

## February 14, 2017 - Pregnant employee's lay-off – unjust or discriminatory?

Date : February 14, 2017

### DECISIONS

- **Passenger Claim - Lost baggage - Partner airlines - *Garroussi c. Delta Airlines Company***  
***Garroussi v. Delta Airlines Company*, [2016 QCCQ 17094](#)**  
\_Ticket sold by Delta - Portion of trip fulfilled by partner airlines - Delay and loss of baggage - Reserved seat unavailable - Contracting airline responsibility - Liability limited by Montreal Convention - Awarded \$2,300 for delay and loss of baggage and \$1,000 for loss of reserved seat
- **Human rights - Interim decision - *Boulard v. Maratech Aviation Fuels (Sudbury) Ltd.*, [2017 HRTO 171](#)**  
\_Respondent in receivership - HRTO stayed application - Applicant to advise Tribunal within 14 days if he intends to seek Court order to have stay lifted or application will be deemed abandoned
- **Complaint of Unjust Dismissal - Canada Labour Code - *L'Heureux and Can-West Corporate Air Charters Ltd. (Unjust Dismissal), Re*, [2017 CarswellNat 165](#)**  
\_Dismissal of pregnant dispatcher/flight coordinator - Filed unjust dismissal complaint under s. 240 of the *Code* and complaint with the Canadian Human Rights Commission alleging discrimination on the basis of sex - Can-West was acquired by NorAlta Aviation Ltd. which led to a re-organization - Can-West was able to show termination was a layoff due to lack of work - Adjudicator had no jurisdiction to hear complaint - No evidence to support violation of the *Canadian Human Rights Act* - Complaint dismissed
- **Application for safeguard order - *Ville de Mascouche c. 9105425 Canada Association*, [2017 QCCS 413](#)**  
\_Court issued oral ruling on two aspects of the proceeding, whether the safeguard order would preclude construction of new airport pending arbitral decision and whether defendants were obligated to obtain certificate of authorization under s. 22 of the *Environment Quality Act* ("EQA") - Court (without ruling on the merits) found that the right of the City to obtain an injunction was not clear, if not doubtful, and by requesting a certificate of authorization, the City and the Attorney General of Quebec were - *prima facie* - encroaching on a federal jurisdiction

### CIRB DECISIONS

- **Bargaining Unit Certification Application - *Teamsters Local Union 879 and Robert Q.***

***Airbus Inc.*** - [Order No.: 11108-U](#)

All employee unit with noted exclusions - Certification application pursuant to section 24 of the *Canada Labour Code* - Issued

- **Bargaining Unit Certification Application - *Canadian Union of Public Employees and Air Georgian Limited*** - [Order No.: 11104-U](#)

All employee unit employed in In-Flight Services with noted exclusions - Certification application pursuant to section 24 of the *Canada Labour Code* - Issued

- **Bargaining Unit Certification Application - *Air Line Pilots Association, International and Air Georgian Limited*** - [Order No.: 11103-U](#)

All pilots employed with noted exclusions - Certification application pursuant to section 24 of the *Canada Labour Code* - Issued

- **Bargaining Unit Certification Application - *Unifor and Air Georgian Limited*** - [Order No.: 11102-U](#)

All employee unit employed with noted exclusions - Certification application pursuant to section 24 of the *Canada Labour Code* - Issued

## CANADIAN TRANSPORTATION AGENCY DECISIONS

- **Application - *Air Canada also carrying on business as Air Canada rouge and as Air Canada Cargo (Air Canada), on behalf of itself and Jet Airways (India) Limited (Jet Airways)*** - [Decision No. 12-A-2017](#)

Pursuant to section 60 of the *Canada Transportation Act*, S.C., 1996, c.10, as amended, and section 8.2 of the *Air Transportation Regulations*, SOR/88-58, as amended

- **Application - *Malaysian Airline System Berhad carrying on business as Malaysia Airlines*** - [Decision No. 11-A-2017](#)

Cancellation of Licence Nos. 975129 and 070054 pursuant to paragraphs 72(2)(b) and 75(2)(b) of the *Canada Transportation Act*, S.C., 1996, c. 10, as amended

- **Application - *Air Canada also carrying on business as Air Canada rouge and as Air Canada Cargo (Air Canada), on behalf of itself and EgyptAir*** - [Decision No. 10-A-2017](#)

Pursuant to section 60 of the *Canada Transportation Act*, S.C., 1996, c.10, as amended, and section 8.2 of the *Air Transportation Regulations*, SOR/88-58, as amended

- **Application - *K5-Aviation GmbH*** - [Order No. 2017-A-17](#)

Exemptions from the application of paragraphs 33.1(b) and 73(2)(c) and section 33.2 of the *Air Transportation Regulations*, SOR/88-58, as amended

- **Application - *Galaxy Airways Inc.*** - [Order No. 2017-A-18](#)

