



Advisory Circular

Subject: Occupational Health and Safety Inspections On-Board Aircraft by Work Place Committees or Representatives

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1.0 INTRODUCTION

- (1) This Advisory Circular (AC) is provided for information and guidance purposes. It describes an example of an acceptable means, but not the only means, of demonstrating compliance with regulations and standards. This AC on its own does not change, create, amend or permit deviations from regulatory requirements, nor does it establish minimum standards.

1.1 Purpose

- (1) The purpose of this document is to clarify the intent of paragraphs 125(1)(z.12), 135(7)(k) and 136(5)(j) of the *Canada Labour Code*, Part II (CLC) on the duty of work place health and safety committees or health and safety representatives to inspect the work places. Paragraph 125(1)(z.12) of the CLC requires the employer to ensure that the work place committee or the health and safety representative inspects each month all or part of the work place, so that every part of the work place is inspected at least once each year. In turn, paragraphs 135(7)(k) and 136(5)(j) of the CLC requires the work place committees or health and safety representatives, as the case may be, to inspect each month all or part of the work place, so that every part of the work place is inspected at least once each year. For the purposes of this AC, the work place is interpreted to include the inspection of the entire aircraft, including the cabin as a whole (with galley areas and washrooms, where applicable) and the flight deck.

1.2 Applicability

- (1) This document applies to air operators under federal jurisdiction as defined in section 123 of the CLC, to their work place committees or health and safety representatives, as the case may be, and to their personnel working on-board aircraft while in operation. This AC is also available to Transport Canada Civil Aviation (TCCA) personnel and the aviation industry for guidance purposes. It will serve as a reference for Civil Aviation Safety Inspectors – Occupational Health and Safety (CASI-OHS) in the course of their duties.

1.3 Description of Changes

- (1) Not applicable.

2.0 REFERENCES AND REQUIREMENTS

2.1 Reference Documents

- (1) It is intended that the following reference materials be used in conjunction with this document:
 - (a) *Canada Labour Code*, Part II (R.S., 1985, c. L-2);
 - (b) *Aviation Occupational Health and Safety Regulations* (SOR/2011-87);
 - (c) *Policy Committees, Work Place Committees and Health and Safety Representatives Regulations* (SOR/2015-164);
 - (d) *Canada Occupational Health and Safety Regulations*, (SOR/86-304);
 - (e) Interpretation, Policy and Guideline (IPG) 907-1-IPG-051, Labour Program, Employment and Social Development Canada: *Section 137, Work Place Health and Safety Committees and Representatives*.

2.2 Cancelled Documents

- (1) Not applicable.

2.3 Definitions and Abbreviations

- (1) The following **definitions** are used in this document:

- (a) **Readily available:** means accessible on-board an aircraft by electronic or other means (i.e. paper copy) (Part 5 of the AOHSR).
- (b) **Work place:** any place where an employee is engaged in work for the employee's employer [subsection 122(1) of the CLC]. For the purposes of this document, each aircraft is considered the work place of the employees working on-board that aircraft.
- (c) **Work Place Committee:** means a work place health and safety committee established under Section 135 of the CLC.
- (d) **Health and Safety Officer:** former title for a person designated by the Minister of Labour as per subsection 140(1) of the CLC prior to October 31, 2014. This expression is still commonly used, now referring to a Delegated Labour Program Official. The subsection was amended on October 31, 2014. Now, the Minister may delegate (not designate) powers and responsibilities to any qualified person or class of persons.
- (e) **Health and Safety Representative:** means a health and safety representative appointed under Section 136 of the CLC.

- (2) The following **abbreviations** are used in this document:

- (a) **AOHS:** Aviation Occupational Health and Safety.
- (b) **AOHSR:** *Aviation Occupational Health and Safety Regulations.*
- (c) **CLC:** *Canada Labour Code, Part II.*
- (d) **DLPO :** Delegated Labour Program Official
- (e) **GHS :** Globally Harmonized System.
- (f) **HSO:** Health and Safety Officer (i.e., Delegated Labour Program Official).
- (g) **HSR:** Health and Safety Representative.
- (h) **SDS:** Safety Data Sheet.
- (i) **WHMIS:** Workplace Hazardous Materials Information System.
- (j) **WPC:** Work Place Committee.

