

Priority Post

June 27, 2006

File: Correctional Service Canada (Westfall)
Document No.: 2005-60

Ms. Julia Westfall
1561 Ormsbee Road
Battersea, Ontario
K0H 1H0

**Subject: Decision letter 06-018, following a request to appeal
under section 146.1**

Dear Ms. Westfall:

This decision letter is in response to your appeal filed on December 5, 2005 under section 146.1 of the *Canada Labour Code*.

According to the information that you provided regarding your health condition, unfortunately no investigation was conducted by a Health and Safety Officer. Therefore, taking into consideration that no direction was issued under section 145 of the *Code* and no decision was rendered under subsection 129(7) of the *Code*, I determine that I do not have jurisdiction under the *Code* to hear an appeal in this matter.

In this regard, I refer you to the Federal Court decision, dated June 1st, 2006 between *Pamela Sachs, Canadian Union of Public Employees, Airline Division, Air Canada Component, Occupational Health and Safety Committee of Local 4004 (Toronto) and Air Canada, Douglas Malanka, Jacques Servant* a copy of which I have included for your perusal. In this decision the Court ruled that the Appeals Officer has no jurisdiction to hear complaints made under subsection 127.1 of the *Code* (Internal Complaint Resolution Process).

Yours truly,

Katia Néron
Appeals Officer

c.c. C. Mattson