

Canada Industrial Relations Board



Conseil canadien des relations industrielles

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Our File: 31932-C

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February 14, 2017

BY FAX

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Dear Sir/Madam:

In the matter of the *Canada Labour Code (Part I—Industrial Relations)* and a joint application filed pursuant to sections 18, 44, 45 of the *Code* by Unifor, Jazz Aviation LP and Jazz Technical Services (JTS), a division of Jazz Aviation LP, applicants. (31932-C)

Following review of the above-cited matter and consideration of the submissions of the parties concerned, a panel of the Canada Industrial Relations Board (the Board) composed of Ms. Ginette Brazeau, Chairperson, sitting alone pursuant to section 14(3) of the *Canada Labour Code (Part I—Industrial Relations)* (the *Code*), has granted the above-cited application.

Given that the bargaining unit description applicable to Jazz Aviation LP remains unchanged, the parties are asked to note that order no. 10739-U remains active.

Canada

The parties will find enclosed the certification order applicable to the heavy maintenance operations at Jazz Technical Services (JTS), a division of Jazz Aviation LP issued by the Board in both official languages.

Sincerely,



Justine Abel
Director, Case Management Services
(Registrar)

c.c.: ESDC--Labour Program (Fax: 819-997-1693)
Ms. Lisa Rotatore (CIRB--Toronto)

Encl.



Order No.: 11111-U

IN THE MATTER OF THE

Canada Labour Code

- and -

Unifor,

applicant,

- and -

Jazz Aviation LP,

applicant,

- and -

Jazz Technical Services (JTS),
a division of Jazz Aviation LP,

applicant.

WHEREAS the Canada Industrial Relations Board (the Board), by order no. 10739-U dated February 27, 2015, certified Unifor as the bargaining agent for a unit of employees of Jazz Aviation LP comprising:

all licensed technical skilled trades and apprentice employees; all unlicensed technical trades and apprentice employees and technical support employees at Jazz Aviation LP, **excluding** supervisors and those above, maintenance controllers, air worthiness auditors/managers, engineers (professional), production specialists, supervisors heavy avionics, administrative technical support services, engineer co-ordinators, cabin service co-ordinators, office and clerical employees, inspectors (quality assurance);

AND WHEREAS, in accordance with the parties' Memorandum of Settlement dated January 27, 2016, the Board has received a joint application pursuant to sections 18, 44 and 45 of the *Canada Labour Code (Part I-Industrial Relations)* (the *Code*), seeking a declaration that the transfer of Jazz Aviation LP's heavy maintenance operations to Jazz Technical Services (JTS), a division of Jazz Aviation LP constitutes a partial sale of business within the meaning of the *Code*;

Order No.: 1111-U

AND WHEREAS, since on or about May 11, 2016, the employees who previously performed heavy maintenance work for Jazz Aviation LP are now performing the same work for Jazz Technical Services (JTS), a division of Jazz Aviation LP;

AND WHEREAS, after investigation of the application and consideration of the submissions of the parties concerned, the Board has determined that a partial sale of business has occurred within the meaning of section 44 of the Code;

NOW, THEREFORE, the Board declares that a partial sale of business has occurred within the meaning of the Code, that Jazz Technical Services (JTS), a division of Jazz Aviation LP is the successor employer with respect to heavy maintenance operations, and that Unifor is the certified bargaining agent for a bargaining unit comprising:

all licensed technical skilled trades and apprentice employees; all unlicensed technical trades and apprentice employees and technical support employees at Jazz Technical Services (JTS), a division of Jazz Aviation LP, **excluding** supervisors and those above, maintenance controllers, air worthiness auditors/managers, engineers (professional), production specialists, supervisors heavy avionics, administrative technical support services, engineer co-ordinators, cabin service co-ordinators, office and clerical employees, inspectors (quality assurance).

ISSUED at Ottawa, this 14th day of February, 2017, by the Canada Industrial Relations Board.



Ginette Brazeau
Chairperson

Reference: File No. 31932-C



ET ATTENDU QUE, conformément au protocole d'entente des parties daté du 27 janvier 2016, le Conseil a reçu une demande conjointe en vertu des articles 18, 44 et 45 du *Code canadien du travail (Partie I – Relations du travail)* (le *Code*), en vue d'obtenir une déclaration selon laquelle le transfert des services de grand entretien de Jazz Aviation S.E.C. à Jazz Technical Services (JTS), une division de Jazz Aviation S.E.C. constitue une vente partielle d'entreprise au sens du *Code*;

ET ATTENDU QUE depuis le ou vers le 11 mai 2016, les employés qui exécutaient des fonctions de grand entretien pour Jazz Aviation S.E.C. effectuent maintenant le même travail pour Jazz Technical Services (JTS), une division de Jazz Aviation S.E.C.;

ET ATTENDU QUE, après enquête sur la présente demande et examen des observations des parties en cause, le Conseil a jugé qu'il y a eu vente partielle d'entreprise au sens de l'article 44 du *Code*;

EN CONSÉQUENCE, le Conseil déclare qu'il y a eu vente partielle d'entreprise au sens du *Code*, que Jazz Technical Services (JTS), une division de Jazz Aviation S.E.C. est l'employeur successeur relativement aux services de grand entretien, et que Unifor est l'agent négociateur d'une unité comprenant :

tout le personnel breveté des services techniques et de métiers spécialisés et les apprentis; tout le personnel non breveté des services techniques et de métiers et les apprentis et le personnel des services de soutien technique chez Jazz Technical Services (JTS), une division de Jazz Aviation S.E.C., à l'exclusion des superviseurs et de ceux de niveau supérieur, des contrôleurs de l'entretien, des vérificateurs/gestionnaires de la navigabilité, des ingénieurs, des spécialistes de la production, des superviseurs de l'avionique lourde, du personnel des services de soutien technique et administratif, des coordonnateurs, ingénierie, des coordonnateurs du service cabine, du personnel de bureau, des inspecteurs, contrôle de la qualité.

DONNÉE à Ottawa, ce 14^e jour de février 2017, par le Conseil canadien des relations industrielles.



Ginette Brazeau
Présidente

Référence : n° de dossier 31932-C

