



Canada Industrial Relations Board

Conseil canadien des relations industrielles

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Our File: 31162-C

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July 3, 2015

BY FAX

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Dear Sirs/Madam:

In the matter of the *Canada Labour Code (Part I—Industrial Relations)* and an application for a declaration of unlawful strike filed pursuant to section 91 of the *Code* by Consolidated Aviation Fueling of Toronto ULC, applicant; International Association of Machinists and Aerospace Workers, respondent. (31162-C)

Further to this afternoon's hearing by teleconference in the above-referenced application, please find enclosed an order of the Canada Industrial Relations Board (the Board) issued by a panel composed of Ms. Ginette Brazeau, Chairperson, sitting alone pursuant to section 14(3) of the *Canada Labour Code (Part I—Industrial Relations)*.

Sincerely,

for Sylvie M.D. Guilbert

Executive Director and Senior Registrar

c.c.: Ms. Natalie Zawadowsky (CIRB—Toronto)
Encl.

Canada

Canada Industrial Relations Board



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Order No. 766-NB**IN THE MATTER OF THE***Canada Labour Code*

- and -

Consolidated Aviation Fueling of Toronto ULC,

applicant,

- and -

International Association of Machinists and Aerospace Workers,

respondent.

WHEREAS the International Association of Machinists and Aerospace Workers (IAMAW) is the certified bargaining agent for a bargaining unit comprised of employees of Consolidated Aviation Fueling of Toronto ULC;

AND WHEREAS the Canada Industrial Relations Board (the Board) has received an application from the employer pursuant to section 91 of the *Canada Labour Code (Part I-Industrial Relations)* (the *Code*) alleging that members of the bargaining unit represented by the respondent trade union have engaged in an unlawful strike, in contravention of section 89 of the *Code*, and an application under section 19.1 for an interim order pending a hearing, and seeking specific orders in relation thereto;

AND WHEREAS section 3(1) of the *Code* provides that a strike includes a cessation of work or a refusal to work or to continue to work by employees, in combination, in concert or in accordance with a common understanding, and a slowdown of work or other concerted activity on the part of the employees in relation to their work that is designed to restrict or limit output;

AND WHEREAS the Board is satisfied that the members of the respondent trade union who are affected by the employer's application are subject to a collective agreement between the trade union and the employer that is currently in force and effect and that the requirements of section 89(1) of the *Code* have not been met with respect to this collective agreement;

The word "Canada" in a stylized, serif font with a small crown over the 'a'.

Order No. 766-NB

AND WHEREAS, the Board heard from the parties by teleconference with respect to the employer's application on July 3, 2015;

NOW THEREFORE, it is hereby ordered by the Canada Industrial Relations Board, pursuant to section 19.1 of the *Canada Labour Code (Part I – Industrial Relations)*, that;

(i) the employees of Consolidated Aviation Fueling of Toronto who are represented by the respondent trade union immediately report for work as scheduled and resume or continue to perform the duties of their employment in the normal manner and in accordance with their rights and obligations under the collective agreement, as the case may be; and

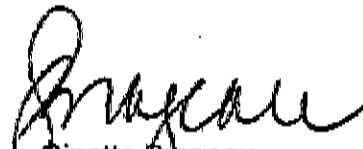
(ii) the trade union forthwith post a copy of this Interim Order on the Transportation District 140 website; and

(iii) Consolidated Aviation Fueling of Toronto ULC forthwith post copies of this Interim Order in locations in the workplace where they can be read by employees represented by the respondent trade union;

(iv) Consolidated Aviation Fueling of Toronto ULC shall file its pleadings on July 6, 2015, with a response from the IAMAW to be filed on July 8, 2015.

This Order is made pursuant to the provisions of section 19.1 of the *Code* and shall remain in effect until the Board makes a final determination on the merits on this matter.

ISSUED at Ottawa, this 3rd day of July, 2015, by the Canada Industrial Relations Board.


Ginette Brazeau
Chairperson

Reference No.: File No. 31162-C

