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Our File: 037796-C

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June 28, 2024

BY WEB PORTAL

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In the matter of the *Canada Labour Code (Part I—Industrial Relations)* and a referral by the Minister of Labour to the Canada Industrial Relations Board pursuant to section 107 thereof concerning the Aircraft Mechanics Fraternal Association, Certified Bargaining Agent; WestJet, an Alberta Partnership, employer. (037796-C)

This is further to the case management conference (CMC) held on June 28, 2024 in the above-noted matter before a panel of the Canada Industrial Relations Board (the Board) composed of Roland A. Hackl, Vice-Chairperson, and Elizabeth Cameron and Paul Moist, Members.

Present at the CMC were:

- Simon Mortimer, Michael Kennedy, and Mike Lalonde, counsel; and Alexis von Hoensbroech, Diederik Pen, Virginia Swindall, Andy Gibbons, Gandeephan Ganeshalingam, Jason Begley, Alexander Hunt, Darren Cook, and Angela Avery, representatives, for the employer; and
- Samuel Seham, Lee Seham and Stanley Silverstone, counsel; and Bret Oestreich, Ian Evershed, and Simon Weizman, representatives, for the certified bargaining agent.

At the CMC, the parties were unable to reach an agreed arbitration process.

Following the CMC, the Board has issued order no. 1554-NB imposing an arbitration process in the above-noted proceedings, which the parties will find enclosed. Full reasons for the Board's order will be given in due course.

For the Board,

A handwritten signature in black ink, appearing to read 'RH', is positioned above the printed name of the Vice-Chairperson.

Roland A. Hackl
Vice-Chairperson

Encl.

c.c.: Lindsay Foley



Order No. 1554-NB

IN THE MATTER OF THE

Canada Labour Code

- and -

WestJet, an Alberta Partnership,
Calgary, Alberta,

employer,

- and -

Aircraft Mechanics Fraternal Association,

certified bargaining agent.

WHEREAS the Canada Industrial Relations Board (the Board) has received a referral by the Minister of Labour pursuant to section 107 of the *Canada Labour Code* (the *Code*);

AND WHEREAS the referral directed the Board to assist the parties in reaching a settlement of the outstanding terms of their first collective agreement by imposing final binding arbitration to resolve the outstanding terms of the collective agreement;

AND WHEREAS the Board held a Case Management Conference with the parties on June 28, 2024, to hear the parties on the issues raised in the referral and to attempt to reach agreement on the process for final binding arbitration;

AND WHEREAS the Board heard arguments from the parties on the effect of the binding arbitration directed by the ministerial referral on the union's right to strike;

NOW THEREFORE, the Board finds that the ministerial referral does not have the effect of suspending the right to strike or lockout;

NOW, THEREFORE, it is hereby ordered by the Board, pursuant to the ministerial referral, that the parties utilize final binding arbitration to resolve the outstanding terms of the collective agreement;

Order No. 1554-NB

AND NOW THEREFORE, the Board will assign an arbitrator for final binding arbitration to be conducted on an expedited basis;

AND NOW THEREFORE, once the arbitrator and available dates are confirmed, the process will proceed by way of written briefs, such briefs to be exchanged with each other and the arbitrator two weeks prior to the commencement of the arbitration hearing;

AND NOW THEREFORE, the parties will exchange reply briefs with each other and the arbitrator one week prior to the commencement of the arbitration hearing;

AND NOW THEREFORE, the parties will have an opportunity to submit oral arguments in support of their submissions and to respond to questions of the interest arbitrator;

AND NOW THEREFORE, all items agreed to at the time of the last exchange of bargaining proposals between the parties will form part of the first collective agreement, while those items that remained outstanding between the parties will be referred to the arbitrator for determination;

AND NOW THEREFORE, the interest arbitrator shall hear the parties and render a written final and binding decision which will form the first collective agreement between the parties and provide written reasons for the decision within 90 calendar days of the first day of the arbitration hearing;

AND NOW THEREFORE, all costs incurred as a result of the arbitration, including reasonable fees and disbursements of the arbitrator, shall be shared equally by the parties,

AND NOW THEREFORE, further details on the process for the final binding arbitration, including the name of the arbitrator appointed, will be communicated by the Board to the parties under separate cover, as soon as possible;

AND NOW THEREFORE, the arbitrator will have the powers conferred under section 60 of the *Code*;

ISSUED at Ottawa, this 28th day of June, 2024, by the Canada Industrial Relations Board.



Roland A. Hackl
Vice-Chairperson

Reference No.: File No. 037796-C