



Order No.: 11524-U

## IN THE MATTER OF THE

*Canada Labour Code*

- and -

Air Line Pilots Association, International,

applicant,

- and -

PAL Aerospace Ltd.,  
St. John's, Newfoundland and Labrador,

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 (Part I—Industrial Relations)* (the Code) from the applicant seeking certification as bargaining agent for a unit of employees of PAL Aerospace Ltd.;

**AND WHEREAS** the employer is opposed to the proposed bargaining unit and asks that the position of training captain, the position of captain Gulfstream, held by D.H., and a casual employee, be included in the bargaining unit on the basis that they share a community of interest with the employees included in the bargaining unit;

**AND WHEREAS** the union is opposed to the inclusion, in the proposed bargaining unit, of the position of captain Gulfstream, held by D.H., on the basis that the incumbent performs managerial functions;

**AND WHEREAS**, following investigation of the application and consideration of the submissions of the parties concerned and the jurisprudence of the Board in similar matters, the Board has determined that the bargaining unit described hereunder, which excludes training captains, is appropriate for collective bargaining;

**AND WHEREAS**, following investigation of the application and consideration of the submissions of the parties concerned and the jurisprudence of the Board in similar matters, the Board has determined that it is appropriate to **exclude** the casual employee from the bargaining unit, given the insufficient community of interest with the members of the bargaining unit;

**AND WHEREAS**, following investigation of the application and consideration of the submissions of the parties concerned and the jurisprudence of the Board in similar matters, the Board has determined that it is appropriate to **include** in the bargaining unit the position of captain Gulfstream held by D.H., given that it is not persuaded that he performs managerial functions such that he ought to be excluded from the bargaining unit;

**AND WHEREAS** 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.

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

all pilots employed by PAL Aerospace Ltd., **excluding** managers, directors, vice-presidents, company chief pilots, chief pilot Curaçao, deputy chief pilots, training captains, supervisors and persons above the rank of supervisor.

**ISSUED** at Ottawa, this 22nd day of July, 2020, by the Canada Industrial Relations Board.

Lynne Poirier  
Vice-Chairperson

**Reference: File No. 33725-C**