

Board File No.: _____

Canada Industrial Relations Board

IN THE MATTER OF THE *CANADA LABOUR CODE* (PART I – INDUSTRIAL RELATIONS) AND AN APPLICATION FILED PURSUANT TO SECTION 19.1 THEREOF BY THE AIR LINE PILOTS ASSOCIATION, INTERNATIONAL, APPLICANT; AIR GEORGIAN LTD., RESPONDENT

BETWEEN:

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

(the “Applicant”)

- and –

AIR GEORGIAN LTD.

(the “Respondent”)

APPLICATION PURSUANT TO SECTION 19.1 OF THE *CANADA LABOUR CODE*

**CaleyWray
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Toronto, ON M5H 2M5
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ellicksond@caleywray.com**

**Denis Ellickson
Counsel for the Applicant**

A. THE NAME, POSTAL AND EMAIL ADDRESSES AND TELEPHONE AND FAX NUMBERS OF THE COMPLAINANT AND THEIR LEGAL COUNSEL OR REPRESENTATIVE, IF APPLICABLE;

Air Line Pilots Association, International

Attention: Captain Timothy Canoll
Air Line Pilots Association, International
1625 Massachusetts Avenue, NW
Suite, 800
Washington, DC 20036
Tel: (703) 689-2270
Email: tim.canoll@alpa.org

-and-

Attention: Mr. Albert Leger
Labour Relations Advisor
Air Line Pilots Association, International
62 – 16655 64th Avenue
Surrey, BC V3S 3V1
Tel: (604) 219-5228
Fax: (416) 219-8213
Email: albert.leger@alpa.org

and its counsel:

Attention: Mr. Denis Ellickson
CaleyWray
65 Queen Street West
Suite 1600
Toronto, ON M5H 2M5
Tel: 416-775-4678
Fax: 416-366-3293
Email: ellicksond@caleywray.com

B. THE NAME, POSTAL AND EMAIL ADDRESSES AND TELEPHONE AND FAX NUMBERS OF ANY PERSON WHO MAY BE AFFECTED BY THE COMPLAINT;

Air Georgian Limited

Attention: Ms. Julie Mailhot
Chief Operating Officer

Air Georgian Ltd.
2450 Derry Road East
Shell Areocentre
Mississauga, ON L5S 1B2
Tel: 905-676-1221
Fax: 905-676-1151
Email: jmailhot@airgeorgian.ca

and its counsel:

Attention: Lorenzo Lisi
Aird & Berlis LLP
Brookfield Place
181 Bay Street
Suite 1800, Box 754
Toronto, ON M5J 2T9
Tel: 416-865-7722
Fax: 416-863-1515
Email: llisi@airdberlis.com

C. A REFERENCE TO THE PROVISION OF THE CODE UNDER WHICH THE COMPLAINT IS BEING MADE;

Please see attached Schedule "A".

D. FULL PARTICULARS OF THE FACTS, RELEVANT DATES AND GROUNDS FOR THE COMPLAINT;

Please see attached Schedule "A".

E. A COPY OF THE SUPPORTING DOCUMENTS FOR THE COMPLAINT;

Please see attached Schedule "A".

F. THE DATE AND DESCRIPTION OF ANY ORDER OR DECISION OF THE BOARD RELATING TO THE COMPLAINT;

Please see attached Schedule "A".

G. AN INDICATION AS TO WHETHER A HEARING IS BEING REQUESTED AND, IF SO, THE REASON FOR THE REQUEST;

Please see attached Schedule "A".

H. A DESCRIPTION OF THE ORDER OR DECISION SOUGHT;

Please see attached Schedule "A".

I. THE DATE ON WHICH THE COMPLAINANT KNEW OF THE ACTION OR CIRCUMSTANCE GIVING RISE TO THE COMPLAINT; AND

Please see attached Schedule "A".

J. PARTICULARS OF THE MEASURE TAKEN, IF ANY, TO HAVE TO COMPLAINT REFERRED TO ARBITRATION UNDER A COLLECTIVE AGREEMENT OR THE REASONS WHY THE ARBITRATION DID NOT TAKE PLACE.

Please see attached Schedule "A".

SCHEDULE "A"

Introduction

1. The Air Line Pilots Association, International ("ALPA"), is a trade union that represents over 60,000 pilots employed worldwide. In Canada, ALPA is the certified bargaining agent of pilots employed by numerous airlines including WestJet, Jazz Air LP, Air Transat, Canadian North, First Air, etc.
2. Air Georgian Limited ("Air Georgian") is a privately owned airline based in Mississauga, Ontario with bases at Toronto Pearson Airport and Calgary International Airport. Air Georgian's fleet includes 14 Beechcraft 1900 aircraft and 17 Regional Jets (CRJ).
3. The present Application for an Interim Order –the second such Application to be filed against Air Georgian since ALPA's certification in February, 2017 - raises significant issues relating to fundamental rights under the *Canada Labour Code*.
4. Over twenty (20) months since ALPA was certified as the bargaining agent for the pilots employed by the Responding Party the parties are nowhere near concluding a first collective agreement. Upon ALPA filing a notice of dispute on September 27, 2018 for the purposes of obtaining the appointment of a conciliation officer and some much needed third party assistance, Air Georgian has retaliated by engaging in certain deplorable conduct designed to compel ALPA to withdraw its request for conciliation or face certain punishments including the layoff of up to 40 pilots by November 1, 2018.
5. The Board's immediate intervention is required to compel Air Georgian to cease and desist from its ongoing conduct.

Background

6. Air Georgian exclusively operates regional flights for Air Canada and is part of the Air Canada Express family. As a result of its relationship with Air Canada, Air Georgian pilots are entitled to a job interview with Air Canada through those parties' Pilot Mobility Agreement. Typically, Air Georgian pilots will accumulate sufficient hours and experience at that carrier before continuing their careers at Air Canada. This has been the historical and natural progression.
7. On November 4, 2016, ALPA filed an application for certification to represent the pilots of Air Georgian Limited ("Air Georgian") (Board File No. 31860-C).

