

Canada Industrial Relations Board



Conseil canadien des relations industrielles

Order No. : 670-NB

IN THE MATTER OF THE

Canada Labour Code

- and -

Air Canada,

applicant,

- and -

International Association of Machinists
and Aerospace Workers,

respondent.

WHEREAS the International Association of Machinists and Aerospace Workers is the certified bargaining agent for a bargaining unit comprised of employees of Air Canada engaged in technical, maintenance and operational support functions;

AND WHEREAS the Canada Industrial Relations Board (the Board) has received an application from the employer pursuant to section 91 of the *Canada Labour Code (Part I-Industrial Relations)* (the *Code*), alleging that members of the bargaining unit represented by the respondent trade union have engaged in an unlawful strike, in contravention of section 89 of the *Code*, and seeking specific orders in relation thereto;

AND WHEREAS section 3(1) of the *Code* provides that a strike includes a cessation of work or a refusal to work or to continue to work by employees, in combination, in concert or in accordance with a common understanding, and a slowdown of work or other concerted activity on the part of the employees in relation to their work that is designed to restrict or limit output;

AND WHEREAS the Canada Industrial Relations Board is satisfied that the members of the respondent trade union who are affected by the employer's application are subject to a collective agreement between the trade union and the employer that is currently in force and effect, and that the requirements of section 89(1) of the *Code* have not been met with respect to this collective agreement;

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AND WHEREAS, after hearing the parties with respect to the employer's application on March 23, 2012, the Board has found that the members of the bargaining unit represented by the respondent trade union engaged in an unlawful strike on March 22 and 23, 2012, in contravention of Section 89 of the *Code*;

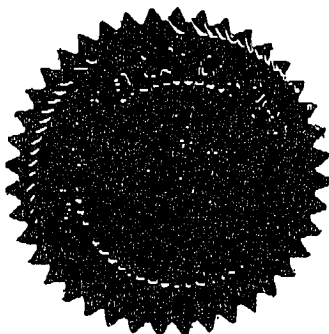
NOW, THEREFORE, it is hereby ordered by the Canada Industrial Relations Board, pursuant to section 91 of the *Canada Labour Code (Part I-Industrial Relations)*, that:


- (i) the employees of Air Canada who are represented by the respondent trade union immediately resume or continue to perform the duties of their employment, as the case may be; and
- (ii) the trade union forthwith instruct its members to resume or continue performing the duties of their employment, as the case may be; and
- (iii) the employees of Air Canada represented by the respondent trade union cease and desist from participating in any activities that constitute a strike as defined in section 3(1) of the *Code*.

FURTHER, the Board orders that Air Canada post a copy of this Order in locations in the workplace, where it can be read by employees represented by the respondent trade union;

THIS ORDER is made pursuant to the provisions of section 91 of the *Code* and shall remain in full force and effect until the requirements of section 89(1) of the *Code* have been met, unless it is modified or revoked pursuant to an application under section 93 of the *Code*.

ISSUED at Ottawa, this 23rd day of March 2012, by the Canada Industrial Relations Board.




 Elizabeth MacPherson
 Chairperson

File No. 29339-C