



**Order No.: 11505-U**

Supercedes: 10541-U, 10654-U

## **IN THE MATTER OF THE**

*Canada Labour Code*

- and -

Bradley Air Services Limited, carrying on business as First Air,  
Kanata, Ontario,

Canadian North Inc.,  
Calgary, Alberta,

applicants,

- and -

Unifor,

certified bargaining agent.

**WHEREAS** the Canada Industrial Relations Board (the Board), by order no. 10541-U dated March 21, 2014, certified Unifor as the bargaining agent for a unit of employees of Bradley Air Services Limited, carrying on business as First Air, comprising:

all employees employed in the Commercial Operations division of Bradley Air Services Limited carrying on business as First Air, **excluding** the Assistant Manager, Manager, Base Manager, Senior Director Commercial Operations, Administrative Assistant to the Vice-President, Cargo Trainer and Vice-President.

**AND WHEREAS** the Board, by order no. 10654-U dated October 29, 2014, certified Unifor as the bargaining agent for a unit of employees of Canadian North Inc. comprising:

all employees of Canadian North Inc. employed as customer service agents, **excluding** instructors, supervisors, managers and those above.

**AND WHEREAS**, on September 28, 2018, a share purchase agreement was signed for the sale of Canadian North Inc. to Bradley Air Services Limited, carrying on business as First Air;

**AND WHEREAS**, since July 9, 2019, or about that date, the employees in the bargaining unit described hereunder, who previously worked for Canadian North Inc., are now working for Bradley Air Services Limited, carrying on business as First Air;

**AND WHEREAS**, on November 1, 2019, or about that date, Bradley Air Services Limited, carrying on business as First Air, began to merge its operations with those of Canadian North Inc. into one consolidated business under the name Bradley Air Services Limited carrying on business as Canadian North;

**AND WHEREAS** the Board has received an application, pursuant to sections 18.1, 44 and 45 of the *Canada Labour Code (Part I—Industrial Relations)* (the *Code*), seeking a declaration that the sale of Canadian North Inc. to Bradley Air Services Limited, carrying on business as First Air, constitutes a sale of business within the meaning of the *Code*, that the successor employer is Bradley Air Services Limited carrying on business as Canadian North and that the current bargaining unit structure is inappropriate for collective bargaining, and seeking to amend the said orders by merging the two separate bargaining units into a single “commercial operations” bargaining unit;

**AND WHEREAS** the certified bargaining agent is not opposed to this application;

**AND WHEREAS**, after investigation of the application and consideration of the submissions of the parties concerned, the Board has determined that a sale of business has occurred within the meaning of section 44 of the *Code*;

**AND WHEREAS** the Board is satisfied that the two existing separate bargaining units are no longer appropriate for collective bargaining and accepts the parties’ proposed bargaining unit structure;

**AND WHEREAS** the parties have agreed and the Board finds it appropriate to include the cargo/ramp attendant and medical/duty travel classifications in the bargaining unit but to exclude sales and charter specialists.

**NOW, THEREFORE**, the Canada Industrial Relations Board declares that a sale of business has occurred within the meaning of the *Code*, that Bradley Air Services Limited carrying on business as Canadian North is the successor employer and that Unifor continues to be the certified bargaining agent for a bargaining unit comprising:

all employees employed in the Commercial Operations (Airport and Cargo Operations) division and the customer contact centre of Bradley Air Services Limited carrying on business as Canadian North, **excluding** departmental administrative and support staff, instructors, supervisors and those above.

**FURTHERMORE**, the Board directs the parties, pursuant to section 18.1(2) of the *Code*, to consider the question of the application of the existing collective agreements and to report back to the Board by **May 29, 2020**.

**AND FURTHERMORE**, the Board will remain seized of this matter to determine any outstanding questions arising from the merger of the two bargaining units.

**ISSUED** at Ottawa, this 1st day of May, 2020, by the Canada Industrial Relations Board.

Ginette Brazeau  
Chairperson

**Reference: File No. 33276-C**