8. On the same day, CUPE filed an application for certification to represent flight attendants (Board File No. 31862-C) and Unifor filed an application for certification to represent grounds crew and office staff (Board File No. 31861-C).
9. In conjunction with the three applications for certification, the Ontario Regional Employee Association ("OREA") filed a request for review of the bargaining unit structure at Air Georgian pursuant to section 18.1 of the *Canada Labour Code* (the "*Code*") (Board File No. 31865-C). The bargaining unit structure sought by OREA mirrored the bargaining units proposed in the three concurrent applications for certification.
10. The Board ordered a vote and sealed the ballot boxes pending a decision with respect to OREA's section 18.1 application.
11. On January 26, 2017, the Board released its decision in connection with the application filed by OREA pursuant to section 18.1 of the *Code*. In that decision, the Board granted the application for review and restructured the bargaining units accordingly (2017 CIRB 847).
12. On February 3, 2017, the Board certified ALPA as the bargaining agent for a group of pilots employed by Air Georgian. Shortly thereafter, Air Georgian filed a request for reconsideration of the Board's decisions.
13. On February 22, 2017, ALPA issued Notice to Bargain to Air Georgian in accordance with section 36(2) of the *Code*. In that notice, ALPA advised Air Georgian of its desire to schedule dates and meet to conduct collective bargaining expeditiously.
14. As set out in more detail in ALPA's Complaint of Unfair Labour Practice filed with the present Application for an Interim Order, since ALPA was certified, Air Georgian has delayed and frustrated the bargaining process resulting in unreasonable delays in achieving a first collective agreement.
15. As a result of Air Georgian refusing to recognize ALPA's bargaining rights the parties did not meet in bargaining for the first ten (10) months following certification. Bargaining sessions have only been held on the following dates (all in 2018):

January 15, 17

February 13, 15

June 6, 8, 14

September 25

16. In total through these dates, only 3 articles of the collective agreement have been agreed to (Preamble, Deduction of Dues and Missing and Internment) while an additional thirty (30) articles remain outstanding.
17. ALPA's Bargaining Committee comprises the following:
 - Albert Leger, ALPA Labour Relations Advisor
 - Marc Delorme, ALPA Labour Relations Counsel
 - Robert McCallum, Negotiating Chairman
 - Jim Macarthur, MEC Chairman
 - John Sviergula, Negotiating Committee Member
 - Paul Peace, ALPA National Collective Bargaining Committee Member
 - Rushi Patel, ALPA Senior Economic Analyst

Beechcraft 1900 and Application for Conciliation

18. On or about September 13, 2018 Air Georgian President and CEO Eric Edmondson advised ALPA Air Georgian MEC Chairman James Macarthur that the Company was planning to "park" (stop flying) its fleet of fourteen (14) Beechcraft 1900 aircraft based in Toronto effective November 1, 2018. Mr. Edmondson assured Mr. Macarthur that there would be no layoff of pilots as a result of this decision.
19. On September 19th the Company issued a memo to all employees announcing the retirement of the Beechcraft fleet and assuring all employees that their employment "is secure". **(Tab 1 of the Affidavit of Robert McCallum)**
20. Bargaining was scheduled to continue on September 25th. Prior to bargaining, Air Georgian's Chief Operating Officer, Julie Mailhot, advised Robert McCallum, ALPA's Air Georgian Negotiating Chairman, that the Company did not wish to involve ALPA Staff or counsel in any discussions about the retirement of the Beechcraft 1900 fleet. Ms. Mailhot stated it was a "local issue" and only wanted Messrs. McCallum and Macarthur to work on any potential letter of understanding to address that issue.
21. Shortly after and once again prior to bargaining on September 25th, Mr. Edmondson requested a meeting with Mr. McCallum and Mr. Macarthur. No ALPA staff or counsel were invited to attend.

22. At this meeting, Mr. Edmondson on behalf of the Company again assured Messrs. McCallum and Macarthur that there would be no layoffs as a result of this decision to retire the Beechcraft fleet. The Company committed to working on a letter of understanding to this effect. Messrs. McCallum and Macarthur left this meeting cautiously optimistic. Bargaining did not occur on this date as a result of this meeting.
23. Given nearly twenty (20) months had passed since notice to bargain had been given, ALPA concluded that it was necessary to prepare to file for conciliation. The necessary form was prepared and signed by ALPA President, Captain Tim Canoll on this date.
24. On September 27th, ALPA, through Messrs. McCallum and Macarthur, provided a draft letter of understanding to Air Georgian in relation to the retirement of the Beechcraft fleet. This proposal reflected the parties' discussions on September 25th and Mr. Edmondson's assurances that there would be no layoffs. **(Tab 2 of the Affidavit of Robert McCallum)**
25. Air Georgian responded the same day with its own proposal that was completely at odds with the assurances provided by Mr. Edmondson. The Company refused to include any provision for job security. **(Tab 3 of the Affidavit of Robert McCallum)**
26. Convinced that Air Georgian was acting in bad faith and would not voluntarily agree to a collective agreement, ALPA advised the Company that its proposal was not acceptable and filed its Notice of Dispute seeking the appointment of a conciliation officer that evening. **(Tab 4 of the Affidavit of Robert McCallum)**
27. Air Georgian responded to ALPA filing for conciliation in several ways.
28. Air Georgian's Vice President of Flight Operations, Troy Stephens, advised ALPA in an email on September 28th that "mitigation discussions" surrounding the retirement of the Beechcraft fleet "are formally off the table and the Company will proceed with Furlough of the B1900 YYZ Pilots as per the existing Collective Agreement." **(Tab 5 of the Affidavit of Robert McCallum)**
29. Air Georgian issued a memo to all pilots announcing that ALPA had filed for conciliation and expressing its disappointment on September 29th. **(Tab 6 of the Affidavit of Robert McCallum)**

30. In response to Mr. Stephens' email of September 28th, ALPA MEC Chairman Macarthur advised Mr. Stephens that his decision was "disappointing" and that he hoped Air Georgian's reputation would not be "significantly damaged." **(Tab 5 of the Affidavit of Robert McCallum)**

31. Mr. Stephens then responded on September 29th bizarrely accusing ALPA of bad faith and stating:

The ALPA MEC is naïve in grand proportion or being fueled and misguided by parties not working towards our mutual success. Any goodwill the Air Georgian shareholders or our single customer was willing to offer in an attempt to mitigate job losses due to a large reduction in our fleet understandably evaporated when ALPA filed for conciliation. **(Tab 5; emphasis added)**

32. Since this time, Air Georgian has repeatedly requested ALPA withdraw its request for conciliation in exchange for no pilots being laid off.

33. On October 1st, Mr. Stephens and the Company's Aleksandra Dojcinovic had a call with Mr. McCallum. Mr. Stephens requested ALPA cancel the request for conciliation and meet in bargaining – without a third party present – in October in exchange for no layoffs.

34. Mr. Stephens also advised Mr. McCallum that if ALPA proceeds with conciliation Air Canada may not hire any Air Georgian pilots.

35. Mr. Macarthur had a similar discussion also on October 1st with Mr. Edmondson.

36. On October 2nd Mr. Edmondson called Mr. McCallum. Mr. Edmondson promised to get bargaining "back on track". Mr. Edmondson advised Mr. McCallum that if the Union withdrew the request for conciliation, the Company would remove Ms. Mailhot from bargaining. Ms. Mailhot has been widely seen as a difficult bargaining partner by ALPA.

