

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

Grievance Form



GRIEVANCE NUMBER: CHQ-rouge-21-04 (POLICY)

SUBJECT: COVID-19 Leave of Absence, CLC section 239.01(1)

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

NATURE OF THE GRIEVANCE:

Further to the federal government's amendments to section 239 of the *Canada Labour Code*, employees in a federally regulated workplace are entitled to and shall be granted a leave of absence if they are unable or unavailable to work for reasons related to COVID-19. Air Canada violated the Collective Agreement, including articles L55.03, L55.19, L55.21, L55.26, Air Canada rouge LOU #1, and all relevant provisions of the Collective Agreement, the *Canada Labour Code*, the *Canada Labour Code Regulations*, the *Canadian Human Rights Act*, and any other relevant legislation, act, or statute, by including and not limited to demanding that members provide supporting documentation to substantiate the leave. Air Canada has breached its statutory obligations under the *Code* and is discriminating against members contrary to the *Canadian Human Rights Act*. In doing so, it has unreasonably aggravated the circumstances of members already facing hardship because of COVID-19.

SETTLEMENT REQUESTED:

The Union seeks an immediate cease and desist of the following:

1. Air Canada demanding members provide additional documentation and/or information outside the scope of the requirements of s. 239.01(8) of the *Code*; and

The Union further seeks that Air Canada:

2. A declaration that Air Canada breached the *Canada Labour Code* and *Canada Labour Code Regulations*;
3. An order that Air Canada make all affected members whole and pay damages to all affected members;
4. An order that Air Canada pay damages to the Union for breaches of the Collective Agreement, the *Canada Labour Code* and *Canada Labour Code Regulations*;
5. An order that Air Canada comply with the *Canada Labour Code* and *Canada Labour Code Regulations* by providing all members with their COVID-19 leave entitlements; and
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: Aug 14, 2021