

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

Air Canada  
*appellant*

and

Canadian Union of Public Employees  
Airline Division, Air Canada Component  
(CUPE)  
*respondent*

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Decision No.: CAO-06-040  
November 10, 2006

This case was decided by Appeals Officer Richard Lafrance.

**For the Appellant**

Marie Cousineau, Counsel for Air Canada  
Maryse Tremblay, Counsel for Air Canada

**For the Respondent**

James Robbins, Counsel for CUPE

**Health and Safety Officer**

F. Cook, Transport Canada, Commercial and Business Aviation, Edmonton, Alberta

- [1] This case concerns an appeal made on June 22, 2005 under the *Canada Labour Code*, Part II, subsection 146(1), by Marie Cousineau, Counsel for Air Canada, against a direction issued by Health and Safety Officer (HSO) Frank Cook.
- [2] The direction followed upon a refusal to work by a flight attendant on January 2, 2005, who considered that flying to Punta Cana, Dominican Republic, posed a danger due to the presence of Malaria. It directs Air Canada to provide its crews operating to Punta Cana with mosquito repellent containing at least 30% DEET.
- [3] A request for a stay of the direction was heard on September 9, 2005 and refused by the above named Appeals Officer on September 16, 2005.

- [4] On November 9, 2006, after numerous attempts to schedule a hearing on the merits of the case, Maryse Tremblay, Counsel for Air Canada, sent a letter to this Office indicating that Air Canada was withdrawing its appeal of the direction.
- [5] Considering the written request to withdraw the appeal and having reviewed the file, I accept the request and declare this case closed.

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Richard Lafrance  
Appeals Officer

## Summary of Appeals Officer's Decision

**Decision No.:** 06-040

**Appellant:** Air Canada

**Respondent:** Canadian Union of Public Employees Airline Division,  
Air Canada Component (CUPE)

**Key Words:** Withdrawal, mosquito repellent

**Provisions:** *Canada Labour Code*: 146(1)

**Summary:**

On June 22, 2006, Air Canada appealed a direction issued following a work refusal. On November 9, 2006, Air Canada withdrew its appeal of the direction. The case is therefore close.