



Order No.: 11799-U

IN THE MATTER OF THE

Canada Labour Code

- and -

International Brotherhood of Teamsters, Chauffeurs, Warehousemen,
Helpers and Miscellaneous Workers, Local 927,

applicant,

- and -

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

employer.

WHEREAS the Canada Industrial Relations Board (the Board) has received an application pursuant to section 24(1) of the *Canada Labour Code* (the *Code*) from the applicant seeking certification as bargaining agent for a unit of customer service representatives working for PAL Airlines Ltd. at the Greater Moncton Roméo LeBlanc International Airport;

AND WHEREAS the employer opposes the application, arguing that the bargaining unit proposed by the applicant is inappropriate for collective bargaining as it unnecessarily fragments the group of customer service representatives, does not satisfy the Board's factors for an appropriate unit and does not further the objectives of the *Code*;

AND WHEREAS the employer submits that the customer service representatives should be included in the existing bargaining unit of customer service representatives that is in place in the province of Newfoundland and Labrador (Board order no. 11761-U) through an application pursuant to section 18 of the *Code*;

AND WHEREAS, when considering whether a proposed bargaining unit is appropriate in the context of a certification application, the Board is guided by a number of factors that it reviews and weighs based on the context of each case, including the community of interest, the long-term viability of the unit, the organizational structure of the employer, the practices and bargaining structures in the industry and the wishes of the employees seeking union representation;

AND WHEREAS the Board will accept a smaller unit to give effect to the employees' freedom to join a trade union of their choice while at the same time fostering industrial peace through effective collective bargaining (see *WestJet, an Alberta Partnership*, 2021 CIRB 985; and *Royal Aviation Inc.*, 2000 CIRB 69);

AND WHEREAS, while a larger bargaining unit encompassing all customer service representatives might be more appropriate and more convenient, the Board is not persuaded in this case that a smaller unit would not be viable or would cause serious labour relations or operational harm;

AND WHEREAS the Board is satisfied that the proposed bargaining unit of customer service representatives working at the Greater Moncton Roméo LeBlanc International Airport is an appropriate unit for collective bargaining that respects the employee wishes, encourages collective bargaining and fosters industrial stability;

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* 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 International Brotherhood of Teamsters, Chauffeurs, Warehousemen, Helpers and Miscellaneous Workers, Local 927, be, and it is hereby certified to be, the bargaining agent for a unit comprising:

all customer service representatives working in and out of the Greater Moncton Roméo LeBlanc International Airport, **excluding** supervisors and those above the supervisory level.

ISSUED at Ottawa, this 24th day of February, 2023, by the Canada Industrial Relations Board.

Ginette Brazeau
Chairperson

Reference: File No. 036334-C