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August 18, 2025

BY WEB PORTAL

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In the matter of the *Canada Labour Code (Part I—Industrial Relations)* and an application for a declaration of unlawful strike filed pursuant to section 91 of the *Code*, and a request to file an order pursuant to 23.1 of the *Code* by Air Canada, applicant; Canadian Union of Public Employees, respondent. (038942-C)

Following review of the above-cited matter and the holding of a hearing with the concerned parties on August 17, 2025, a panel of the Canada Industrial Relations Board (the Board) composed of

Jennifer Webster, Chairperson, sitting alone pursuant to section 14(3), has issued Board order no. 1698-NB.

The Board's reasons will be issued to the parties in due course.

The French version of the Board's order will be provided shortly.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jesse Peters', with a stylized flourish at the end.

Jesse Peters
Regional Director (Registrar)

Encl.

c.c.: Jackie VanDerMeulen



Order No. 1698-NB

IN THE MATTER OF THE

Canada Labour Code

- and -

Air Canada,

applicant,

- and -

Canadian Union of Public Employees,

respondent.

WHEREAS, on August 16, 2025, (the Board) received a direction by the Minister of Labour (the Minister) pursuant to section 107 of the *Canada Labour Code* (the *Code*) involving Air Canada and the Canadian Union of Public Employees (CUPE) – Airline Division, as it relates to the Air Canada and Air Canada Rouge flights attendants covered by the collective agreement expiring on March 31, 2025 (the Union);

AND WHEREAS, on August 17, 2025, in accordance with the ministerial direction, the Board issued order no. 1697-NB, in which it made the following orders:

- Air Canada is directed to resume airline service operations and all Air Canada and Air Canada Rouge flights attendants are directed to resume their duties by 14:00 EDT on August 17, 2025, and to continue such operations and duties until the final binding interest arbitration process is completed;
- The term of the collective agreement between Air Canada and the CUPE that expired on March 31, 2025, is extended to include the period beginning on April 1, 2025, and ending on the day on which the new collective agreement between the parties comes into effect;
- Final binding arbitration is imposed to resolve the outstanding terms of the collective agreement, and the parties are directed to attend a case

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management meeting with the Board on August 22, 2025, at 10:30 a.m. EDT, to discuss the implementation of the arbitration process.

AND WHEREAS, on August 17, 2025, Air Canada filed an application to the Board seeking a declaration of unlawful strike, pursuant to section 91 of the *Code* and requesting that the Board file order 1697-NB in Federal Court in accordance with section 23(1) of the *Code*;

AND WHEREAS the Board held a case management meeting and a hearing on August 17, 2025, to receive representations from the parties about the issues raised in Air Canada's application;

AND WHEREAS, from a review of the evidence provided, the Board finds that the union has publicly and clearly stated through various communications that it will not comply with order 1697-NB and that its members will not resume their duties, as required by the order;

AND WHEREAS the Board finds that the union's direction to its members to not resume their work duties is a declaration or authorization of strike activity when the collective agreement is in force which is, therefore, an unlawful strike in contravention of Part I of the *Code*;

AND WHEREAS section 23(1) of the *Code* provides that, on the request in writing of any person or organization affected by any order or decision of the Board made under Part I, the Board shall file a copy of the order or decision in Federal Court unless, in the opinion of the Board:

(a) there is no indication of failure or likelihood of failure to comply with the order or decision; or

(b) there is other good reason why the filing of the order or decision in the Federal Court would serve no useful purpose.

AND WHEREAS the Board finds that the union has failed to comply with order 1697-NB and that the union has clearly and publicly stated that it does not intend to comply with the order;

AND WHEREAS the Board is persuaded that the filing of order 1697-NB would be unduly punitive and not conducive to harmonious labour relations and constructive collective bargaining, and, therefore, it finds that the filing of the order would serve no useful purpose at this time, and it declines to file order 1697-NB in Federal Court;

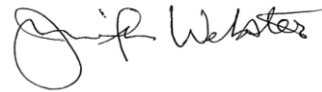
NOW, THEREFORE, the Board declares that the union has declared or authorized an unlawful strike, and it makes the following orders, pursuant to section 91(2) of the *Code*, that:

- i. The union and its officers are ordered to immediately cease all activities that declare or authorize an unlawful strike of its members and to direct the members of the bargaining unit to resume the performance of their duties;

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- ii. The members of the union's bargaining unit are directed to resume the performance of their duties immediately and to refrain from engaging in unlawful strike activities;
- iii. The union and its officers shall provide written public notice, either through its website or other means, to all members **by 12:00 pm EDT on August 18, 2025**, that it has revoked its declaration or authorization of strike activities and that all members are required to resume the performance of their duties

ISSUED at Ottawa, this 18th day of August, 2025, by the Canada Industrial Relations Board.

A handwritten signature in black ink, appearing to read "Jennifer Webster". The signature is fluid and cursive, with the first name "Jennifer" written in a larger, more prominent script than the last name "Webster".

Jennifer Webster
Vice-Chairperson

Reference No.: File No. 038942-C