

Bureau canadien d'appel
en santé et sécurité
au travail



Canada Appeals Office
on Occupational Health
and Safety

Case No.: 2005-10
Decision No.: CAO-06-051

**CANADA LABOUR CODE
PART II
OCCUPATIONAL HEALTH AND SAFETY**

Ryan DeBack
appellant

and

Correctional Services Canada
respondent

Decision No.: CAO-06-051
December 19, 2006

This case was decided by Appeals Officer Richard Lafrance.

For the appellant

Marie-Claude Girard-Jauvin, CSN Union adviser
Ryan DeBack, Correctional Officer 1

For the respondent

Richard Fader, Counsel, Treasury Board Legal Services
Janice Nachtegale, A/Director of Programs and Operations

Health and Safety Officer

Rodney Levinton, Human Resources and Skills Development Canada

[1] This case concerns an appeal made on March 8, 2005 under the *Canada Labour Code*, Part II, subsection 129(7), by Mr. Ryan DeBack, employee for Correctional Services Canada, against a decision of no danger rendered by Health and Safety Officer (HSO) Rodney Levinton.

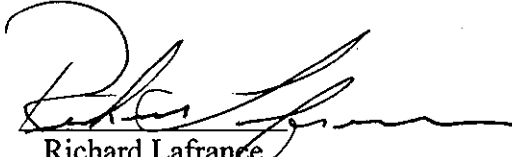
[2] According to HSO Levinton's report, on February 5, 2005, Mr. DeBack stated the following on his refusal to work registration form:

While I am performing my other duties while behind the Bow Unit panel, I am subject to assault from inmates via flying debris, physical assault, etc. The preventive measures taken to date by management to correct the issue have done nothing to protect myself or others from such assaults which have caused injuries to staff and inmates as a result.

[3] On July 26, 2006, Mr. Richard Fader, Counsel representing Correctional Services Canada requested that the appeal be dealt with through the mediation services of the Canada Appeals Office on Occupational Health and Safety (the Office). On August 31, 2006, Ms. Marie-Claude Girard-Jauvin, CSN Union adviser representing Mr. DeBack accepted Mr. Fader's mediation proposal.

[4] On December 7, 2006, before the mediation could occur, Ms. Girard-Jauvin sent a fax to this Office indicating that the Union was withdrawing the appeal on behalf of Mr. DeBack.

[5] Considering the written request to withdraw the appeal and having reviewed the file, I accept and declare this case closed.


Richard Lafrance
Appeals Officer

SUMMARY OF APPEALS OFFICER DECISION

Decision CAO-06-051

Appellant Mr. Ryan DeBack

Respondent Correctional Services Canada

Provisions

Canada Labour Code 129(7)

Keywords Withdrawal, assault, mediation.

SUMMARY

On March 8, 2005, Mr. DeBack, appealed a decision of no danger rendered. He stated that he was subject to assault from inmates. On December 7, 2006, Ms. Girard-Jauvin withdrew the appeal on behalf of Mr. DeBack. The case is therefore close.