Former Air Canada pilot and whistleblower speaks out on the death of Oscar Robayo and dangerous conditions in the aviation industry

Felix Gauthier
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Are you a worker in the aviation industry? We urge you to contact us by filling out the form below to support the building of an aviation workers rank-and-file committee to spearhead a workers' inquiry into the tragic death of Oscar Robayo.

The crushing of ramp worker Oscar Robayo by the nose gear of an Airbus A350-900 while he was performing a routine pushback at Montreal's Trudeau Airport in August has provoked sympathy and outrage among workers throughout the aviation industry and beyond. Colleagues at multinational subcontractor Samsic, which employed Robayo, and in the wider industry have spoken out to denounce the conditions that led to his death.

Among them is Kevin Gauthier, a former Air Canada pilot who was victimized by his employer and union after he filed a safety report which was suppressed. Kevin contacted the *World Socialist Web Site* after reading its exposure of the systematic violations of safety procedure by Samsic that created the conditions for Robayo's death. He made clear, "My sense is telling me loudly that Oscar will not rest in peace until things change within the industry."

The former pilot's own struggle for safety at his workplace, and the retaliation he suffered in response, is itself greatly instructive. It illustrates the devastating consequences of the deregulation of air travel, which began in the late 1970s in the US and extended to Canada during the 1980s and 1990s. Kevin's experiences also reveal the role of Air Canada, a supposed national corporate leader, the trade unions, and successive Liberal and Conservative governments in implementing and overseeing the legal framework conducive to the abandonment of safety standards for profit.

Deregulation and privatization set the stage for the safety culture dominant in the early 2000s, and which has led to numerous preventable deaths and injuries since. In the late 1980s under Conservative Prime Minister Brian Mulroney, Air Canada was privatized. The effects of this reorientation to the market became almost immediately apparent with the March 1989 crash of an Air Ontario jet resulting in 24 deaths at Dryden airport in Ontario.

A subsequent report commissioned by the government to examine the causes of the Dryden tragedy pointed to "economic deregulation and deficit reduction" creating "a difficult set of circumstances for the Transport Canada personnel responsible for air carrier safety."[1] The commissioner also cited a December 1985 House of Commons brief by the Canadian Air Line Pilots Association (CALPA), who wrote:

"… as 'efficiency' and profit become all important, the self-policing aspect of the industry will fade. Capital will be forced to trade as closely to the marginal line of safety as the enforcement agency will permit. [...] 'Freedom to Move' also anticipates that airlines will have to reduce their costs to compete effectively, which will put negative pressure on safety standards."[2]

The warnings contained in the Dryden report were promptly ignored and buried, as the market offensive was deepened under the Liberal government led by Jean Chrétien in the 1990s. Canada's airports were semi-privatized and the air traffic control network handed over to a private operator. The intensification of market pressures in an environment of stagnating profitability led to the absorption of Canadian Airlines by Air Canada at the turn of the century, and Air Canada filed for bankruptcy protection in April 2003.

In December 2003, Kevin, alongside Captain Jim Rowan, filed an Air Safety Report titled *Deplaning Passengers With an Engine Operating*. The report flagged the fact that ramp personnel at Air Canada began opening aircraft doors while an engine was still operating during the "arrival/engine shutdown" phase at the gate. This deviation from standard protocol identified by the pilots had dramatic consequences, which were subsequently covered up by Air Canada and the Air Canada Pilots Association (ACPA), under a regime which empowers them to do so.

In correspondence since made public, a Transport Canada inspector argued, "Gauthier may very well have identified the real cause of the A320 parking rollback incidents Air Canada experienced in the Spring of 2004; not only that, he had reported the hazards to his company in plenty of time for the incidents to have been avoided."[3]

A "rollback incident" involves the loss of control over a ~80 tonnes machine in the proximity of ground equipment, the airport building, as well as crew and passengers. Few safety incidents involving aircraft are this severe when on the ground. Kevin's report, which was submitted a few months earlier, could have avoided the above-mentioned rollback incidents had it been acted upon.

Under the normal procedure at the time, pilots would shut down the right engine while taxiing to the gate. Upon gate arrival the park brake would be selected on, ground or auxiliary power would be connected, and the doors would only be opened after the anti-collision lights were selected off and parking checklist completion. Under growing corporate pressure to meet increasingly tight and precisely recorded arrival windows, ramp staff began opening the cabin door with the left engine still running, and prior to parking checklist completion.

This might not have had further immediate repercussions, were it not for the way the industry measures and links the payroll of flight crews to arrival and departure times. Arrival times are recorded

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automatically by ACARS (Aircraft Communications Addressing and Reporting System), which transmits an “IN” signal when the park brake is set and a door is opened. Because crews are remunerated block-to-block, pay ceases at that recorded arrival time. Where the park brake was already set, this early door opening completed the trigger conditions, generating a false, premature arrival time and truncating crew pay.

