

**VIA POSTAL MAIL**

December 20, 2005

RCMP (Iqaluit)  
Document No.: 2005-56

Assistant Commissioner Pierre-Yves Bourduas  
Commanding Officer  
Royal Canadian Mounted Police  
Division "C"  
4225 Dorchester Blvd. West  
Westmount, Quebec  
H3Z 1V5

**Subject: Decision letter 05-056, following a request to appeal under section 146.1**

Dear Assistant Commissioner Bourduas:

This decision letter is in response to your appeal made on September 29, 2005 under section 146.1 of the *Canada Labour Code*.

According to the information on file, following the investigation by the employer and the health and safety committee regarding the refusal to work by constables Leduc and Lachance on March 19, 2005, the trip that is the central issue in this dispute was cancelled. Health and Safety Officer Steve Sirois who was appointed to investigate, concluded that the employees had not repeated their refusal to work, and he therefore did not issue any direction or render any decision under subsection 129(7) of the *Code*.

Considering that no direction has been issued and no decision has been rendered under subsection 129(7) of the *Code*, I do not have any jurisdiction under the *Code* to intervene and resolve the matter in dispute.

However, in order to help you find an answer to your questions regarding the cold and the provision of special clothing in northern regions, if Health and Safety Officer Sirois has not responded to your request, I believe that you should contact the regional health and safety officer, Richard Dupuis, who will be pleased to provide you with information.

I am sure you will understand that I cannot provide you with an interpretation of the *Code* without having first held a hearing and heard the parties on the subject. If I were to do so, then as a quasi-judicial administrative tribunal, I might be considered biased in my judgment if I ever had to hear a similar case.

I am therefore forwarding a copy of the present file to Mr. Dupuis so that he can answer you.

Yours truly,

Katia Néron  
Appeals Officer

c.c. : R. Dupuis  
R. Sabourin  
R. Leduc  
S. Lachance  
S. Sirois