



Interim Order No.: 11807-U

IN THE MATTER OF THE

Canada Labour Code

- and -

Aircraft Mechanics Fraternal Association,

applicant,

- and -

WestJet, an Alberta Partnership,
Calgary, Alberta,

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 applicant seeking certification as bargaining agent for a unit of employees of WestJet, an Alberta Partnership, comprising:

Aircraft Maintenance Engineer (AME), Lead AME, Aircraft Technician, and Apprentices employed by WestJet excluding Stores, Quality Assurance/Auditors, Maintenance Training Manager, Line Maintenance Manager and anyone above the rank of Line Maintenance Manager.

AND WHEREAS the employer opposed the application, arguing that the bargaining unit proposed by the applicant omitted several job classifications which share a community of interest with the proposed bargaining unit and ought to comprise job classifications requiring licencing by Transport Canada in order to perform the duties of an aircraft maintenance engineer (AME), and proposed a revised bargaining unit comprising:

All employees of WestJet, an Alberta Partnership, engaged in and operating as Transport Canada licenced Aircraft Maintenance Engineers (AME), comprised of AMEs, Aircraft Maintenance Leads,

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Apprentice AMEs, Avionics Technicians, Inspector Crew Leads, and Structures AME, save and except managers and those at or above the rank of Line Maintenance Manager.

AND WHEREAS, in its reply submission, the applicant proposed a revised bargaining unit comprising:

All employees of WestJet, an Alberta Partnership, integral to the coordination and performance of aircraft maintenance **including** Aircraft Maintenance Engineers ("AME"), Apprentice AMEs, Aircraft Maintenance Leads ("AML"), Avionics Technicians ("AVT"), Apprentice AVTs, Inspector Crew Leads ("ICL"), Structures AMEs, Apprentice Structures AMEs, Maintenance Planners, Furnishing Technicians, Apprentice Furnishing Technicians, Maintenance Controllers, Senior Configuration Control Specialists, Fleet Engineers, Technical Instructors, Senior Technical Instructors, Technical Representatives, and Senior Technical Services Specialists, **excluding** managers, management coordinators, and GSE positions.

AND WHEREAS the employer opposed the revised bargaining unit proposed by the applicant, arguing that the union's amendments raised concerns about due process, procedural fairness and the management of the certification process;

AND WHEREAS the employer also opposed the revised bargaining unit by submitting that the added classifications did not share a community of interest with the classifications listed in the union's initial description and maintained that the appropriate unit was as set out in its response;

AND WHEREAS, following investigation of the application and consideration of the submissions of the parties concerned, and for the reasons set out in *WestJet, an Alberta Partnership*, 2023 CIRB LD 4975, the Board has not been convinced by the employer's arguments and finds that all disputed positions share a community of interest with the positions captured by the initial bargaining unit description;

AND WHEREAS there is inconsistent information on file regarding the inclusion of the position of senior fleet engineer in the bargaining unit, and the parties are invited to make submissions on the appropriateness of including this classification in the final bargaining unit description;

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;

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AND WHEREAS the Board concluded that majority support for the applicant would not be affected by its determination with respect to the position remaining in dispute;

AND WHEREAS the Board, pursuant to section 20(1) of the *Code*, reserves its jurisdiction with respect to the final bargaining unit description;

AND WHEREAS the Board, pursuant to its powers under section 20(1) of the *Code*, and being satisfied that it can do so without prejudice to the rights of the parties concerned, deems it appropriate:

- (a) to certify the applicant as bargaining agent for the employees in the bargaining unit described hereunder; and
- (b) to reserve its jurisdiction to reconsider the description of the bargaining unit once it has disposed of the issue of whether the senior fleet engineer should be included in the bargaining unit.

NOW, THEREFORE, it is ordered by the Canada Industrial Relations Board that the Aircraft Mechanics Fraternal Association be, and it is hereby certified to be, the bargaining agent for a unit comprising:

all employees of WestJet, an Alberta Partnership, integral to the coordination and performance of aircraft maintenance, including aircraft maintenance engineers (AME), apprentice AMEs, aircraft maintenance leads (AML), avionics technicians (AVT), apprentice AVTs, inspector crew leads (ICL), structures AMEs, apprentice structures AMEs, maintenance planners, day-of operations planners, technicians furnishing, apprentice technicians furnishing, maintenance controllers, senior specialists configuration control, fleet engineers, instructors technical, senior instructors technical, technical representatives and senior specialists technical services, **excluding** receiving inspectors, lead receiving inspectors, maintenance auditors, quality assurance auditors, GSE positions, management coordinators and positions above.

ISSUED at Ottawa, this 30th day of March, 2023, by the Canada Industrial Relations Board.

Roland A. Hackl
Vice-Chairperson

Reference: File No. 036388-C