

Failing to Follow Voluntary ANSI Standard Isn't an OHS Violation



CNESST cited an employer for failure to provide safe equipment, namely, a jack not equipped with an anti-rotation rod and fall prevention device as required by ANSI/ALCTV: 2011. Even though the OHS regulation doesn't mention ANSI or any other specific voluntary standard, the Crown insisted that complying with the ANSI rule is a required best practice. The Court of Québec disagreed and tossed the charge. The Crown didn't produce evidence showing that the ANSI standard is a best practice or that it even requires the rod and fall protection device. Besides, the ANSI standard isn't accessible to the public and even if the employer could have accessed it, wouldn't have been able to read the standard because it's written only in English [*CNESST c. S. Turcotte inc.*, 2021 QCCQ 5403 (CanLII), June 28, 2021].