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Our File: 036008-C

Document No.: 0624240-D

September 3, 2022

BY WEB PORTAL

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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 the Universal Protection Service of Canada Corporation, doing business as Allied Universal Security Services, applicant; International Association of Machinists and Aerospace Workers, Transportation District 140, respondent. (036008-C)

Further to the hearing held by teleconference today in the above-noted application, a panel of the Canada Industrial Relations Board composed of Ginette Brazeau, Chairperson, sitting alone pursuant to section 14(3) of the *Canada Labour Code*, has issued the enclosed interim order.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ginette Brazeau'.

Ginette Brazeau
Chairperson

Encl.

c.c.: Lindsay Foley



Interim Order No. 1364-NB

IN THE MATTER OF THE

Canada Labour Code

- and -

Universal Protection Service of Canada Corporation,
doing business as Allied Universal Security Services,
Vancouver, British Columbia,

applicant,

- and -

International Association of Machinists and
Aerospace Workers, Transportation District 140,

respondent.

WHEREAS the International Association of Machinists and Aerospace Workers, Transportation District 140 (the respondent) is the bargaining agent for a bargaining unit comprised of employees of the Universal Protection Service of Canada Corporation, doing business as Allied Universal Security Services (the employer);

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* (the *Code*) alleging that members of the bargaining unit represented by the respondent trade union have engaged in concerted activity that amount to an unlawful strike in contravention of section 89(2) of the *Code*, 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;

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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 respondent 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;

AND WHEREAS, the Board heard from the parties by teleconference with respect to the employer's application on September 3, 2022, and is of the view that it is in the best interest of constructive labour relations between the parties to maintain the status quo until the conclusion of the interest arbitration that is scheduled for September 9, 2022.

NOW THEREFORE, it is hereby ordered by the Canada Industrial Relations Board, as an interim measure, pursuant to its authority under section 19.1 of the *Code*, that:

- (i) the employees of the Universal Protection Service of Canada Corporation, doing business as Allied Universal Security Services 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;
- (ii) the respondent trade union forthwith post a copy of this order on the Transportation District 140 website;
- (iii) the employer forthwith post copies of this order in locations in the workplace where they can be read by employees represented by the respondent trade union; and
- (iv) the application for a declaration of unlawful strike filed by the employer shall be held in abeyance until September 9, 2022;
- (v) the employer is to file a status update with the Board no later than September 12, 2022;
- (vi) the application may be reactivated at any time and with urgency should there be evidence that the employees are not complying with this interim order.

THIS ORDER is made pursuant to the provisions of section 19.1 of the *Code* and shall remain in effect until the Board disposes of the application.

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ISSUED at Ottawa, this 3rd day of September, 2022, by the Canada Industrial Relations Board.



Ginette Brazeau
Chairperson

Reference: File No. 036008-C