37. On October 5th, the Union advised the Company that, "after much thought and contemplation" ALPA would not be withdrawing its request for the appointment of a conciliation officer.

38. Air Georgian responded the following day stating, in part, as follows:

It is extremely disappointing that at this juncture, ALPA would choose to disrupt our voluntary negotiating process, signaling that you wish to proceed only under conciliation. Further, when presented with a reasonable request to delay conciliation, you have refused, opting instead

to continue on a path designed to inflict the maximum damage to Air Georgian, our relationship with Air Canada and your membership.

ALPA filing for conciliation has altered the landscape and budgetary parameters under which are operating. We need to proceed with contingency plans and their related expenses, as well as identify steps we can take to protect the employment of our entire organization of close to 580 employees – pilots, mechanics, flight attendants, administration and support staff. We explained to you several times that your decision to proceed with conciliation would result in an inability on our part to protect surplus pilots. The fact you are willing to dismiss this group of your membership is extremely concerning to us. **(Tab 7 of the Affidavit of Robert McCallum)**

39. To be clear, ALPA has not refused to engage in collective bargaining and has not refused to negotiate a letter of understanding on the retirement of the Beechcraft 1900 fleet and its consequences. Nor has ALPA taken a strike vote of its members or even initiated that process.
40. In the meantime, ALPA has also learned that Mr. Stephens is inquiring of employees, including bargaining unit members, if Mr. McCallum is “talking union” in the crew rooms.
41. Air Georgian has also denied Mr. Macarthur time off for Union business subsequent to ALPA filing for conciliation. In September, 2018 Mr. Macarthur had requested ten (10) days off for Union business. All ten (10) days were granted by Air Georgian. In October, 2018 Mr. Macarthur requested twelve (12) days off for Union business. Air Georgian denied the request – except for five (5) days previously scheduled for bargaining commencing the week of October 22nd. **(Tab 8 of the Affidavit of Robert McCallum)**

Submissions

42. Section 19.1 of the *Code* states:
 - 19.1 The Board may, on application by a trade union, an employer, or an affected employee, make any interim order that the Board considers appropriate for the purposes of ensuring the fulfilment of the objectives of this Part.
43. The Board has stated that it will assess each request for an interim order on a case-by-case basis having regard to what is appropriate to ensure the fulfillment of the objectives of the *Canada Labour Code (Trentway-Wagar Inc. 2000 CIRB*

No. 57 at para 27). Further, the Board has stated that this assessment requires it to consider the issues before it in the context of the applicable labour relations realities and the purposes of Part I of the *Canada Labour Code*, including the encouragement of free collective bargaining and the constructive settlement of disputes. (para 32).

44. The Board has confirmed that the purpose of an interim order is to ensure the fulfillment of the objectives of Part I of the *Code* and those objectives are set out in the Preamble. The Preamble to Part I of the *Code* identifies, *inter alia*, the principles of free collective bargaining and the constructive settlement of disputes.
45. Central to those objectives is the right of either an employer or a trade union to request the Minister appoint a conciliation officer to assist parties to achieve a collective agreement. This right is enshrined in the *Code* (Section 71).
46. A further fundamental and central tenet found at Section 50 of the *Code* is the obligation on parties to bargain in good faith and make every reasonable effort to enter into a collective agreement.
47. Air Georgian's conduct is clearly an affront to those objectives and it is wholly appropriate for the Board to exercise its power to issue interim order(s) necessary to ensure their fulfillment.
48. As noted, after nearly twenty (20) months of attempting to conclude a first collective agreement, ALPA elected to exercise its right under the *Code* and filed an application for the appointment of a conciliation officer. In retaliation, Air Georgian elected to engage in the following conduct:
 - renege on its promise that there would be no layoffs as a result of the pending retirement of the Beechcraft 1900 fleet and threaten to layoff up to 40 pilots unless ALPA withdraws its notice of dispute
 - refuse to continue discussions on a letter of understanding to mitigate the consequences of the Company's unilateral initiative in relation to the Beechcraft 1900 fleet unless ALPA withdraws its notice of dispute
 - targeting, intimidating and threatening the MEC Chairman and MEC Bargaining Committee Chairman and by denying flight releases to attend to Union business
49. Prior to September 27th, Air Georgian had assured ALPA and the pilots that there would be no layoffs (or "furlough") of any pilots and was engaged in negotiating

a letter of understanding to mitigate the adverse consequences of the retirement of the Beechcraft 1900 fleet.

50. Upon ALPA filing for conciliation, Air Georgian immediately reneged on that promise, has threatened layoffs of up to 40 pilots by November 1, 2018, and refused to negotiate an agreement reflecting their earlier commitments. Such conduct constitutes bad faith bargaining contrary to Section 50 of the *Code* and constitutes interference in the administration of the Union and the representation of employees contrary to Section 94(1)(a) of the *Code*.
51. Similarly, prior to ALPA filing for conciliation, the Union's representatives had routinely been granted time off to attend to Union business. Immediately following September 27th Air Georgian elected to deny leave to the MEC Chairman, Mr. Macarthur, even though such leave had been granted the month prior.
52. Further, Mr. McCallum now appears to be targeted by members of Air Georgian management. VP Operations Stephens has made inquiries of other pilots to determine if there is something he can uncover in order to issue discipline against Mr. McCallum. This is intimidating and threatening behaviour and is obviously inexplicably tied to the Union's request for conciliation.
53. These actions are also contrary to the *Code*, including Sections 94(1)(a), 94(3)(a)(i) and 96 thereof.
54. ALPA has not taken a strike vote or even initiated that process. ALPA is committed to bargaining a collective agreement but, after 20 months with minimal progress, ALPA in good faith exercised its right under the *Code* to request third party assistance. There is absolutely nothing improper in this. What is improper, is Air Georgian's response and its various threats to ALPA to either withdraw its notice of dispute or cause the layoff of up to 40 pilots; derail pilots' career projections and expectations; threaten discipline of Union representatives; and deny leave for Union business.
55. The right of any party to file a notice of dispute for the purposes of obtaining third party assistance in the process of collective bargaining is a fundamental right under the *Code*. Any party that threatens retaliation or causes a chilling effect on that right commits a serious breach of the *Code* in ALPA's respectful submission. This is exactly the type of conduct Air Georgian is currently engaged in and requires the Board's immediate intervention. Without that intervention, Air Georgian's conduct of bargaining in bad faith will be condoned; ALPA's members

will suffer irreparable harm in the loss of their employment; and ALPA will suffer irreparable harm by having lost the opportunity to negotiate mitigation strategies for the pilots facing layoff.

