

Court Declines to Rule on Long-Ago Work Refusal Because the Point Is Moot

written by vickyp | June 2, 2021



Air Canada flight attendants noticed a strange odour in the plane in which they would soon be taking off. Maintenance staff checked it out and couldn't find any problems. So, the attendants initiated a work refusal that the OHS investigator resolved by finding no danger, a decision that the OHS appeals tribunal later second-guessed. All of this happened about 10 years ago. But the airline and union agreed that it would be helpful to get a definitive ruling to set a precedent for next time. But the federal court refused to rule on a moot issue. In addition to being "a waste of judicial resources," issuing a ruling for the sake of issuing a precedent would be an abuse of the courts' power to resolve actual disputes, it reasoned [[CUPE \(Air Canada Component\) v. Air Canada](#), 2021 FCA 67 (CanLII), March 31, 2021].