



AIR CANADA COMPONENT

Canadian Union of Public Employees,
Air Canada Component of CUPE

GRIEVANCE FORM

GRIEVANCE NUMBER: CHQ-rouge-19-28 (POLICY)

SUBJECT: Unreasonable Exercise of Management Rights and Human Rights – Drug and Alcohol Policy

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

NATURE OF THE GRIEVANCE:

I/We, the undersigned claim that Air Canada violated the Collective Agreement, including articles 3, 13, 24, L14, articles L55.03 and L55.26, all relevant provisions of the Collective Agreement, *the Canadian Human Rights Act*, *PIPEDA* and any other relevant legislation, act, or statute.

On or around August 22, 2018, the Company advised the Union that it planned to implement a new Alcohol and Drug policy. The Union expressed the concerns that it had about this policy. Despite the Union's objections, the Company unilaterally implemented the Alcohol and Drug policy on October 17, 2018.

This policy constitutes an unreasonable exercise of management rights, is discriminatory, and is a breach of the Company's longstanding and consistent past practice. In addition, it is contrary to the Collective Agreement, the Canadian Human Rights Act, PIPEDA and is an unreasonable invasion of privacy.

SETTLEMENT REQUESTED:

1. Air Canada abide by the *Canadian Human Rights Act* and the Collective Agreement;
2. A declaration that Air Canada has violated the *Canadian Human Rights Act* and the Collective Agreement by implementing this policy;
3. Cease and desist all egregious practices in respect of this policy;
4. A declaration that the policy and the Company's actions constitute an unreasonable exercise of management rights;
5. A declaration that the Company is estopped from continuing to implement all or part of the policy;
6. An order directing the Company to rescind the policy;
7. An order declaring any discipline or discharge exercised under this policy be declared void ab initio;
8. Make all affected employees whole;
9. Damages be paid to the affected members and the Union; and
10. Provide for any other redress deemed appropriate.

We request 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 16, 2019