56. This is to say nothing of the harm ALPA suffers in relation to its right to request the appointment of a conciliation officer without the fear of reprisal. This conduct alone on the part of Air Georgian requires intervention and sanction by the Board in ALPA's respectful submission.
57. The labour relations purpose of interim relief is to stabilize the labour relations situation or, in other words, to neutralize the potential harm of an alleged unfair labour practice complaint pending its final determination (*Bell Canada*, Decision No. 532).
58. The Board has taken a broad and purposive view with respect to the type of potential harm to a union that warrants its intervention in the form of remedial relief. In *C.U.P.E., Local 3946 v TQS Inc.* 2008 CIRB 434, the Board expressly stated that interim measures may be necessary to ensure that the representative character of a trade union and the collective interests of its members are respected and maintained (para 29).
59. The Board's intervention is necessary to neutralize the actual and potential harm in this case.

Remedy

60. In order to neutralize the actual and potential harm in this and to remedy Air Georgian's numerous violations of the *Code*, ALPA respectfully requests the following interim orders pending final resolution of ALPA's Complaint of Unfair Labour Practice:
 - i. An interim order directing Air Georgian to cease and desist violating the *Code*;
 - iii. An interim order directing Air Georgian to cease any and all retaliations for ALPA requesting the assistance of a conciliation officer including:
 - (a) an interim order directing Air Georgian to cease and desist from any layoffs of pilots and the threat of any layoffs of pilots;

- (b) an interim order directing Air Georgian to cease and desist threatening pilots that they may not be promoted to Air Canada;
 - (c) an interim order directing Air Georgian to cease and desist from intimidating, threatening or otherwise disciplining any representative of ALPA as a result of their lawful union activities;
 - (d) an interim order directing Air Georgian to grant the requested flight releases for Mr. Macarthur; and
 - (e) an interim order directing Air Georgian to bargain in good faith with ALPA all issues surrounding the retirement of the Beechcraft 1900 fleet and the collective agreement; and
- iii. An order directing Air Georgian to post a notice in conspicuous locations throughout the workplace consistent with the Board's findings in this matter; and
 - iv. Such further and other orders that ALPA may request and the Board deems appropriate to grant.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.



Denis Ellickson
Counsel to ALPA

Dated this 9th day of October, 2018

Canada Industrial Relations Board

IN THE MATTER OF THE *CANADA LABOUR CODE* (PART I – INDUSTRIAL RELATIONS) AND AN APPLICATION FILED PURSUANT TO SECTION 19.1 THEREOF BY THE AIR LINE PILOTS ASSOCIATION, INTERNATIONAL, APPLICANT; AIR GEORGIAN LTD., RESPONDENT

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(the "Applicant")

- and -

AIR GEORGIAN LTD.

(the "Respondent")

APPLICATION PURSUANT TO SECTION 19.1 OF THE *CANADA LABOUR CODE*

AFFIDAVIT OF ROBERT MCCALLUM

I, Robert McCallum, of the City of Brampton, in the Province of Ontario, make oath and say as follows:

1. I am a pilot employed by Air Georgian Limited ("Air Georgian"), a member of the Air Line Pilots Association, International ("ALPA") and the Negotiating Committee Chairman for the Air Georgian ALPA Master Executive Council ("MEC"). As such I have personal knowledge of the facts hereby attested to.
2. ALPA is a trade union that represents over 60,000 pilots employed worldwide. In Canada, ALPA is the certified bargaining agent of pilots employed by numerous airlines including WestJet, Jazz Air LP, Air Transat, Canadian North, First Air, etc.

3. Air Georgian Limited ("Air Georgian") is a privately owned airline based in Mississauga, Ontario with bases at Toronto Pearson Airport and Calgary International Airport. Air Georgian's fleet includes 14 Beechcraft 1900 aircraft and 17 Regional Jets (CRJ).

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4. Air Georgian exclusively operates regional flights for Air Canada and is part of the Air Canada Express family. As a result of its relationship with Air Canada, Air Georgian pilots are entitled to a job interview with Air Canada through those parties' Pilot Mobility Agreement. Typically, Air Georgian pilots will accumulate sufficient hours and experience at that carrier before continuing their careers at Air Canada. This has been the historical and natural progression.
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14. In total through these dates, only 3 articles of the collective agreement have been agreed to (Preamble, Deduction of Dues and Missing and Internment) while an additional thirty (30) articles remain outstanding.

15. ALPA's Bargaining Committee comprises the following:

Albert Leger, ALPA Labour Relations Advisor

Marc Delorme, ALPA Labour Relations Counsel

Robert McCallum, Negotiating Chairman

Jim Macarthur, MEC Chairman

John Sviergula, Negotiating Committee Member

Paul Peace, ALPA National Collective Bargaining Committee Member

Rushi Patel, ALPA Senior Economic Analyst

Beechcraft 1900 and Application for Conciliation

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17. On September 19th the Company issued a memo to all employees announcing the retirement of the Beechcraft fleet and assuring all employees that their employment "is secure". **(Exhibit 1)**
18. Bargaining was scheduled to continue on September 25th. Prior to bargaining, Air Georgian's Chief Operating Officer, Julie Mailhot, advised me that the Company did not wish to involve ALPA Staff or counsel in any discussions about the retirement of the Beechcraft 1900 fleet. Ms. Mailhot stated it was a "local issue" and only wanted myself and Mr. Macarthur to work on any potential letter of understanding to address that issue.
19. Shortly after and once again prior to bargaining on September 25th, Mr. Edmondson requested a meeting with myself and Mr. Macarthur. No ALPA staff or counsel were invited to attend.
20. At this meeting, Mr. Edmondson on behalf of the Company again assured myself and Mr. Macarthur that there would be no layoffs as a result of this decision to retire the Beechcraft fleet. The Company committed to working on a letter of understanding to this effect. Myself and Mr. Macarthur left this meeting cautiously optimistic. Bargaining did not occur on this date as a result of this meeting.
21. Given nearly twenty (20) months had passed since notice to bargain had been given, ALPA concluded that it was necessary to prepare to file for conciliation. The necessary form was prepared and signed by ALPA President, Captain Tim Canoll on this date.
22. On September 27th, ALPA, through myself and Mr. Macarthur, provided a draft letter of understanding to Air Georgian in relation to the retirement of the Beechcraft fleet. This proposal reflected our discussions on September 25th and Mr. Edmondson's assurances that there would be no layoffs. **(Exhibit 2)**
23. Air Georgian responded the same day with its own proposal that was completely at odds with the assurances provided by Mr. Edmondson. The Company refused to include any provision for job security. **(Exhibit 3)**
24. Convinced that Air Georgian was acting in bad faith and would not voluntarily agree to a collective agreement, ALPA advised the Company that it's proposal was not acceptable and filed its Notice of Dispute seeking the appointment of a conciliation officer that evening. **(Exhibit 4)**
25. Air Georgian responded to ALPA filing for conciliation in several ways.

