



Order No.: 11918-U

IN THE MATTER OF THE

Canada Labour Code

- and -

International Association of Machinists and Aerospace Workers,

applicant,

- and -

Menzies Aviation (Canada) Ltd.,
Mississauga, Ontario,

employer.

WHEREAS the Canada Industrial Relations Board (the Board) has received an application for certification pursuant to section 24(1) of the *Canada Labour Code* (the *Code*) from the applicant seeking certification as bargaining agent for a unit of employees of Menzies Aviation (Canada) Ltd.;

AND WHEREAS the employer opposes the application, raising the following issues:

- a. The proposed bargaining unit is not appropriate for collective bargaining as it consists of a small number of employees that do not share a community of interest;
- b. The position of supervisors is one that falls between first line staff and management and should be included in an existing unit of employees represented by the Teamsters/Québec, Local 931 (see Board order no. 11814-U);
- c. The position of trainers does not share a community of interest with the position of supervisors and exercises certain regulatory authority over other employees;
- d. Irregularities may have occurred in the certification process.

AND WHEREAS the Board considers an application for certification and assesses the wishes of employees as of the date the application (section 28 of the *Code*) and there is no compelling reason in this case to deviate from this principle or to grant leave to the employer to

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file an application pursuant to section 18 of the *Code* seeking to add the employees in an existing bargaining unit;

AND WHEREAS, after considering the parties' submissions and its discretion pursuant to section 27(5) of the *Code*, the Board is of the view that a unit of supervisors and trainers is appropriate for collective bargaining;

AND WHEREAS, following investigation of the membership evidence, the Board is satisfied that there are no irregularities and that a majority of the employees of the employer in the proposed unit wish to have the applicant trade union represent them as their bargaining agent.

NOW, THEREFORE, it is ordered by the Canada Industrial Relations Board that the International Association of Machinists and Aerospace Workers be, and it is hereby certified to be, the bargaining agent for a unit comprising:

all supervisors working on the ramp and passenger service supervisors as well as trainers at the Montréal-Pierre Elliot Trudeau International Airport, **excluding** office staff, the station, cargo and warehouse manager and those normally excluded by the *Canada Labour Code*.

ISSUED at Ottawa, this 18th day of April, 2024, by the Canada Industrial Relations Board.

Ginette Brazeau
Chairperson

Reference: File No. 037433-C