

**Canada Labour Code**  
**Part II**  
**Occupational Health and Safety**

Sam Ponzi  
*applicant*

and

Air Canada Tango Operations  
*employer*

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Decision No.: 05-025  
May 31, 2005

This case was decided by Pierre Guénette, appeals officer.

- [1] On April 2nd 2003, Mr. Sam Ponzi, Customer Sales and Services with Air Canada – Tango Operations, at the Pearson International Airport, refused to work because of the Severe Acute Respiratory Syndrome (SARS). He felt that his health was in jeopardy when dealing with customers at the counter that could be carriers of the SARS virus. He believed that it was his right to protect himself by wearing a mask and gloves.
- [2] Health and safety officer Mariana Grinblat (HSO Grinblat) investigated into Mr. Ponzi's refusal to work and following her investigation decided that a danger did not exist for him. She advised Mr. Ponzi of her decision on April 11, 2003. On April 16, 2003, Mr. Ponzi appealed the decision of HSO Grinblat pursuant to subsection 129(7) of the *Canada Labour Code*.
- [3] Since Air Canada – Tango Operations has been dissolved in 2004 and considering that no answer have been received from both parties following numerous written attempts to reach them, I declare the matter to be closed.

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Pierre Guénette  
Appeals Officer

## Summary of Decision

**Decision No.** 05-025

**Applicant:** Sam Ponzi

**Employer:** Air Canada – Tango Operations

**Key Words:** Refusal to work, Severe Acute Respiratory Syndrome (SARS), decision

**Provisions:** *Code* 128, 129(7)  
Regulations:

### **Summary:**

The applicant appealed a decision of no danger issued by a health and safety officer, following a refusal to work. Following numerous written attempts to reach both parties without any answer and the fact that Air Canada – Tango Operations has been dissolved in 2004, the appeals officer closed the file.