

TRANSPORTATION DISTRICT 140  
DISTRICT DES TRANSPORTS 140

International Association of Machinists and Aerospace Workers  
Association internationale des machinistes et des travailleurs et travailleuses de l'aérospatiale

# ARBITRATION AWARD

**To:** The IAM Membership at Menzies Aviation

**Subject:** New Collective Agreement

**Date:** June 21, 2019

Please be advised that Arbitrator McNamee has issued his award and as a result a new 3-year Collective Agreement has been implemented.

Although the Union wasn't able to accomplish everything it set to achieve, it did achieve some major advancement that will absolutely raise the floor for IAM Members at Menzies as well as significantly raising the floor for airport workers at YYZ and beyond.

The Arbitrator essentially awarded the Union with the equal pay/equal treatment provisions that are being contemplated under Bill C-86 along with the ongoing Federal Labour Law reform of the Canada Labour Code. This is an important milestone victory as it provides our current dues paying members with significant wage increases and ensures that members are NOT paid differently because they are servicing WestJet or Sunwing.

This award confirms that your Union has been victorious in its continued Fight for \$15 and Fairness!

**The major financial aspects of the Arbitrators award are as follows:**

Effective July 15, 2019, the following wage schedule will apply:

1) Wage Rates

<u>Classification</u>	<u>Rate</u>
Ramp Agent	\$16.00
Ramp Lead	\$19.00
Bag Room Agent	\$15.50
Bag Room Lead	\$19.00
LAV Agent	\$16.00
TOW Agent	\$20.00
PAX Agent	\$16.50
PAX Lead	\$19.00
Grooming Agent	\$16.00
Grooming Agent Lead	\$19.00

Tow agent premium – Short Tow - \$15.00; Long Tow - \$25.00

**Note:** These rates are now superior to the starting rates at Air Canada, WestJet, Swissport, ATS, and many other service-related Companies at YYZ and beyond. It further provides many of our current IAM Members with year 1 increases of 6.9% and others with year 1 increases of over 10.3%!

2) Wage Increases

Effective August 1, 2020, increase each of the above wage rates (excluding the premiums) by 1.25%; and effective August 1, 2021 increase each of the above wage rates (excluding the premiums) by a further 1.25%;

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### 3) Legacy/Longevity Bonus

The Employer will make a one-time lump sum payment of \$750.00 to the twelve (12) remaining employees who were covered under the original Letter of Understanding #1 (employees who were previously employed by Swissport and were hired as of the effective date of the original agreement in 2014).

This bonus is payable within thirty (30) calendar days of the award.

### 4) Dental Benefit Coverage

“Dental benefit coverage will now be provided to Regular Full-Time employees who have successfully completed their probationary period.”

**Note:** Previously, employees were required to complete 6 months of continued service before this benefit was made available. This will allow employees access to Dental Benefits quicker than under the previous Collective Agreement.

### 5) CSA Safety Approved Footwear

CSA safety approved footwear reimbursement will now be increased to “a maximum of \$150 every 24 months to employees who have successfully completed their probationary period and provide proof of purchase or an original receipt.”

**Note:** Previously, employees were only entitled to a maximum of \$100 every 24 months for the combined purchase of safety footwear, winter gloves & knee pads.

### 6) Union Training Contribution

“The Employer will make a one-time lump sum contribution payment of two thousand dollars (\$2000.00) to the Union towards training – development, payable to the Union within thirty (30) calendar days of the Award.”

**Note:** This will assist in financing training for the increased number of Union Stewards and Workplace Representatives.

### **Other important aspects of the Arbitrators award are as follows:**

#### Union Recognition

“The Company recognizes the Union as the sole bargaining agent for those employees employed coming within the scope of the certificate (number 5553499) issued by the Canada Labour Relations Board who are employed by the Company at Lester B Pearson International Airport, Toronto, Ontario. The terms below apply to all employees in the bargaining unit who provide ground handling services under the WestJet contract and/or the Sunwing contract at Terminal Three at Pearson International Airport, (ramp agent, tow agent, lavatory agent, bag room agent, agent leads, pax agent and grooming agent), excluding clerical personnel, ramp allocator, supervisors and persons above the rank of supervisor. The parties shall bargain hereafter as required with respect to other work.”

**Note:** The recognition clause has now been amended to include the Menzies employees who were hired to service the Sunwing contract. This is in keeping with the Unions certification document that is recognized and on file with the Canadian Industrial Relations Board.

### Overtime

- a) "Should all senior employees refuse the overtime; the junior employees on shift will be required to work until a replacement is found. However, consideration should be given to the employee's family responsibilities and medical commitments as contemplated in accordance with the *Canadian Human Rights Act*, when making such assignment."

**Note:** The employer cannot impose mandatory overtime if the Union member has family responsibilities or medical commitments as suggested under the Canadian Human Rights Act or under the pending federal labour legislation that is currently under review.

