



Order No.: 11617-U

IN THE MATTER OF THE

Canada Labour Code

- and -

Teamsters Local Union No. 395,

applicant,

- and -

Executive Aviation Fuels Ltd.,
Simcoe, 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 Teamsters Local Union No. 395 (the applicant) seeking certification as bargaining agent for a unit of employees of Executive Aviation Fuels Ltd. (the employer) comprising:

All employees of Executive Aviation Fuels Ltd. working at the Saskatoon International Airport, in the Province of Saskatchewan excluding customer service representatives, trainers, administrative positions, human resource generalists, ramp coordinators, customer service coordinators, supervisors, managers and those above the rank of manager.

AND WHEREAS the employer is opposed to the application, alleging that the proposed bargaining unit is not appropriate for collective bargaining as the ground handler leads routinely perform supervisory duties and their roles will be unstable until airport operations increase to closer to pre-pandemic levels;

AND WHEREAS the employer is also opposed to this application on the basis of the “build-up” principle, submitting that given an anticipated substantial increase to the proposed bargaining unit during the post-pandemic recovery of its business, the Board should wait until then to assess the wishes of the employees;

AND WHEREAS, following investigation of the application and consideration of the submissions of the parties concerned, and for the reasons set out in *Executive Aviation Fuels Ltd.*, 2021 CIRB LD 4509, the Board was not persuaded by the employer's arguments and has determined that the ground handler leads should be included in the bargaining unit and that the date of the determination of the employees' wishes should be the date of the filing of the application;

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 Teamsters Local Union No. 395 be, and it is hereby certified to be, the bargaining agent for a unit comprising:

all employees of Executive Aviation Fuels Ltd. working at the Saskatoon International Airport in the province of Saskatchewan, **excluding** customer service representatives, trainers, administrative positions, human resource generalists, ramp coordinators, customer service coordinators, supervisors, managers and those above the rank of manager.

ISSUED at Ottawa, this 15th day of June, 2021, by the Canada Industrial Relations Board.

Barbara Mittleman
Member

Reference: File No. 034521-C