

Canadian Union of Public Employees, Air Canada Component

Grievance Form



GRIEVANCE NUMBER: CHQ-24-70 (POLICY)

SUBJECT: Return to Work Change in Practice

DEPARTMENT: 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, 24, L14, L15, articles L55.03 and L55.26, the *Canadian Human Rights Act*, *PIPEDA* and any other relevant act, legislation or statute.

The Company advised the Union it will require drug and alcohol testing for employees returning to work from SPD/termination for conduct unrelated to alcohol and drug use. The Company unilaterally implemented testing without notice to the Union. The Company's "Policy on Alcohol and Drugs" does not provide for testing for employees returning to work absent treatment for addiction. The testing of employees returning to work for conduct unrelated to drug and alcohol use goes well beyond the Company's policy, normal testing protocols and past practice.

The Company's conduct is 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*, *PIPEDA* and the Collective Agreement;
- 2) A declaration that Air Canada has violated the *Canadian Human Rights Act*, *PIPEDA* and the Collective Agreement and unreasonably exercised its management rights;
- 3) An order that the Company cease and desist from testing employees returning to work for conduct unrelated to drug and alcohol use and destroy all data collected pursuant to such testing to date and rescind any discipline issued in reliance on such testing or refusing to comply with such testing;
- 4) An order that Air Canada pay human rights damages to affected members and make affected members whole; and
- 5) Any other relief 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: July 22, 2024