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27. Air Georgian issued a memo to all pilots announcing that ALPA had filed for conciliation and expressing its disappointment on September 29th. **(Exhibit 6)**
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31. On October 1st, Mr. Stephens and the Company's Aleksandra Dojcinovic had a call with me. Mr. Stephens requested ALPA cancel the request for conciliation and meet in bargaining – without a third party present – in October in exchange for no layoffs.
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35. Air Georgian responded the following day stating, in part, as follows:

It is extremely disappointing that at this juncture, ALPA would choose to disrupt our voluntary negotiating process, signaling that you wish to proceed only under conciliation. Further, when presented with a reasonable request to delay conciliation, you have refused, opting instead to continue on a path designed to inflict the maximum damage to Air Georgian, our relationship with Air Canada and your membership.

ALPA filing for conciliation has altered the landscape and budgetary parameters under which we are operating. We need to proceed with contingency plans and their related expenses, as well as identify steps we can take to protect the employment of our entire organization of close to 580 employees – pilots, mechanics, flight attendants, administration and support staff. We explained to you several times that your decision to proceed with conciliation would result in an inability on our part to protect surplus pilots. The fact you are willing to dismiss this group of your membership is extremely concerning to us. **(Exhibit 7)**

36. To be clear, ALPA has not refused to engage in collective bargaining and has not refused to negotiate a letter of understanding on the retirement of the Beechcraft 1900 fleet and its consequences. Nor has ALPA taken a strike vote of its members or even initiated that process.
37. In the meantime, I have been advised by a co-worker that Mr. Stephens is inquiring of employees, including bargaining unit members, if I am "talking union" in the crew rooms.
38. I have been advised by ALPA and Mr. Macarthur that Air Georgian has also denied Mr. Macarthur time off for Union business subsequent to ALPA filing for conciliation. Based on the records I have seen and discussions with Mr. Macarthur I am aware that in September, 2018 Mr. Macarthur had requested ten (10) days off for Union business. All ten (10) days were granted by Air Georgian. In October, 2018 Mr. Macarthur requested twelve (12) days off for Union business. Air Georgian denied the request – almost immediately after it was submitted - except for five (5) days previously scheduled for bargaining commencing the week of October 22nd. **(Exhibit 8)**
39. I wish to be very clear about this. Prior to ALPA filing for conciliation, the Company assured me and ALPA that there would be no layoffs of pilots as a result of the Beechcraft 1900 fleet being retired and committed to working together on a letter of understanding to this effect.

- 40. Since ALPA filed for conciliation, Air Georgian has completely reneged on its promises of no layoffs and has refused to negotiate the letter of understanding in good faith - unless ALPA agrees to withdraw its request for conciliation. Moreover, Air Georgian now wants the matter of the letter of understanding to be part of the main table bargaining.
- 41. Further, since ALPA filed for conciliation, Air Georgian has stated that Air Canada may not or won't hire any Air Georgian pilots pursuant to the Pilot Mobility Agreement – unless ALPA agrees to withdraw its request for conciliation.
- 42. In addition, I have never been threatened or targeted as a representative of the Union prior to September 27, 2018. Since this date – and ALPA's filing for conciliation – I have been advised that the Company, Mr. Stephens, is making inquiries of my co-workers about my Union activities and I have been warned by at least one co-worker that the Company is trying to "fire me". Whether it true that the Company is trying to fire me, I cannot swear to. I can say that I have never felt threatened like this before.
- 43. Finally, on behalf of ALPA I can state that we only want to achieve a first collective agreement for our members. I truly believe that, after 20 months since the Board's certification of ALPA, we will be unable to do so, unless we have third party assistance.
- 44. I make this Affidavit in support of an Application for an Interim Order and for no improper purpose.

SWORN BEFORE ME at the City)
of Toronto, in the Province of)
Ontario, this 9th day)
of October, 2018)
)

A Commissioner, etc.

Robert McCallum
) **Robert McCallum**

Orlando da Silva Santos
Lawyer | Notary Public | Commissioner of Oaths
Law Society # 24224K
193 Main Street N., Brampton, ON Canada
t. 905-452-7734 f. 905-453-3560

TAB 1

This is Exhibit "1" referred to in the Affidavit of Robert McCallum, sworn October 9, 2018.



Commissioner for Taking Affidavits (or as may be)

Orlando da Silva Santos
Lawyer | Notary Public | Commissioner of Oaths
Law Society # 24224K
193 Main Street N., Brampton, ON Canada
t. 905-452-7734 f. 905-453-3560

< Back

Memo View

MEMO

2018-09-19

To: All Employees
From: Edmondson, Eric
Subject: Beechcraft YYZ Retirement
Memo #: 180919-200324-2885

We are pleased to announce that we are taking the next step in the evolution of Air Georgian. On November 1st, 2018, our YYZ based Beechcraft fleet will retire. Going forward, our focus in Toronto will be seeking growth in the regional jet market as we look to expand our relationship with Air Canada in their global hub.

The YYZ focus on all-jet aircraft puts us in an ideal position to grow, enabling us to invest in our future by concentrating on a market where we have identified significant growth opportunities.

Your employment at Air Georgian is secure. All pilots and maintenance personnel who have roles on the Beechcraft in Toronto will continue to have the same great career opportunities at Air Georgian, either transitioning to our CRJ fleet or to the Beechcraft at YYC. Your hard work continues to make Air Georgian one of the best regional airlines in the world, and you are a big part of our future success.

If you have any questions or concerns about this change please contact [Troy Stephens](#), [Glen Gilbertson](#) or [John Tory](#).

We are proud to have operated this fleet in Toronto for the past 22 years, flying more than 1 million hours and carrying over 10 million passengers to their destinations.

Thank you to everyone who made this part of our operation successful.

Sincerely,

Eric Edmondson
President & CEO
Air Georgian Limited
eedmondson@airgeorgian.ca
[\(905\) 676-1221 x253](tel:(905)676-1221x253)

John Tory
VP, Business Development & Government Relations
Air Georgian Limited
jtory@airgeorgian.ca
[\(905\) 676-1221 x214](tel:(905)676-1221x214)

TAB 2

This is Exhibit "2" referred to in the Affidavit of Robert McCallum, sworn October 9, 2018.