3.0 BACKGROUND

- (1) Under Part II of the *Canada Labour Code* (CLC), every employer has a duty to protect the health and safety of any person in their employment or to whom they provide access to the work place(s) for which they are responsible. The CLC also lists a series of specific obligations that every employer must meet. Monthly/annual work place inspections are a requirement of the CLC. In accordance with paragraph 125(1)(z.12) of the CLC, every employer shall ensure that the work place committee (WPC) or the health and safety representative (HSR) inspects all or part of the work place each month, so that every part of all work places are inspected at least once each year. The WPC or the HSR, as the case may be, must perform this task in accordance with the requirements of paragraphs 135(7)(k) or 136(5)(j) of the CLC, respectively.
- (2) In the aviation industry, various air operators (employers), as well as members of the WPC or HSR have experienced some degree of difficulty in determining how to apply the work place inspection obligation. More specifically, questions arose regarding whether or not the WPC or HSR must inspect an air operator's entire fleet of aircraft in order to meet the regulatory requirements specified in paragraphs 125(1)(z.12), 135(7)(k) and 136(5)(j) of the CLC.

4.0 AIRCRAFT INSPECTIONS

Paragraphs 135(7)(k) and 136(5)(j) of the CLC require the WPC or HSR to "...inspect each month all or part of the work place, so that every part of the work place is inspected at least once each year".

4.1 Inspections on-board an aircraft by the Work Place Committee or the Health and Safety Representative

- (1) For the purposes of the application of section 4.0 above, the intent of paragraphs 125(1)(z.12), 135(7)(k) and 136(5)(j) of the CLC should be interpreted to mean that the WPC member(s) or the HSR must inspect one or more aircraft of an air operator's fleet, or part thereof, every month, so that a complete inspection is carried out on every aircraft in the fleet at least once each year.
- (2) Work place inspections of aircraft performed for the purposes of paragraph 125(1)(z.12) of the CLC must be performed by the WPC member(s) or the HSR. In order to conduct these inspections with consistency, and as efficiently as possible, an air operator may wish to use a checklist. To facilitate the development of their own checklist, an air operator may use the sample checklist provided as a guide in Appendix A of this document.
- (3) It is the employer's responsibility to ensure compliance with the CLC. Nevertheless, the determination of how and when the work place inspection is to be completed is a shared responsibility between the employer and the WPC members or the HSR. It is recommended that the employer work with the WPC or the HSR to establish a schedule for completing the required inspections of the entire fleet in the timeframe required. Since there is no timeframe for each inspection in the CLC and the length may vary for different types of aircraft, we strongly recommend that employers work with the WPC or HSR to develop a minimum inspection timeframe for each aircraft per year for Aviation Occupational Health and Safety (AOHS) purposes. It is important to note that nothing prevents the AOHS inspections from occurring more frequently or for a longer duration than this standard.
- (4) Given their specific responsibilities under the CLC, WPC members and the HSR are encouraged to develop their own list regarding the status of aircraft inspections in order to ensure that work place inspections are properly tracked for each aircraft and the requirements of the CLC and *Aviation Occupational Health and Safety Regulations* (AOHSR) are met.

- (5) In order to meet the inspection obligations in the CLC, members of the WPC or the HSR should not work full time on completing AOHS inspections. Section 137 of the CLC allows for the establishment, or the appointment, of additional committees or HSR, as the case may be, where there is more than one work place coming under the control of an employer or where the size or nature of that employer's operation or of that work place precludes the effective functioning of a single WPC or HSR. This clause is subject to the approval, or in accordance with, the direction of a Delegated Labour Program Official (DLPO). For additional information, please refer to Employment and Social Development Canada– Labour Program Interpretation, Policy and Guideline 907-1-IPG-051 mentioned in the reference documents at 2.1 of this AC.
- (6) All inspections should be documented and archived by the employer for a period of five years as confirmation that the work place has been inspected at least once each year. These records must be available and accessible to the WPC members or HSR, as the case may be, and at the request of a DLPO.
- (7) Since members of the WPC or the HSR are required to inspect aircraft each month, we recommend that they inspect approximately the same number of aircraft each month, in order to complete the entire fleet inspection by the end of the calendar year. This way, the employer, the WPC members, or the HSR meet the requirement for annual inspection, according to the calendar year. Moreover, in terms of the WPC, the work being done is shared between each member and does not unreasonably overlap on the employee's other work duties. The WPC members or the HSR may repeat the same set of inspections for the same number of aircraft in the same month of the following year. In this way, the time devoted to this type of inspection is shared each month and extends the maximum period enabled by the CLC.