- b) "18.06- The Employer will notify employees of overtime requirements in advance whenever possible."

**Note:** This new language suggests that the employer must make reasonable efforts to arrange overtime assignments in advance so employees have enough notice and can plan accordingly.

### **Other achievements reached through this round of collective bargaining:**

- Longer period of time for the Union Chief Steward or designate to meet and greet new employees during training and ensure that Collective Agreements are provided, and Union applications are completed and forwarded to the appropriate Union office.
- New No Discrimination language added as well as language pertaining to bullying and harassment. This ensures workers know their rights and are treated with respect.
- New language addressing improved Health and Safety at the workplace as well as the Health & Safety Committee.
- New language about the increased size of future Bargaining Committees as well as new language that ensures the Company pays the wages of employees for all face to face bargaining sessions whether the parties are in Conciliation, Mediation or in Arbitration.
- New language that allows for better conditions for the Chief Steward to represent IAM Members.
- A much-improved grievance procedure that affords IAM Members with a fairer process and much improved representation rights. This includes paying an IAM Member for a maximum of 3 days when the Company is contemplating discipline and investigating.
- Much improved time limits that disciplinary letters stay on an IAM Members file. They will now be removed and no longer be relied upon after 12 months, provided that no similar action has taken place during the last 12 months.
- Introduction of the Canadian Joint Grievance Panel processes for arbitration cases. This process provides for much quicker decisions which are less costly than traditional arbitrations. This ensures IAM Members are provided with better representation.
- A standardized probationary period of 120 calendar days for Full Time and Part Time employees.

- Improved seniority language that better suits the operations needs and allows IAM Members to have their overall Company seniority be transferable from one classification to another.
- Improved language which defines the minimum and maximum scheduled hours of work in a day for Part Time employees.
- Improved language about 30-minute lunch/meal breaks and the time periods when these breaks are to be assigned.
- New language about shift schedules, shift bidding and that split shifts can only be used on a voluntary basis.
- Improved language associated with uniforms and the Company's obligations to supply PPE items such as proper hearing protection/ear defenders, knee pads, and PPE gloves for LAV Agents.
- Elimination as of October 1<sup>st</sup>, 2019, or sooner if required under legislation, of the 30-day waiting period for IAM Members to be entitled to Stat Holiday pay. The law currently indicates that employees must be employed for at least 30 days before they are entitled to Stat Holiday pay. This will no longer be the case as we have negotiated it out of our Collective Agreement.
- A written commitment in the CBA that the Company will make its best efforts to increase the number of lockers available to bargaining unit employees.
- A change in the vacation year commencing in 2020 so that the vacation year lines up with the calendar year.

The IAM, along with your Bargaining Committee consisting of Amanda Mohabir, Amon Gill, Joseph Bermejo and myself did a massive overhaul of the prior collective agreement. Although we didn't achieve everything we set out to accomplish, it wasn't due to the lack of trying.

However, we did accomplish our main goals of providing significantly better wages, a process for much improved union representation, a superior grievance & arbitration procedure, better work rules around hours of work and overtime procedures and making sure that IAM Members are treated with RESPECT!

Please keep in mind that your Union already negotiated wage increases back in September 2017 that provided IAM Members with wage increases that ranged from a 13.8% to a 16% increase.

I'm sure workers employed with other similar Companies at YYZ wish their employers would increase their pay to match the starting rates at Menzies. Air Canada's starting rates at YYZ are \$14/hr., Swissport ramp starts at \$14.50, ATS currently starts at \$14.60/hr. and the WestJet workers themselves are lower than Menzies,

Your Union will now actively begin setting up dates for Workplace Representative training and will be announcing information about times, dates and locations for further information sessions about the Arbitrators award and the new Collective Bargaining Agreement.

Seniority lists can now officially be completed, and a new Collective Bargaining Agreement can be finalized so CBA Booklets can be printed and distributed to the expanded IAM Membership.

Whether you realize it or not, the work your Union has done at this airport over the past few years is absolutely ground-breaking. The IAM and those involved in the Toronto Airport Workers Council (TAWC) have successfully set up a system where it is now the norm for employees to receive pay increases when contracts are flipped.

Lastly, I am very proud of the hard work, dedication and perseverance of your Bargaining Committee. This was not an easy task and I can assure you they endured many sleepless nights and likely bore the brunt of the members' frustrations due to delays throughout this round of bargaining and some unpopular business decisions.

I thank you for your patience and support throughout this round of bargaining and wish a warm welcome to our newest members who have been servicing Sunwing.

**If you do not have a seat at the table, you are on the menu!**

**Get Unionized! Stay Unionized!**

In solidarity,



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MC/mdr 

C IAMAW Bargaining Committee  
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