

Canada Labour Code
Part II
Occupational Health and Safety

Public Service Alliance of Canada
applicant

and

Indian and Northern Affairs Canada
employer

Decision No. 04-037
November 5, 2004

This case was decided by Thomas Farrell, appeals officer.

- [1] On June 10, 2002, Ms. Donna Wojcik refused to work based on danger that arose from her work station not meeting ergonomic standards. Health and Safety Officer Dwayne Laushway investigated the complaint and on June 17, 2002 pursuant to subsection 129(4) of the *Canada Labour Code*, Part II ruled that a danger does not exist. On June 24, 2002, Ms. Wojcik appealed this decision.
- [2] As the Appeals Officer assigned to this case I informed the parties involved of my intention to proceed with this appeal in accordance with subsection 146.2 of the *Canada Labour Code*, Part II, without a hearing and render a decision based on the documentation that has been placed on file.
- [3] A timeframe was provided to the appellant to provide any additional information and further time for the employer to respond to this new information.
- [4] On October 19, 2004, I received a letter dated October 13, 2002 from Ms. Joanna Miazga, Regional Representative for the Public Service Alliance of Canada stating, "There is no additional information that I have received from Ms. Wojcik regarding this matter."
- [5] This appeal is related to Ms. Wojcik's refusal to work based on her view that her workstation did not meet her ergonomic needs. A review of the information provided indicate that a recent Health Canada Ergonomic review conducted by an Occupational Health Nurse stated that the current modifications to Ms. Wojcik's work station appeared to meet the necessary ergonomic accommodations.

- [6] In the matter of the appeal of the decision of 'no danger' made by Health and Safety Officer Dwayne Laushway on June 17, 2002 regarding the appellant's concern that the work station did not meet her ergonomic needs.
- [7] I have reviewed the information provided by the applicant, as well as the information provided by the employer and I have concluded that Health and Safety Officer Laushway's decision of no danger was correct and I therefore confirm the decision.

Thomas Farrell
Appeals Officer

Summary of Decision

Decision No.: 04-037

Applicant: Public Service Alliance of Canada

Employer: Indian and Northern Affairs Canada

Key Words: Decision, refusal to work, air quality

Provisions: *Code* 129(7)
Regulations

Summary:

The applicant refused to work because of a work station not meeting ergonomic standards. A review was conducted by an occupational health nurse who stated that the work station appeared to meet the necessary ergonomic accommodations. The appeals officer therefore confirmed the health and safety officer's decision that a danger did not exist.