5.0 CONCLUSION

- (1) Following the criteria described above, employers, WPC members, or the HSR will be able to comply with the CLC and AOHSR work place inspection requirements and ensure that, within each year, all aircraft under the employer's control are inspected by the WPC member or the HSR. Employers, along with their WPC member or the HSR are free to develop their own AOHS work place inspection checklist and inspection schedule to best meet their operational needs.

6.0 INFORMATION MANAGEMENT

- (1) Not applicable.

7.0 DOCUMENT HISTORY

- (1) Not applicable.

8.0 CONTACT OFFICE

For more information, please contact:

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Suggestions for amendment to this document are invited, and should be submitted via:
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APPENDIX A — SAMPLE AVIATION OCCUPATIONAL HEALTH AND SAFETY INSPECTION CHECKLIST

NOTE: This checklist is provided as an example for employers to use when developing their own document. Some sections of this list may not apply to all employers or all aircraft types and it is not intended to be an exhaustive list.

Basic information:

- Aircraft registration or tail number;
- Name of the WPC member(s) or of the HSR;
- Name of the employer representative; and
- Date of the inspection.

Preparation:

- Date of the last inspection;
- Findings of the last inspection;
- Complaints and refusals to work on the aircraft since the last inspection;
- Hazardous occurrences reported on the aircraft since the last inspection (paragraph 125(1)(c) of the CLC and section 10.6 of the AOHSR); and
- Minor injury report forms (or first aid records) related to this aircraft (paragraph 125(1)(c) of the CLC and section 10.5 of the AOHSR).

Actual inspection:

- Any outstanding issues reported or noted on the aircraft;
- Posting requirements (e.g., CLC and AOHSR available, Workplace Hazardous Materials Information System (WHMIS) / Globally Harmonized System (GHS) requirements, etc.);
- Potable water on-board or carriage of potable water (Part 4 of the AOHSR);
- Service cart/lift (as applicable);
- Serviceable brakes on trolleys (section 8.7 of the AOHSR) (as applicable);
- Lavatory cleanliness (Part 4 of the AOHSR) (as applicable);
- First aid kits (complies with all requirements under Part 9 of the AOHSR);
- Tripping hazards;
- Torn carpet;
- Sharp edges;
- Sanitation of working and eating areas (Part 4 of the AOHSR) (as applicable);
- Sanitation of galley areas and washrooms (Part 4 of the AOHSR) (as applicable);

- Contamination prevention (sections 4.14, 4.15, 4.17, 4.19 of the AOHSR);
- Sanitation of equipment and utensils (section 4.16 of the AOHSR);
- Necessities (sections 4.5, 4.6, 4.7 of the AOHSR);
- Sufficient lighting (Part 7 of the AOHSR);
- Hearing protection (paragraph 125(1)(l) of the CLC and section 2.7 of the AOHSR) (as applicable);
- Warning signs (subparagraph 125(1)(d)(iii) of the CLC) and sections 2.8 and 5.12 of the AOHSR);
- Air temperature from 18°C to 29°C, if reasonably practicable (Part 7 of the AOHSR);
- Electrical hazards (Part 3 of the AOHSR);
- Safety Data Sheets (SDS) readily available;
- Hazardous substances use (paragraph 125.1(b) of the CLC and sections 5.8 to 5.11 of the AOHSR);
- Labeling and signs (paragraph 125.1(d) and (e) of the CLC and sections 5.27 to 5.29 of the AOHSR);
- Defective tags; and
- Compliance with the *Non-Smokers' Health Act*.

Employers are reminded to ensure that a reporting mechanism is in place within their organization to address all defects/issues noted during the inspection. It is the employer's responsibility under paragraph 125(1)(z.02) of the CLC to respond to all health and safety reports made by employees. It is recommended that this mechanism address who, how, and when employees report any issues or hazards identified during the work place inspection.