

Air Canada Needn't Retrofit Baggage Vehicles Unless It Loses OHS Appeal



After seeing baggage handlers working in the snow in vehicles without a roof, a federal OHS inspector cited Air Canada for violating Section 14(9)(1) of the OHS Regulations requiring outdoor 'motorized materials handling equipment' to be fitted with a roof or other structure to protect the operator from hazardous weather. She also ordered the airline to retrofit 113 baggage tractors and 86 belt loaders with roofs within 2 months. Air Canada appealed, claiming that the equipment wasn't covered by Section 14(9)(1) and asked the OHS Tribunal to 'stay,' i.e., freeze enforcement of the order until the appeal was decided. The Tribunal agreed, citing the roughly \$2 million Air Canada would have to spend to perform the ordered retrofits, the interim measures it could take to protect the operators from snow, icy rain and cold, e.g., protective clothing and scheduling adjustments and the fact that nobody was in immediate danger as a result of the alleged violation [[*Air Canada v. International Association of Machinists and Aerospace Workers, Local 2323*](#), 2019 OHSTC 10, April 30, 2019].