

Occupational Health
and Safety Tribunal Canada



Tribunal de santé et
sécurité au travail Canada

Ottawa, Canada K1A 0J2

File No.: 2008-21

***Interlocutory Decision
OHSTC-09-007(I)***

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

Royal Canadian Mounted Police
(RCMP)
appellant

and

Sergeant Scott Warren
respondent

February 18, 2009

PROCEDURAL ORDER FOR AN *IN CAMERA* HEARING

For the appellant

Neil McGraw, Counsel, Treasury Board Legal Services

For the respondent

Sergeant Scott Warren, Staff Relations Representative

WHEREAS the RCMP has appealed the direction issued by Health and Safety Officer Martin W. Davey on July 11, 2008 at Vancouver, British Columbia;

AND WHEREAS the appellant, through its counsel, Mr. McGraw, seeks an Order from the Appeals Officer that the appeal be held *in camera* as it involves analysis of police security techniques and methods;

AND WHEREAS the respondent, through its representative, Sergeant Warren, submits that an *in-camera* hearing would deny the participatory rights of all parties involved pursuant to the *Canada Labour Code*, Part II;

AND WHEREAS Sergeant Warren further submits that an open hearing would not compromise an active RCMP operation;

AND WHEREAS it is stated in paragraph 146.2(h) of the *Canada Labour Code*, Part II;

146.2 For the purposes of a proceeding under subsection 146.1(1), an appeals officer may

(h) determine the procedure to be followed, but the officer shall give an opportunity to the parties to present evidence and make submissions to the officer, and shall consider the information relating to the matter;

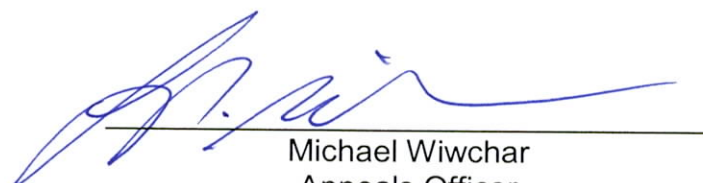
AND WHEREAS the Appeal Officer is of the opinion that an open hearing is not essential in maintaining the participatory rights of all parties involved pursuant to the *Canada Labour Code*, Part II;

AND WHEREAS the Appeals Officer recognizes that this case would disclose sensitive police security techniques and methods;

the Appeals Officer orders that:

1. The hearing will be held *in camera* for the case under appeal.
2. Any evidence adduced *in camera* and any written submissions are expressly prohibited from disclosure. This includes evidence in support of Health and Safety Officer Davey's testimony.

Issued at Ottawa this 18th day of February, 2009.


Michael Wiwchar
Appeals Officer