

Risk of Missing Tool Being in Inmates? Possession Justifies Guards' Work Refusal



A razor-sharp snipping tool was missing from a prison workshop and guards feared that it may have fallen into the hands of the inmates. So they initiated a work refusal. The safety officer found no danger since there was no proof that the inmates actually had the snippers. While conceding that inmate possession of the snippers wasn't a certainty, the union contended that there was danger as long as the possibility existed because the potential consequences would be so severe. The OHS Tribunal said the guards' safety concerns were reasonable especially in light of the facility's recent history of inmates using kitchen utensils and tools to attack guards [*Correctional Service of Canada v. Laycock*, 2017 OHSTC 21 (CanLII), Oct. 31, 2017].