Pilots adopted a countermeasure: rather than placing the park brake selector in the set detent, they held the aircraft manually on the brake pedals, ensuring the IN signal could not fire until the aircraft was genuinely secure. This workaround, however, defeated a critical design feature of the braking system. Brake pressure (approximately 3,000 psi in the brake accumulator) is generated by engine-driven hydraulic pumps; setting the park brake locks that pressure in, preserving braking after shutdown, whereas pedal braking does not. Once the final engine was shut down, hydraulic pressure bled off and braking authority was lost entirely, producing uncontrolled rollbacks at the gate.

Rather than remediation, the report was met with employer retaliation, forcing Kevin out of his job. His union, the ACPA, was complicit in the cover-up. As Kevin later explained in a document written in February 2008:

“At the time, the pilot’s employer and union were in full process of implementing Safety Management Systems (SMS’s). Front-line employees were empowered and encouraged to report safety concerns without fear of retribution. Within one month of submitting this report the pilot was advised not to concern himself with the matter and soon thereafter began to experience significant retribution.”

The misnamed Safety Management Systems is the framework that replaced corporate accountability to external government regulators with “self-regulation” by the airlines. A Transport Canada guide designed at the time of its early implementation candidly described it as “a business-like approach to safety. In common with all management systems a safety management system provides for goal setting, planning, and measuring performance. It concerns itself with organizational safety rather than the conventional health and safety at work concerns.”[4]

As later leaked Transport Canada memos showed, cutting government spending was among the major drivers of the adoption of SMS, not safety. Canada was a global pioneer in this style of self-regulation. It was implemented in Marine Transport in 1998 and Rail Transport in 2001, and gradually in Air Transport during those same years. Canada was the first civil aviation authority in the world to mandate SMS for airlines in 2005. The implementation of SMS in Canada was finalized in 2008 with Bill C-7, despite broad public opposition and warnings.

Among its provisions was the mandated secrecy of safety reporting, under the guise of protecting workers who make safety reports. In reality, as Kevin’s case demonstrated, it made it easier for the employer to suppress safety concerns, making public accountability not just more difficult to achieve, but also illegal. As Kevin highlighted at the time, his union advised “safety reports need to be kept secret.”

Drawing on his own experience, Kevin warned of illusions in the existing institutions and of the official response to Robayo’s death. The International Association of Machinists (IAM), of which Robayo was a member, issued a token statement following his death that did not even mention his name. Meanwhile, both the federal and provincial governments initiated official investigations about which virtually nothing has been heard.

Kevin told the WSWS, “I just happen to know for certain that joint efforts sabotage health and safety protocols, and those protocols will not stand on their own merit simply because someone in a position of power declares safety as the first and main priority. I suspect many people within the world are fed up with hearing that. And Oscar Robayo's family and loved ones should not have to listen to someone spew that nonsense.”

The WSWS has insisted that getting to the bottom of what caused the death of Oscar Robayo and bringing about improvements to safety in the aviation industry can only be achieved through the mobilization of rank-and-file workers. Workers’ control over safety and workplace conditions, rather than their subordination to corporate profitability, is essential to end workplace fatalities and the disregard for human life shown on a daily basis by the major corporations and their backers in government.

In support of the formation of a rank-and-file committee among aviation workers in Canada and internationally, as part of the International Workers Alliance of Rank-and-File Committees, Kevin stated: “My ‘rank and file’ efforts are well documented within the transportation sector for many years. Doing what will benefit the working class is paramount!”

Virgil P. Moshansky, Commission of Inquiry into the Air Ontario Crash at Dryden, Ontario: Final Report, vol. (Ottawa: Minister of Supply and Services Canada, 1992), 870.

Ibid. 873.

Terry Day, email message to André Gignac, October 24, 2005, subject: 'Ministerial Correspondence re: Letter from Air Canada First Officer Kevin Gauthier.'

Transport Canada, Safety Management Systems for Flight Operations and Aircraft Maintenance Organizations: A Guide to Implementation, TP 13881E (Ottawa: Transport Canada, 2002), 6, https://publications.gc.ca/collections/Collection/T52-4-16-2002E.pdf.

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[1] Virgil P. Moshansky, Commission of Inquiry into the Air Ontario Crash at Dryden, Ontario: Final Report, vol. (Ottawa: Minister of Supply and Services Canada, 1992), 870.

[2] Ibid. 873.

[3] Terry Day, email message to André Gignac, October 24, 2005, subject: 'Ministerial Correspondence re: Letter from Air Canada First Officer Kevin Gauthier.'

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