Exemptions from the application of paragraphs 33.1(b) and 73(2)(c) and sections 33.2 and 103.3 of the *Air Transportation Regulations*, SOR/88-58, as amended

- **Application - *Delta Air Lines, Inc. carrying on business as Delta Air Lines, as Delta and as Delta Shuttle (Delta), on behalf of itself; Compass Airlines, LLC, Endeavor Air, Inc., GoJet Airlines, LLC and SkyWest Airlines, Inc. all carrying on business as,***

**among others, Delta Connection (Delta Connection); and Korean Air Lines Co. Ltd. (Korean) - [Decision No. 16-A-2017](#)**

Pursuant to section 60 of the *Canada Transportation Act*, S.C., 1996, c.10, as amended, and section 8.2 of the *Air Transportation Regulations*, SOR/88-58, as amended

- **Application - Ajay Kumar against Jet Airways (India) Limited - [Decision No. 17-C-A-2017](#)**

Pursuant to Jet Airways (India) Limited's International Passenger Rules and Fares Tariff, NTA(A) No. 521 (Tariff), as required by subsection 110(4) of the *Air Transportation Regulations*, SOR/88-58, as amended and the Convention for the Unification of Certain Rules for International Carriage by Air – Montreal Convention

- **Application - Alpine Lakes Air Ltd. - [Decision No. 18-A-2017](#)**

Pursuant to section 61 of the *Canada Transportation Act*, S.C., 1996, c. 10, as amended

- **Application - Executive Jet Management, Inc. - [Order No. 2017-A-19](#)**

Exemption from the application of section 103.3 of the *Air Transportation Regulations*, SOR/88-58, as amended

- **Application - Air Creebec Inc. - [Decision No. 21-A-2017](#)**

Pursuant to subsection 73(1) of the *Canada Transportation Act*, S.C., 1996, c.10, as amended

- **Application - Air Creebec Inc. - [Decision No. 20-A-2017](#)**

Pursuant to section 61 of the *Canada Transportation Act*, S.C., 1996, c.10, as amended

- **Application - 0850871 B.C. Ltd. carrying on business as BearAir - [Decision No. 19-A-2017](#)**

Cancellation of Licence No.100005 pursuant to section 63(2)(b) of the *Canada Transportation Act*, S.C., 1996, c.10, as amended

- **Application - Delta Air Lines, Inc. carrying on business as Delta Air Lines, as Delta and as Delta Shuttle (Delta), on behalf of GoJet Airlines LLC carrying on business as United Express and as Delta Connection, and Endeavor Air, Inc. carrying on business as Delta Connection (Delta Connection) and on behalf of China Eastern Airlines Corporation Limited also carrying on business as China Eastern Airlines and as China Eastern (China Eastern) - [Decision No. 22-A-2017](#)**

Pursuant to section 60 of the *Canada Transportation Act*, S.C., 1996, c. 10, as amended, and section 8.2 of the *Air Transportation Regulations*, SOR/88-58, as amended

- **Application - WestJet, on behalf of itself and Cathay Pacific Airways Limited (Cathay Pacific) - [Decision No. 23-A-2017](#)**

Pursuant to section 60 of the *Canada Transportation Act*, S.C., 1996, c. 10, as amended, and section 8.2 of the *Air Transportation Regulations*, SOR/88-58, as amended

- **Application - Air Canada also carrying on business as Air Canada rouge and as Air Canada Cargo (Air Canada), on behalf of itself; Sky Regional Airlines Inc. carrying on business as Sky Regional and as Air Canada Express (Sky Regional); Jazz Aviation LP, as represented by its general partner, Aviation General Partner Inc. carrying on business as Air Canada Express and as Jazz (Jazz); and South African Airways SOC Limited carrying on business as South African Airways (South African**

**Airways) - [Decision No. 24-A-2017](#)**

Pursuant to section 60 of the *Canada Transportation Act*, S.C., 1996, c. 10, as amended, and section 8.2 of the *Air Transportation Regulations*, SOR/88-58, as amended

## TC/TSB NEWS

- [TSB deploys a team of investigators to the site of an aircraft accident near Brunkild, Manitoba](#)

## UNION NEWS

- IAMAW: [Vancouver Swissport warehouse workers join IAM](#)
- UNIFOR: [Air Canada Bargaining Committee News: Issue #1](#)
- UNIFOR: [Unifor files for conciliation with Perimeter Aviation - Flight Attendants](#)
- UNIFOR: [Unifor reaches tentative agreement with ASP](#)
- UNIFOR: [Perimeter Aviation, Pilots: Ratification meeting, tentative agreement](#)

## AVIATION MEDIA

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- [Toronto's Pearson International Airport unveils design for new transit hub](#)
- [Vancouver International Airport starts upgrade plan to address high demand](#)
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