

INTERNATIONAL ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS

ASSOCIATION INTERNATIONALE DES MACHINISTES
ET DES TRAVAILLEURS ET TRAVAILLEUSES DE L'AÉROSPATIALE

OFFICE OF THE GENERAL VICE-PRESIDENT
BUREAU DU VICE-PRÉSIDENT GÉNÉRAL
CANADA



15 Gervais Drive, #707
North York, Ontario
M3C 1Y8
Tel.: (416) 386-1789
Fax: (416) 386-0210

UPDATE TO ALL IAMAW MEMBERS WORKING AT AIR CANADA AIR CANADA PUBLIC PARTICIPATION ACT

Dear Brothers and Sisters:

The IAMAW has taken the difficult decision to not appeal the ruling of Justice Newbould, despite our extreme disappointment with this ruling. This decision was based on a number of considerations.

On the one hand, Justice Newbould's decision was completely one-sided in its presentation of the facts and issues, and totally failed to address the case's most compelling features in our favour. Our legal team is of the opinion that the decision contains a number of flaws and that an appeal is more likely to be successful because of the lack of balance in the Court's approach.

On the other hand, our lawyers underlined to us that the hurdles to a successful result are high, in part because the appellate court would have to overturn Justice Newbould's rulings on the preliminary issues of standing as well as his ruling on the interpretation of the Air Canada Public Participation Act (ACPPA).

We made contact with the Provincial Attorney Generals of Quebec and Manitoba. The Quebec government told us that it would not intervene. The Manitoba government said that it would intervene, but that it would likely take a different position than the one that we have put forth.

Our lawyers also told us that the position taken by these Provincial Attorney Generals would be very significant.

The Union gave careful consideration to the uncertain benefits that our members would receive even if we were successful on appeal in getting the Court to overturn Newbould's decision.

Additionally, after re-assessing the risk of an intervention by the Federal government to change the legislation and to reverse the effects of any successful appeal, we concluded that it was high, given the current majority Conservative government. This government's willingness to side with Air Canada against its workers has since been confirmed by its reaction to the CAW strike.

Finally, it is a union's job to use its resources to best advance the real interests of the members.

This Union's membership is facing very serious challenges as we go into this bargaining round. We have a Federal government that has enacted a back-to-work legislation that is heavily biased towards employers. We are also dealing with a company that is trying to obtain significant pension concessions and fundamentally attacking the job security of our members through plans for a low-cost airline.

After consulting with our legal team and carefully considering all the issues, we reached the difficult decision to not proceed any further with the ACPPA case at this time.

I would like to thank all of you for your support throughout what has been a difficult period of time.

There has never been a more important time for all of us to stand together to fight for our rights.

In solidarity,

Dave Ritchie
General Vice President