Commissioner for Taking Affidavits (or as may be)

Oriando da Silva Santos
Lawyer | Notary Public | Commissioner of Oaths
Law Society # 24224K
193 Main Street N., Brampton, ON Canada
t. 905-452-7734 f. 905-453-3560

From: Robert McCallum <Robert.McCallum@alpa.org>
Date: Thursday, September 27, 2018 at 11:59
To: Aleksandra Dojcinovic <ADojcinovic@AirGeorgian.ca>, "tstephens@AirGeorgian.ca" <tstephens@AirGeorgian.ca>
Cc: Albert Leger <Albert.Leger@alpa.org>, Jim MacArthur <James.Macarthur@alpa.org>
Subject: FW: GGN LOU B1900

Hi Aleks and Troy,

Here is our new proposal based on what we talked about on Tuesday September 25th and today Thursday September 27th.

After you are done reading, please give us a call.

In Unity,



Robert McCallum
Bargaining Committee Chairman
Air Line Pilots Association, International
(204) 997-1732
Robert.McCallum@alpa.org



Letter of Understanding No. 05-05

Between

The Airline Pilots in the service of Air Georgian Limited

As represented by the

Air Line Pilots Association, International (*hereinafter* the “Association”)

and

Air Georgian Limited (*hereinafter* the “Company”)

Re: B1900 Displacement Bid

WHEREAS, on February 03, 2017 per the Canada Industrial Relations Board (*hereinafter* “CIRB”) order 11103-U, superseding CIRB order 7428-U dated July 07, 1998, certified the Association as the bargaining agent for pilots in the employ of the Company,

AND WHEREAS, the Company and the Association (*hereinafter* “Parties”) are signatories to Collective Agreement No. 05 (*hereinafter* “CA”) from November 01, 2013 with an amendable date of December 31, 2016,

AND WHEREAS, the Association did serve Notice to Bargain to the Company per Section 36(2) of the *Canada Labour Code* on February 22, 2017,

AND WHEREAS, the Company advised the Association on September 13, 2018 of its business decision to cease the Beechcraft 1900 YYZ operation.

NOW THEREFORE, the Parties have reached the following Agreement.

1. The above recitals are true and shall form part of the Letter of Understanding LOU No. 05-05 (*hereinafter* “Agreement” or “LOU”).
2. This Agreement is entered into *without prejudice and or precedent* to any position which may be taken by the Association during the upcoming rounds of bargaining for amendments to the CA which may be contained in the new Collective Agreement No. 06 between the Parties, or to any other issue which may arise in future between the Parties.

3. No Layoffs / No Furloughs

- a. It is clearly understood between the Parties that there shall be no Pilots placed on layoff or furlough status as a result of the Beechcraft 1900 YYZ Displacement.

4. Seniority

- a. Any Pilot displaced from his Permanent Assignment shall be permitted to displace a more junior Pilot in the system provided he is qualified to hold the new Position. A junior Pilot so displaced shall be permitted similar displacement rights. However, due to the pay protection provisions contained in this LOU, no YYZ based B1900 Pilot shall be permitted to displace to the YYC Base.

5. Vacation Bid

- a. All Beechcraft 1900 Pilots, for clarity YYZ and YYC, shall bid their 2019 vacation within the annual vacation bid.
- b. No Pilot shall lose his annual awarded vacation as a result of being displaced.

6. Salary Protection

- a. Any B1900 YYZ Based Captain who is displaced to CRJ YYZ Based First Officer:
 - i. Shall have a Minimum Monthly Guarantee (MMG) of one-hundred (100) credit hours at his current B1900 Captain rate.
 - ii. Any flight credits accrued beyond ninety (90) shall be paid overtime at one and a half times (1.5X) his regular hourly rate.

- 1. Example: A Pilot who completes 100 credits at forty-five dollars (\$45.00) per credit hour:

Credit Hours	Credits > 90	Rate	Pay
100		\$45.00	\$4,500.00
	10	\$45.00 (x 1.5)	\$675.00
		Total	\$5,175.00

- iii. This shall continue until the earliest of the following:

- 1. Five hundred (500) hours on the CRJ; or,
- 2. Nine (9) months after his initial PPC.

- iv. Notwithstanding iii above, any Pilot who bids for and is qualified for CRJ Captain, shall have this protection remain in place until the Pilot transitions to the CRJ Captain pay rate as per the CA.

7. Training Bonds

- a. There shall be no additional Training Bonds created due to being displaced.
- b. There shall be no change to current Training Bonds currently in effect.

This LOU may only be modified with the written agreement of both Parties.

All other provisions of the CA shall apply, except as expressly set out herein.

IN WITNESS WHEREOF, the parties hereto have signed this AGREEMENT the ___ day of _____, 2018.

For Air Georgian Limited

For the AIR LINE PILOTS ASSOCIATION,
INTERNATIONAL

Eric Edmondson
President

Captain Timothy G. Canoll
President, ALPA

Aleksandra Dojcinovic
Employee and Labour Relations Manager


Captain Jim Macarthur
GGN MEC Chairman

Captain Troy Stephens
VP of Flight Operations

Captain Robert McCallum
GGN MEC Negotiating Committee Chairman

TAB 3

This is Exhibit "3" referred to in the Affidavit of Robert McCallum, sworn October 9, 2018.



Commissioner for Taking Affidavits (or as may be)

Orlando da Silva Santos
Lawyer | Notary Public | Commissioner of Oaths
Law Society # 24224K
193 Main Street N., Brampton, ON Canada
t. 905-452-7734 f. 905-453-3560

From: Aleksandra Dojcinovic <ADojcinovic@AirGeorgian.ca>

Date: Thursday, September 27, 2018 at 14:11

To: Robert McCallum <Robert.McCallum@alpa.org>

Cc: Albert Leger <Albert.Leger@alpa.org>, Jim MacArthur <James.Macarthur@alpa.org>, Troy Stephens <tstephens@AirGeorgian.ca>, Julie Mailhot <JMailhot@AirGeorgian.ca>, Eric Edmondson <eedmondson@AirGeorgian.ca>

Subject: RE: GGN LOU B1900

Hi Rob,
Please see the Company's response as per the attached.
This offer has been reviewed and approved by Eric & Julie.

Thanks, A.

ALEKSANDRA DOJCINOVIC
Employee & Labour Relations Manager

From: McCallum, Robert, GGNMEC Negotiating Chairman [mailto:Robert.McCallum@alpa.org]
Sent: Thursday, September 27, 2018 3:00 PM
To: Aleksandra Dojcinovic <ADojcinovic@AirGeorgian.ca>; Troy Stephens <tstephens@AirGeorgian.ca>
Cc: Leger, Bert, Representation <Albert.Leger@alpa.org>; Macarthur, James, GGNMEC Chairman <James.Macarthur@alpa.org>
Subject: FW: GGN LOU B1900

Hi Aleks and Troy,

Here is our new proposal based on what we talked about on Tuesday September 25th and today Thursday September 27th.

