

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

D. Wereley  
*applicant*

and

Securicor Canada Limited  
*respondent*

---

Decision No. 05-014  
March 30, 2005

These appeals made pursuant to subsection 129(7) of the *Canada Labour Code* were decided by Douglas Malanka, appeals officer.

- [1] On February 19, 2003 at approximately 22:20 hours, armed guard D. Wereley refused to carry out his stop at the MacDonald Cartier Ottawa International Airport in Ottawa, Ontario. Following the employer's unsuccessful effort to resolve the matter, health and safety officer (HSO) Serge Marion arrived to investigate into D. Wereley's continued refusals to work. D. Wereley complained to HSO Marion that a danger existed because Securicor had reduced the crew size for the shift from three persons to two, such that there was no driver to remain with their vehicle while the crew conducted the stop. D. Wereley wrote:

I am refusing this stop because I don't feel safe walking out into an area with a large cash parcel without knowing who is outside. It's a high traffic area and I feel that it would be easy for people to surprise/attack/rob me.

- [2] Following his investigation, HSO Marion decided that a danger did not exist for D. Wereley and confirmed his decision in writing on February 20, 2003.
- [3] On February 28, 2003, D. Wereley appealed the decision of HSO Marion pursuant to subsection 129(7) of the *Code* to an appeals officer.
- [4] On February 3, 2005, D. Wereley wrote to withdraw the appeal of the decision of HSO Marion. No longer being employed at Securicor, D. Wereley indicated not having any further interest in the appeal.

- [5] On that basis, and in the absence of any reason for doing otherwise, I have accepted the withdrawal and closed the file on this appeal.

---

Douglas Malanka  
Appeals Officer

## Summary of Appeals Officer's Decision

**Decision No.:** 05-014

**Appellants:** D. Wereley

**Respondent:** Securicor Canada Limited

**Key Words:** Refusal to work, crew reduction, driver, 2-person-off crew, S-Series vehicle, unsecured vehicle, ambush, armed robbery, danger,

**Provisions:** *Canada Labour Code* 129(7)  
Regulation

### Summary:

The applicant withdrew the appeals made pursuant to 129(7) of the *Code* and the appeals officer closed the file.