



Interim Order No.: 11366-U

IN THE MATTER OF THE

Canada Labour Code

- and -

Canadian Air Line Dispatchers Association,

applicant,

- and -

WestJet Encore Ltd.,
Calgary, Alberta,

employer.

WHEREAS the Canada Industrial Relations Board (the Board) has received an application for certification from the applicant union as bargaining agent for a unit of employees of WestJet Encore Ltd., pursuant to section 24(1) of the *Canada Labour Code (Part I—Industrial Relations)* (the *Code*);

AND WHEREAS the employer disputes the inclusion of seven employees who were employed at the time of the filing of the application but who had accepted employment outside the proposed bargaining unit;

AND WHEREAS the employer disputes the inclusion of the position of Technical Dispatcher in the proposed bargaining unit;

AND WHEREAS, following investigation of the application and consideration of the submissions of the parties concerned, the Board has found the applicant to be a trade union within the meaning of the *Code*, has determined the unit described hereunder to be appropriate for collective bargaining and is satisfied that a majority of the employees of the employer in the unit wish to have the applicant trade union represent them as their bargaining agent;

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AND WHEREAS the Board has concluded that majority support for the applicant union would not be affected by the Board's determination with respect to the status of the seven employees and the inclusion or exclusion of the Technical Dispatcher;

AND WHEREAS the Board, pursuant to its powers under section 20(1) of the *Code*, and being satisfied that it can do so without prejudice to the rights of the parties concerned, deems it appropriate:

- (a) to certify the applicant union as bargaining agent for the employees in the bargaining unit described hereunder; and
- (b) to reserve its jurisdiction to reconsider the description of the bargaining unit once it has disposed of the questions in dispute.

NOW, THEREFORE, it is ordered by the Canada Industrial Relations Board that the Canadian Air Line Dispatchers Association be, and it is hereby certified to be, the bargaining agent for a unit comprising:

all dispatchers employed by WestJet Encore Ltd., **excluding** the Manager–Flight Dispatch, the Manager–Flight Technical & Ops and those above.

ISSUED at Ottawa, this 5th day of March, 2019, by the Canada Industrial Relations Board.

Ginette Brazeau
Chairperson

Reference: File No. 32910-C