Occupational Health and Safety that the two employees were withdrawing their appeal against the above-mentioned decision of no-danger.

- [3] As the appeals officer responsible for this case, I confirm that CUPE has withdrawn the appeal against the decision of no danger issued by health and safety officer France Racicot. After a review of the file, the case is closed.

Pierre Guénette
Appeals Officer

Summary of Appeals Officer Decision

Decision No.: 04-025

Applicants: Valérie Legris and Daniel Thériault

Employer: SECUR

Key Words: Refusal to work, communication system, radio transmitter

Provisions: *Code 129(7)*
Regulations

Summary:

Two SECUR employees informed their employer that, since the vehicle assigned to them was not equipped with a communication system (radio transmitter), as it should have been, they were exercising their right of refusal to work in a potentially dangerous situation. Following an investigation, the health and safety officer decided that the situation did not represent a danger for the employees.

The Canadian Union of Public Employees filed an appeal against the decision rendered by the health and safety officer. This appeal application was withdrawn on August 9, 2004. The case is therefore closed.