

Canada Labour Code
Part II
Occupational Health and Safety

T. Ciardullo
applicant

and

H.R.D.C.
employer

Decision No. 04-039
November 5, 2004

This case was decided by Douglas Malanka, appeals officer.

- [1] On March 31, 2003, 14 Service Delivery Representatives employed by HRDC in the Employment Insurance Program refused to work because they feared contracting the SARS virus when they met with clients in connection with their work. The employees included: Dionne LaTouche, Clive Corrodus, Vicki Mazur, Marida Fonseca, Joycelyn Atta, Jacqueline Collins, Rina Marcuz, Mary Ann Kennedy, Luigi DiFoglio, Surinder K. Thapar, Ranjan Kanakaratnam, Pauline Migliore, Wendy Greenidge, Lynda Nelson.
- [2] The employees maintained that their employer was not adequately protecting their health and safety because the employer had refused to supply them with respiratory masks. However, the employer had provided them with protective gloves, hand wipes, and disinfectant soap, and had encouraged them to wash their hands frequently. Their employer also permitted its employees to wear respiratory masks that they purchased on their own.
- [3] Health and safety officer K. Conorton investigated into the 14 refusals to work and decided that a danger did not exist for the employees. The officer based the decision on Health Canada's position that Government of Canada workers were not at high risk of infection because they had limited contact and proximity to their clients. Health Canada further advised that personal protective equipment was not necessary to protect the health and safety of employees. Health and safety officer K. Conorton concluded that it was not reasonable to expect that exposure to SARS would cause injury or illness to the employees.
- [4] On April 10, 2003, Mr. T. Ciardullo, President of PSAC local 546 appealed the decision of health and safety officer K. Conorton as the 14 Service Delivery Representatives maintained that personal protective equipment was necessary.

- [5] Later, on August 31, 2004, Mr. T. Ciardullo withdrew the appeal on behalf of the 14 Service Delivery Representatives because the SARS issue was closed and because the employer had since taken actions acceptable to the employees.

- [6] As I have no reasons for doing otherwise, I have accepted the withdrawal of appeal by the 14 Service Delivery Representatives and closed the file.

Douglas Malanka
Appeals Officer

Summary of Decision

Decision No.: 04-039

Applicant: T. Ciardullo

Employer: H.R.D.C.

Key Words: refusal to work, danger, SARS, personal protective equipment, gloves, respirators, soap, had wipes.

Provisions: *Code* 128, 129, 146.1
Regulations

Summary:

The applicant appealed a decision of a health and safety officer that SARS did not constitute a danger for employees who refused to work and later withdrew the appeal as the issue of SARS was closed and because the employer had taken actions acceptable to the employees.