After you are done reading, please give us a call.

In Unity,



Robert McCallum
Bargaining Committee Chairman
Air Line Pilots Association, International
(204) 997-1732
Robert.McCallum@alpa.org



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Letter of Understanding No. 05-05

Between

The Airline Pilots in the service of Air Georgian Limited

As represented by the

Air Line Pilots Association, International (*hereinafter* the “Association”)

and

Air Georgian Limited (*hereinafter* the “Company”)

Re: Beechcraft 1900 Reassignment of YYZ based surplus Pilots

WHEREAS, on February 03, 2017 per the Canada Industrial Relations Board (*hereinafter* “CIRB”) order 11103-U, superseding CIRB order 7428-U dated July 07, 1998, certified the Association as the bargaining agent for Pilots in the employ of the Company;

AND WHEREAS, the Company and the Association (*hereinafter* “Parties”) are signatories to Collective Agreement No. 05 (*hereinafter* “CA”) from November 01, 2013 with an amendable date of December 31, 2016;

AND WHEREAS, the Association did serve Notice to Bargain to the Company per Section 36(2) of the Canada Labour Code on February 22, 2017;

AND WHEREAS, the Company advised the Association on September 13, 2018 of its business decision to cease the Beechcraft 1900 (“B1900”) YYZ operation;

NOW THEREFORE, the Parties have reached an Agreement, applicable only to B1900 YYZ based surplus Pilots, as follows:

1. The above recitals are true and shall form part of the Letter of Understanding LOU No. 05-05 (*hereinafter* “Agreement” or “LOU”).
2. This Agreement is entered into *without prejudice and or precedent* to any position which may be taken by the Association during the upcoming rounds of bargaining for amendments to the CA which may be contained in the new Collective Agreement No. 06 between the Parties, or to any other issue which may arise in future between the Parties.

3. It is understood that in order to mitigate layoffs and secure surplus Pilots' future employment, the Parties agree to take all reasonable measures in addition to the terms and conditions included herein to reduce economic impact to the Company for carrying Surplus Pilots.

4. Vacation Bid
 - a. All surplus Pilots shall bid their 2019 Vacation & Statutory within the annual vacation bid.

 - b. Notwithstanding point 4 a), it is understood that at the Company's discretion surplus Pilots may be assigned outstanding 2018 and 2019 Vacation & Statutory entitlement during the period of time between B1900 flying and commencement of CRJ 100/200 training.

5. Salary Protection
 - a. Any B1900 YYZ based Captain who transitions to a CRJ YYZ Based First Officer will be salary protected for a period of ninety (90) days effective November 1, 2018.

 - b. All B1900 YYZ based Captain who are salary protected in accordance with 5 a) shall be paid overtime at one and a half times (x1.5) his B1900 Captain rate for any flight credits accrued beyond one hundred (100) credit hours for a period of ninety (90) days effective November 1, 2018.

6. Training Bonds
 - a. There shall be no additional Training Bonds created due to being displaced.

 - b. There shall be no change to current Training Bonds currently in effect.

7. This LOU will be in effect for a maximum period of six (6) months from the date of signing and may only be modified with the written agreement of both Parties.

8. All other provisions of the Collective Agreement No. 05 shall apply, except as expressly set out here in.

IN WITNESS WHEREOF, the parties hereto have signed this AGREEMENT the ____ day of _____, 2018.

For Air Georgian Limited

For the AIR LINE PILOTS ASSOCIATION,
INTERNATIONAL:

Eric Edmondson
President

Captain Timothy G. Canoll
President, ALPA

Aleksandra Dojcinovic
Employee and Labour Relations Manager

Captain Jim Macarthur
GGN MEC Chairman

Captain Troy Stephens
VP of Flight Operations

Captain Robert McCallum
GGN MEC Negotiating Committee Chairman

TAB 4

This is Exhibit "4" referred to in the Affidavit of Robert McCallum, sworn October 9, 2018.

Commissioner for Taking Affidavits (or as may be)

Orlando da Silva Santos
Lawyer | Notary Public | Commissioner of Oaths
Law Society # 24224K
193 Main Street N., Brampton, ON Canada
t. 905-452-7734 f. 905-453-3560

Begin forwarded message:

From: "Leger, Bert, Representation" <Albert.Leger@alpa.org>
Date: September 27, 2018 at 8:34:57 PM EDT
To: "peter.simpson@labour-travail.gc.ca" <peter.simpson@labour-travail.gc.ca>
Cc: "Macarthur, James, GGNMEC Chairman" <James.Macarthur@alpa.org>, "McCallum, Robert, GGNMEC Negotiating Chairman" <Robert.McCallum@alpa.org>, "Sviergula, John, GGNMEC" <John.Sviergula@alpa.org>, "Peace, Paul, JAZMEC Benefits Chair" <Paul.Peace@alpa.org>, "Patel, Rushi, Economic & Financial Analysis" <Rushi.Patel@alpa.org>, "Delorme, Marc, Representation" <Marc.Delorme@alpa.org>, Aleksandra Dojcinovic <ADojcinovic@AirGeorgian.ca>, Julie Mailhot <JMailhot@airGeorgian.ca>, Eric Edmondson <eedmondson@AirGeorgian.ca>, "Shostack, Andrew, Representation" <Andrew.Shostack@alpa.org>, "Adams, Katy, Communications" <Katy.Adams@alpa.org>, "Leger, Bert, Representation" <Albert.Leger@alpa.org>, Troy Stephens <tstephens@AirGeorgian.ca>, "Bugden, Mark, GGNMEC" <Mark.Bugden@alpa.org>, "Bandeville, Pascal, GGN MEC Sect Treas" <Pascal.Bandeville@alpa.org>
Subject: Air Line Pilots Association, International - Notice of Dispute and Request for Conciliation Assistance

VIA EMAIL: peter.simpson@labour-travail.gc.ca

Mr. Peter Simpson
Director General
Federal Mediation and Conciliation Service
165 de l'Hotel-de-Ville Street
Place du Portage, Phase II, 7th Floor
Gatineau, QC K1A 0J2

Mr. Simpson:

Please accept this email and the attached documents as our formal Notice of Dispute and Request for Conciliation Assistance, under Section 71 of the Act.

Per Section 2: Identification of Parties of the Notice of dispute and Request for Conciliation Assistance [attached], the request is served by the Union: The Air Line Pilots Association, International [ALPA].

