

Canada Labour Code
Part II
Occupational Health and Safety

Marc Yelle
appellant

and

Canada Border Services Agency
respondent

February 5, 2008

This case was decided by Appeals Officer Pierre Guénette.

For the appellant

Marc Yelle, Inland Enforcement Officer, Canada Border Services Agency

For the respondent

Paul Porrior, Director Security, Canada Border Services Agency

- [1] This matter concerns an appeal made by Marc Yelle on May 24, 2007 pursuant to subsection 129(7) of the *Canada Labour Code*, Part II (the *Code*). The appeal was against a decision of absence of danger rendered on May 15, 2007, by health and safety officer Serge A. Marion (HSO Marion) following his investigation of the refusal to work of a group of Inland Enforcement Officers on April 18, 2007. This group of employees have mandated Marc Yelle to represent them during this appeal process.
- [2] According to HSO Marion's Investigation Report and Decision dated September 17, 2007, employees refused to perform activities related to the surveillance of a specific individual or any cases involving security certificates on terrorism issues until an investigation is concluded.
- [3] On completion of the investigation into the refusal to work, HSO Marion determined, pursuant to subsection 129(4) of the *Code*, "that the normal conditions of work were not met, but the situation being raised by the employees did not meet the definition of danger as found in the legislation."

- [4] On February 1, 2008, Marc Yelle informed by facsimile the A/Case Management Officer of the Canada Appeals Office on Occupational Health and Safety that they were withdrawing their appeal in regards of the decision of absence of danger rendered by HSO Marion.
- [5] Considering the above and having reviewed the file, I accept the withdrawal and declare this case closed.

Pierre Guénette
Appeals Officer

Summary of Appeals Officer Decision

Decision: CAO-08-004

Appellant: Marc Yelle

Respondent: Canada Border Services Agency

Provisions: *Canada Labour Code* Part II 128, 129(4) and 129(7)

Keywords: Inland Enforcement Officers, surveillance, security certificates, refusal to work, normal conditions of work, danger, absence of danger and appeal

Summary:

On May 24, 2007 Marc Yelle on behalf of a group of Inland Enforcement Officers appealed a decision of no danger following a work refusal on April 18, 2007. On February 1, 2008, the appellant withdrew the appeal. The case is therefore close.