



BULLETIN

**TRANSPORTATION DISTRICT 140
DISTRICT DES TRANSPORTS 140**

*International Association of Machinists and Aerospace Workers
Association internationale des machinistes et des travailleurs et travailleuses de l'aérospatiale*

À TOUS LES MEMBRES DE L'AIMTA AIR CANADA – AÉROPORT ET CARGO

**CHEFS PRÉPOSÉS
BAGAGES EN CORRESPONDANCE ET SERVICES SANITAIRES
ET RAVITAILLEMENT EN EAU**

Chers confrères,
Chères consœurs,

Veillez trouver en annexe **LA DÉCISION DE L'ARBITRE TEPLITSKY EN DATE DU 21 OCTOBRE 2014** (en anglais seulement) sur le sujet susmentionné.

Nous vous remercions de votre soutien dans cette affaire.

Syndicalement,

Boyd Richardson
Président général
Région du Centre

BR:mb

**BULLETIN N° 033 – PUBLIÉ LE 23 OCTOBRE 2014
VEUILLEZ PHOTOCOPIER, AFFICHER ET FAIRE CIRCULER**

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IN THE MATTER OF AN ARBITRATION

B E T W E E N :

AIR CANADA

- and -

IAMAW

Connection Leads

MARTIN TEPLITSKY, Q.C.
Arbitrator

APPEARANCES:

On behalf of Air Canada: John Beveridge
Enzo Molino
Jason Stein

On behalf of IAMAW: Boyd Richardson
David Flowers
Brad Gomes
Mark Pacilla

Hearing held October 16, 2014

I issued an award in this matter dated July 3, 2014. The hearings contemplated by this award were scheduled for October 16 and 17, 2014. The matter was urgent because the Fall bid is imminent.

The employer raised an objection to the matter proceeding on its merits because since the July 3, 2014 award the computer programme has not been working properly. The service provider had promised a “fix” by September 12, 2014. This promise has proved overly optimistic. The new date for installation of a corrected algorithm is the second week of November, 2014. Accordingly, what I observed when I took a view on Tuesday, October 14, 2014, may not be the operating reality with a new algorithm. The employer, therefore, sought an award maintaining the status quo until a hearing is concluded after the second week of November. Such an award would mean there were no positions as Lead Connection runner for the upcoming bid.

The Union submitted that it should not bear the consequences of the algorithm failure and that I should proceed to hear the case on its merits.

The difficulty with the Union’s position is that any order based on a broken computer programme could only be interim. The outcome of the arbitration turns on the level of hands on work should the algorithm be functional. This is not a case of technological change which completely eliminates human involvement. The system at its best is not fully automated. The employer concedes this. Its contention is that the level of human involvement would be so minimal that it would not provide sufficient work for a job.

After I indicated that continuing the status quo would not be a reasonable resolution, the employer then suggested that, on an interim basis in Toronto, 3 lead support positions be created. These would be able-bodied positions in which the leads would support the planner. They would be the “go to” persons when any issues arose. They could also be assigned any duties of the lead

connection runner. Their hours would mirror the hours of the non-union connections planners in STOC.

The Union's response was that 3 positions were not enough and that a minimum of 4 were required. The employer's position is that 1 per shift matches the planners and that there is no reason for more.

In my opinion, the employer's compromise is sensible given that any award at this stage can only be an interim one. I also agree that on the evidence to date there is no basis for a number of positions in excess of three.

Accordingly, I award as follows:

The employer will have until the end of January, 2015 to obtain a new algorithm. If this does not occur by the end of January, 2015, the arbitration will proceed on the basis of the system actually in place.

The employer will notify the Union in writing immediately after the system is fully functional. At that point all of the provisions of the July 3, 2014 award will apply.

Additionally, the Union shall monitor the system after it is properly installed for 2 weeks within the following 2 months. The employer is not entitled to know in advance which 2 weeks are being monitored.

Additionally, if CSM's are affecting changes to the planning of connection runners, such changes must be recorded and the Union advised. This is necessary in order to determine the actual hands-on work load.

The status quo will continue in Montreal, Calgary and Vancouver. If the system is made more functional in Toronto, it will also be more functional in the other locations. However,

because in these other locations the amount of traffic is much less, whether there is a “job” for connection leads must be determined in the context of each location. Bundling of lead duties in these locations to create a full-time position is likely more practicable than in Toronto.

The arbitration on the merits must be scheduled before the Spring bid.

I remain seized.

DATED the 21st day of October, 2014.

A handwritten signature in black ink, appearing to read 'M. Teplitsky', written over a horizontal line.

MARTIN TEPLITSKY, Q.C.
Arbitrator