

**Canadian Union of Public Employees,  
Air Canada Component**

**Grievance Form**



**GRIEVANCE NUMBER: CHQ-rouge-19-75 (POLICY)**

**SUBJECT: Unreasonable Exercise of Management Rights and Human Rights – Pre-Employment Agreements**

**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 L55.03, L55.19, L55.26, all relevant provisions of the Collective Agreement, *the Canadian Human Rights Act*, *PIPEDA*, the Arbitration Award of Arbitrator William Kaplan of June 13, 2014 (CHQ-rouge-13-01) and any other relevant legislation, act, or statute.

During the pre-employment phase, CUPE members are subject to being asked to sign pre-employment agreements, the terms of which the employer has attempted to rely upon once the member is a part of the CUPE bargaining unit. Any terms in a pre-employment agreement between the Company and an individual does not survive the act of hiring the individual as a bargaining unit member and is not enforceable. This is prohibited and is discriminatory and contrary to the *Canadian Human Rights Act*, *PIPEDA* and the Collective Agreement, including but not limited to an unjustifiable violation of their privacy rights.

**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 subjecting Union members to unenforceable pre- employment agreements;
3. Cease and desist all egregious practices in respect of pre-employment practices;
4. Make all affected employees whole;
5. Damages be paid to the affected members and the Union;
6. 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

A handwritten signature in black ink, appearing to read "Wesley Lesosky".

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

Date: November 13, 2019