

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

Jonah Logan  
Correctional Officer  
*applicant*

and

Correctional Service Canada  
*respondant*

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Decision No.: 05-035  
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 Jonah Logan 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. Logan 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 where 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.
- [4] The applicant refused to work on July 13, 2004 on the basis that:
- He was not trained on fire arms retention.
  - There was only one officer to manipulate the inmate.
  - No secure area to hold inmate if needed.
  - No mode of transportation back to the institute.
  - Inmate was aware of the date, time and location of appointment.
- [5] 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.
- [6] Having reviewed the file, I accept the employee's withdrawal, and confirm that the file is closed.

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Richard Lafrance  
Appeals Officer

## Summary of Appeals Officer's Decision

**Decision No.:** 05-035

**Applicant:** Jonah Logan  
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.