

Canadian Union of Public Employees, Air Canada Component

Grievance Form



GRIEVANCE NUMBER: CHQ-21-01 (POLICY)

SUBJECT: Change of Policy for Employees in Relation to the Wage Indemnity/WIP program

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

NATURE OF THE GRIEVANCE:

On January 11, 2021, the Company advised the Union that they were unilaterally changing their policy regarding company paid sick leave benefits, notwithstanding the parties' ongoing discussions regarding changes to the WIP. Specifically, the Union was advised that Employees will be permitted to utilize Company paid sick benefits up to and including day seven (7) and will then be converted to WIP status effective day eight (8). Further, the Company advised that employees will be required to obtain medical clearance from Air Canada's OHS department when returning from a sickness related absence that exceeds seven (7) days.

As a result of the unilateral change, employees will no longer be eligible for company paid sick leave benefits from days 8 to 14 and are removed from the payroll. The Company implemented the policy change without the Union's consent or agreement.

The Union submits this grievance under articles 2, 3, 22.05, 24, of the Collective Agreement and the *Canadian Human Rights Act*, and any other relevant Collective Agreement article, regulation, or statute. In the alternative, the Company is estopped from implementing the announced change on the basis of a practice which has been in place for at least forty years. In the further alternative, the employer is estopped from implementing this change on the basis that they never indicated to the Union in bargaining that they were going to change it.

SETTLEMENT REQUESTED:

The Union hereby requests,

1. A declaration of the Employer's violation of the Collective Agreement and the *Canadian Human Rights Act*;
2. An order requiring the Employer to cease and desist such violation;
3. An order rescinding all notices be rescinded;
4. That all Members be made whole, including reimbursement of all monies owed with interest and damages for discrimination;
5. Damages to the Union; and
6. Any other relief deemed appropriate by the arbitrator.

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: January 12, 2021