



Order No.: 11812-U

Revokes: 11673-U

IN THE MATTER OF THE

Canada Labour Code

- and -

Spencer Tessier,

applicant,

- and -

Teamsters Local Union No. 938,

certified bargaining agent,

- and -

Thunder Airlines Limited,
Thunder Bay, Ontario,

employer.

WHEREAS the Canada Industrial Relations Board (the Board) has received an application from the applicant, pursuant to section 38(1) of the *Canada Labour Code* (the *Code*), seeking revocation of certification order no. 11673-U issued on January 17, 2022, certifying the Teamsters Local Union No. 938 as bargaining agent for a unit of employees of Thunder Airlines Limited comprising:

all pilots employed by Thunder Airlines Limited in Ontario flying in or out of Thunder Bay, Timmins or Sudbury (Garson), **excluding** supervisors, persons above the rank of supervisor, personal care paramedics, advanced care paramedics, cargo and baggage handlers, mechanics, maintenance staff, office and clerical employees, ticket agents and those covered by existing collective agreements.

AND WHEREAS the Teamsters Local Union No. 938 is opposed to the present application;

AND WHEREAS, for the reasons set out in *Tessier*, 2023 CIRB 1063, the Board dismissed the argument of protection from revocation pursuant to section 39(2) of the *Code* and the allegations of employer interference in the present application made by the Teamsters Local Union No. 938;

AND WHEREAS, by order no. 1420-NB dated March 22, 2023, the Board ordered that a representation vote be conducted among the employees in the proposed bargaining unit;

AND WHEREAS, following investigation of the application, consideration of the submissions of the parties concerned and the holding of a representation vote, the Board is satisfied that a majority of the employees in the bargaining unit no longer wish to be represented by the Teamsters Local Union No. 938.

NOW, THEREFORE, it is ordered by the Canada Industrial Relations Board that, pursuant to the provisions of section 39 of the *Code*, certification order no. 11673-U dated January 17, 2022, be revoked, and it is hereby revoked.

ISSUED at Ottawa, this 17th day of April, 2023, by the Canada Industrial Relations Board.

Sylvie M.D. Guilbert
Vice-Chairperson

Reference: File No. 036364-C