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## Canada Labour Code Part II **Occupational Health and Safety**

Claude Grenier André Gauthier applicants

and

Correctional Service of Canada employer

Decision No. 04-050 21 December 2004

This case was heard by appeals officer Pierre Rousseau.

## Health and safety officer

Jessica Tran, Labour Program, Human Resources and Skills Development Canada

- This case concerns an appeal filed on 1 December 2003 by Claude Grenier and André Gauthier, correctional officers with the Correctional Service of Canada (CSC), pursuant to subsection 129(7) and section 146 of the Canada Labour Code, Part II. The two employees were represented by Céline Lalande, union advisor (CSN).
- The two correctional officers had refused to work on 24 November 2003 for the reasons [2] that the health and safety officer summarized as follows:
  - "The two correctional officers refused to return in uniform to the Archambault Institution without being armed, because they believed that this would be dangerous for their safety."
- The description of the facts in health and safety officer Tran's report mainly indicates that the correctional officers had escorted an inmate for medical check-ups to the Cité de la Santé de Laval [medical centre in Laval]. At the time, one of the two officers was carrying a weapon. When their duties were finished, the weapon had to be transferred to another team. Since both officers were in uniform, they refused to return to the Archambault Institution because they were afraid for their safety. They felt that their uniforms, as well as the unmarked car, could help people identify them as correctional officers and thereby jeopardize their safety.
- As a result of her inquiry, the health and safety officer came to the conclusion that there was no danger and rendered a decision to this effect. It is this decision that is the focus of this appeal.

- [5] A letter was sent to both parties to arrange a suitable date for a hearing. In response to this letter, the employees' representative sent us a letter on 17 December 2004, notifying us that the employees were withdrawing their appeal against the health and safety officer's decision in this case.
- As the appeals officer responsible for the appeal against the decision of no danger rendered by health and safety officer Jessica Tran, following the refusal to work by Claude Grenier and André Gauthier, I confirm that the appeal has been withdrawn. The case is therefore closed.

Pierre Rousseau Appeals Officer

## **Summary of Appeals Officer's Decision**

**Decision No.:** 04-050

**Applicant:** Claude Grenier and André Gauthier

**Employer:** Correctional Service of Canada

**Key Words:** Decision of no danger, escort, carrying a weapon, withdrawal of appeal.

**Provisions:** *Code* 128(1), 129(7), 146.1

Regulations

## **Summary:**

A health and safety officer received a complaint from two Correctional Service of Canada employees and conducted an investigation into it. The health and safety officer decided that no danger existed. The employees filed an appeal on the grounds that a danger existed for them to return to the penitentiary without weapons in an unmarked car. During the course of making arrangements to set a hearing date, the union advisor representing the employees notified the appeals officer that she was withdrawing the appeal. The appeals officer therefore closed the case.