



Order No.: 11779-U

Supersedes: 11378-U

IN THE MATTER OF THE

Canada Labour Code

- and -

Unifor,

applicant,

- and -

Perimeter Aviation LP,
Winnipeg, Manitoba,

employer,

- and -

Bearskin Lake Air Service LP (operating as Bearskin Airlines),
Winnipeg, Manitoba,

employer,

- and -

Air Line Pilots Association, International,

certified bargaining agent.

WHEREAS the Canada Industrial Relations Board (the Board) received an application, pursuant to sections 18.1, 35, 44 and 45 of the *Canada Labour Code* (the *Code*), seeking a declaration that a sale of business had occurred when Bearskin Lake Air Service LP (operating as Bearskin Airlines) (Bearskin) had merged its operations with Perimeter Aviation LP

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and/or a declaration that both employers were a single employer or, in the alternative, that the bargaining units described in order nos. 7256-U and 10998-U be reviewed;

AND WHEREAS, following discussions, the parties submitted a joint request that the above-noted bargaining units be reviewed pursuant to section 18.1 of the *Code* and that a representation vote be conducted in order to determine whether the employees in these bargaining units wished to be represented by Unifor or the Air Line Pilots Association, International;

AND WHEREAS the parties agreed on the description of the bargaining unit;

AND WHEREAS, after investigation of the application, the Board determined that a single consolidated bargaining unit was appropriate for collective bargaining and, on March 21, 2019, pursuant to section 29(1) of the *Code*, ordered that a representation vote be conducted among the affected employees to ascertain whether these employees wished to be represented by Unifor or the Air Line Pilots Association, International;

AND WHEREAS, following the results of the representation vote, the Board was satisfied that a majority of the eligible voters who had cast ballots wished to have the Air Line Pilots Association, International represent them as their bargaining agent, and the Board, in order no. 11378-U, certified the Air Line Pilots Association, International as the bargaining agent for a unit comprising:

all pilots employed by Perimeter Aviation LP, **excluding** the Safety Compliance Officer, Pilot Training Manager, Assistant Chief Pilot and those above the rank of Assistant Chief Pilot.

AND WHEREAS the Board, in order no. 11378-U, provided the Air Line Pilots Association, International and Perimeter Aviation LP 90 days from the date of that order to agree to new terms and conditions of employment applicable to the new bargaining unit and directed that the two existing collective agreements remain in force until the Board ordered otherwise;

AND WHEREAS the parties requested, and the Board granted, extensions to permit the parties to come to an agreement on new terms and conditions of employment applicable to the new bargaining unit;

AND WHEREAS, on October 26, 2022, the Air Line Pilots Association, International requested direction from the Board in relation to order no. 11378-U and its right to engage in a lawful strike under the *Code*;

AND WHEREAS, for the reasons set out in *Perimeter Aviation LP*, 2022 CIRB LD 4876, the Board has decided to amend order no. 11378-U to clarify that it does not interfere with the parties' right to engage in a strike or lockout or any other rights applicable to the parties under the *Code*.

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NOW, THEREFORE, the Board amends order no. 11378-U and directs that the two existing collective agreements remain in force until the requirements of section 89(1)(a) through (d) of the *Code* are met.

AND FURTHERMORE, the Board is no longer seized of any outstanding matters related to the implementation of this order or of order no. 11378-U.

ISSUED at Ottawa, this 29th day of November, 2022, by the Canada Industrial Relations Board.

Allison Smith
Vice-Chairperson

Reference: File No. 032851-C