



AIR CANADA COMPONENT

Canadian Union of Public Employees,  
Air Canada Component of CUPE

**GRIEVANCE FORM**

**GRIEVANCE NUMBER:** CHQ-19-20 (POLICY)

**SUBJECT:** Breach of *Canada Labour Code* – "General Holiday" Pay

**DEPARTMENT:** Giuseppe Morello, Director, Air Canada Labour Relations – IFS

**NATURE OF THE GRIEVANCE:**

In each vacation year, Air Canada provides employees with one paid day off in lieu of each of nine statutory holidays (New Year's Day, Canada Day, etc.). For each of these days, Air Canada pays employees an amount equal to 2h55m of wages at the applicable hourly rate.

For each statutory/"general" holiday, section 196 of the *Canada Labour Code* requires Air Canada to provide employees with "holiday pay equal to at least one twentieth of the wages, excluding overtime pay, that they earned in the four-week period immediately preceding the week in which the general holiday occurs".

Air Canada's practice of paying 2h55m of wages for each general holiday breaches the *Canada Labour Code* because it does not provide an amount equal to one twentieth of an employee's wages earned in the four-week period prior to the general holiday.

**SETTLEMENT REQUESTED:**

1. A declaration that Air Canada breached the *Canada Labour Code*;
2. That Air Canada make all affected employees whole by paying the difference between general holiday pay paid by Air Canada and general holiday pay required by the *Canada Labour Code*, with interest;
3. That Air Canada comply with the *Canada Labour Code* by providing all employees with appropriate general holiday pay going forward; and
4. Any other relief deemed appropriate.

**The Union requests a hearing within the contractual time limits and that the Company provide all documentation relied upon in this matter.**

Signature of Employee(s) or Union Officer

Name of Union Officer Originating Grievance: Wesley Lesosky, President, Air Canada Component of CUPE

Date: May 8, 2019