

Canada Labour Code
Part II
Occupational Health and Safety

Donald Ediger
Correctional Officer
applicant

and

Correctional Service Canada
respondant

Decision No.: 05-034
August 11, 2005

This appeal made pursuant to subsection 129 (7) of the *Canada Labour Code* was decided by Richard Lafrance, Appeals Officer.

For the applicant:

Robert Deschambault, Union Advisor, UCOO-SACC-CSN

For the Respondent:

Richard Fader, Counsel, Treasury Board Legal Services.

- [1] This case concerns an appeal made on July 20, 2004, under subsection 129 (7) of the *Canada Labour Code*, Part II, by Donald Ediger employed as a Correctional Officer by Correctional Service Canada.
- [2] Health and safety officer George Balas investigated the refusal to work and rendered a decision of no danger.
- [3] According to the investigation report from health and safety officer George Balas, both the applicant and the employer described the event as follows:
- Mr. Ediger was informed on July 13, 2004, that he and another officer would be escorting an inmate to the City Hospital where the inmate was to receive medical treatment.
 - The conditions for escorting the inmate were in accordance with Correctional Service policies for maximum security.
 - Two officers present
 - Full restraints (leg irons and handcuffs)
 - OC spray irritant

- Armed with 38 with 18 rounds of ammunition. The applicant refused to work on July 13, 2004 on the basis that when a firearm is authorized, there should be three officers present, not two.
- [4] On August 10, 2005, Robert Deschambault, Union Advisor for the applicant, wrote to this office to indicate that he was withdrawing the appeal on behalf of the applicant.
- [5] Having reviewed the file, I accept the employee's withdrawal, and confirm that the file is closed.

Richard Lafrance
Appeals Officer

Summary of Appeals Officer's Decision

Decision No.: 05-034

Applicant: Donald Ediger
Correctional Officer

Employer: Correctional Service Canada

Keywords: Decision, refusal to work, inmate, hospital,

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

Summary:

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