

**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

# NOTICE

## TO ALL AIR CANADA RAMP, BAGGAGE STATION ATTENDANTS AND LEAD STATION ATTENDANTS

### Atlantic / Maritimes

11 Thornhill Drive  
Suite 239  
Dartmouth, NS  
B3B 1R9  
Tel/Tél: 902-481-0077  
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### Central / Centre

2580 Drew Road  
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Mississauga, ON  
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Tel/Tél: 905-671-3172  
Toll Free/Sans frais:  
1-877-426-2948  
Fax/Télé: 905-671-2114  
Toll Free/Sans frais:  
1-866-298-0369

### Eastern / Est

3900, boul. Côte-Vertu,  
Suite 202  
Saint-Laurent, QC  
H4R 1V4  
Tel/Tél: 514-336-3031  
Toll Free/Sans frais:  
1-888-992-1010  
Fax/Télé: 514-336-3039  
Toll Free/Sans frais:  
1-866-800-3039

### West / Ouest

7980 River Road  
Richmond, BC  
V6X 1X7  
Tel/Tél: 604-448-0712  
Toll Free/Sans frais:  
1-877-426-3140  
Fax/Télé: 604-448-0710  
Toll Free/Sans frais:  
1-888-310-1688

3515 - 27th Street, N.E.  
Unit 23  
Calgary, AB  
T1Y 5E4  
Tel/Tél: 403-250-3708  
Fax/Télé: 403-250-3707

18 - 399 Berry Street  
Winnipeg, MB  
R3J 1N6  
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YESTERDAY (MARCH 18, 2014) THE UNION REQUESTED AN EMERGENCY CALL WITH AIR CANADA AND ARBITRATOR TEPLITSKY TO REQUEST THAT AIR CANADA "CEASE AND DESIST" FROM PUTTING OUT THE SUMMER BID UNTIL WE CONCLUDE THE ARBITRATION DEALING WITH THE POTENTIAL LOSS OF ALL CONNECTION LEAD FUNCTIONS.

THE AWARD IS AS FOLLOWS:

I issued an award dated October 4, 2013. The award expressly provides that "I remain seized".

The Union sought a cease and desist order during the teleconference. The bid which it wishes to defer until the merits of the grievance are decided is scheduled for this week.

The employer is prepared to set a date for the arbitration. It opposes a cease and desist order. It submits that if the Union succeeds on the merits, I can make a remedial order which would make the Union's members whole.

As Chief Arbitrator, on occasions I made a cease and desist order in a teleconference to avoid irreparable harm. Ordinarily, such orders should be made at in-person hearings but emergent circumstances may require more immediate action. These cease and desist orders via teleconference were made at the behest of the Union and the employer.

In this case, I am satisfied that a cease and desist order is not necessary because I can remedy any harm should the Union prevail on the merits.

I turn to a matter that arose during the teleconference. I asked why the Union had delayed in bringing its request forward until only a few days before the bid. The response was that the employer had indicated that it did not want me to arbitrate matters on which I am seized.

The position in law is as follows: Where I remain seized pursuant to an award, the matter is to be brought back before me unless the parties agree to have the matter heard by another arbitrator. Absent agreement, the wish of one party as to the seized arbitrator has no relevance.

Either party can, of course, seek the recusal of an arbitrator on a number of grounds usually encompassed in the expression "because of a reasonable apprehension of bias". In the first instance, an application for recusal must be brought before the arbitrator against whom the allegation is made.

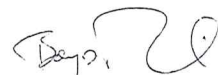
I note that no recusal application was brought by the employer. Accordingly, on a go-forward basis, where I am seized and the parties have not agreed to another arbitrator, I expect no difficulties in arranging dates for teleconferences or hearings with respect to such matters. Applications for my recusal will be made in writing and submitted with supporting material in advance to both the other party and to me.

Any departure from this protocol and any efforts to delay or hinder access to justice are not in the best interests of the parties or the goal of harmonious Labour Relations. The parties may expect an appropriate response should any future issues of this kind arise.

DATED the 19th day of March, 2014.

WE WILL UPDATE YOU AFTER THE ARBITRATION ON APRIL 2, 2014. THANK YOU FOR YOUR CONTINUED SUPPORT.

IN SOLIDARITY,



BOYD RICHARDSON  
GENERAL CHAIRPERSON  
CENTRAL REGION