Per Section 4: History of Dispute, the Employer is formally notified by ALPA as a recipient of this email. The Employer representative is Aleksandra Dojcinovic, identified in our Notice.

I trust the attached Notice is satisfactory to FMCS and we await your appointment.

Additionally, for your convenience and files, I've attached the Board's Certification Order and ALPA's Notice to Bargain.

If further information is required, please do not hesitate to contact the undersigned.

Regards



**Notice of Dispute and Request for Conciliation Assistance
Canada Labour Code, Part I, Section 71, (R.S.C., 1985, c. L-2)**

SECTION 1: TYPE OF DISPUTE			
<input type="checkbox"/> First collective agreement			
<input checked="" type="checkbox"/> Renewal of existing agreement		Expiry date of the last agreement: (yyyy-mm-dd) 2016-12-31	
<input type="checkbox"/> Re-opener clause		Date of re-opener: (yyyy-mm-dd)	
SECTION 2: IDENTIFICATION OF PARTIES			
This request is served by: <input type="checkbox"/> Employer <input checked="" type="checkbox"/> Union			
EMPLOYER			
Name: Air Georgian Limited			
Address: 2450 Derry Road East - Shell Aerocentre			
Name of representative: ALEKSANDRA DOJCINOVIC		Job title: EMPLOYEE AND LABOUR RELATIONS MANAGER	
Address of the representative (if different from employer's address):			
Telephone No.: 905-676-1221	Cell. No.: 905-531-9731	Fax No.:	E-mail: ADOJCINOVIC@AIRGEORGIAN.CA
UNION			
Name: AIR LINE PILOTS ASSOCIATION, INTERNATIONAL			
Address: 360 ALBERT STREET, SUITE 1210, OTTAWA, ON K1R 7X7			
Name of representative: CAPTAIN TIM CANOLL		Job title: PRESIDENT	
Address of the representative (if different from union address):			
Telephone No.: 703-689-2270	Cell. No.: 404-788-0479	Fax No.:	E-mail: TIM.CANOLL@ALPA.ORG
SECTION 3: BARGAINING UNIT			
Bargaining unit description: All Pilots working for the Employer as described by CIRB Certification order.			
Number of employees: 270	Date of certification: (yyyy-mm-dd) 2017-02-03	Canada Industrial Relations Board file No.: 11103-U	
(Or) <input type="checkbox"/> Voluntary Recognition			

SECTION 4: HISTORY OF DISPUTEDate notice to bargain served: (yyyy-mm-dd) 2017-02-22 Served by: Employer UnionWere any bargaining sessions held? Yes No

If yes, please indicate the meeting dates: (yyyy-mm-dd)

2018 Dates: 01-15, 01-17, 02-13, 02-15, 06-06, 06-08, 06-14, 09-25

Please indicate the issues remaining in dispute:

All Sections of the Collective Agreement except:

Section 00 Preamble;

Section 03 Deduction of Dues; and,

Section 31 Missing and Internment.

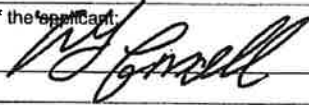
Was any strike vote held? Yes No

Date of vote: (yyyy-mm-dd)

Result of vote:

Was any agreement on the maintenance of activities reached? Yes NoI commit to sending a copy of this notice to the other party. Yes

Signature of the applicant:



Date: (yyyy-mm-dd)

2018-09-25

Please submit this notice to the Federal Mediation and Conciliation Service.By mail: 165 de l'Hôtel-de-Ville Street
Place du Portage, Phase II, 7th Floor
Gatineau, Quebec K1A 0J2

Or by fax: 819-953-3162

Or by e-mail: fmcs_sfmc.inquiry-demande@labour-travail.gc.ca

Documents to attach to this notice:

- Signed copy of the notice to commence collective bargaining
- Copy of the most recent collective agreement
- Copy of any maintenance of activities agreement
- Copy of proposed amendment (optional)
- Any document relevant to bargaining (optional)

TAB 5

This is Exhibit "5" referred to in the Affidavit of Robert McCallum, sworn October 9, 2018.

Commissioner for Taking Affidavits (or as may be)

Oriando da Silva Santos
Lawyer | Notary Public | Commissioner of Oaths
Law Society # 24224K
193 Main Street N., Brampton, ON Canada
t. 905-452-7734 f. 905-453-3560

From: Troy Stephens <tstephens@AirGeorgian.ca>

Sent: Saturday, September 29, 2018 3:16 PM

To: Macarthur, James, GGNMEC Chairman <James.Macarthur@alpa.org>

Cc: Aleksandra Dojcinovic <ADojcinovic@AirGeorgian.ca>; Eric Edmondson <eedmondson@AirGeorgian.ca>; Julie Mailhot <JMailhot@AirGeorgian.ca>

Subject: Re: Re:GGN LOU B1900

Jim

I can only assume you are referring to ALPA's decision to not accept our mitigation offer for surplus pilots. Your decision to not protect your own member's employment has tied our hands. We are deeply disappointed by the tactics and bad faith in dealing with us on the matter.

We find it morally and ethically questionable that your Notice of Dispute was dated and already signed on Sept 25, while advising us that you had every intention of bargaining and mitigating the issue of surplus pilots with us. This is a clear indication that you had no intention of seeing either process through.

The ALPA MEC is naive in grand proportion or being fueled and misguided by parties not working towards our mutual success. Any goodwill the Air Georgian shareholders or our single customer was willing to offer in an attempt to mitigate job losses due to a large reduction in our fleet understandably evaporated when ALPA filed for conciliation.

Having signed the conciliation application on the 25th and filing on the 27th not only indicated to us that you were willing to deal in bad faith, but are willing to conduct business in an unethical manner. The most unfortunate outcome of all is that this negatively affects our Pilot group, which ALPA and the MEC claims to represent, but continues to sacrifice for a greater agenda.

From: Macarthur, James, GGNMEC Chairman <James.Macarthur@alpa.org>

Sent: September 29, 2018 11:33 AM

To: Troy Stephens

Cc: Aleksandra Dojcinovic; Eric Edmondson; Julie Mailhot

Subject: Re:GGN LOU B1900

Hi Troy, a disappointing decision.

It is our hope that both the short term and long term reputation of Air Georgian is not significantly damaged.

Regards,

Jim

Capt. Jim Macarthur

Air Georgian MEC Chairman

Air Line Pilots Association, International

519-590-5627 Cellular

James.Macarthur@alpa.org

----- Original Message -----

Subject: RE: GGN LOU B1900

From: Troy Stephens

To: "Macarthur, James, GGNMEC Chairman"

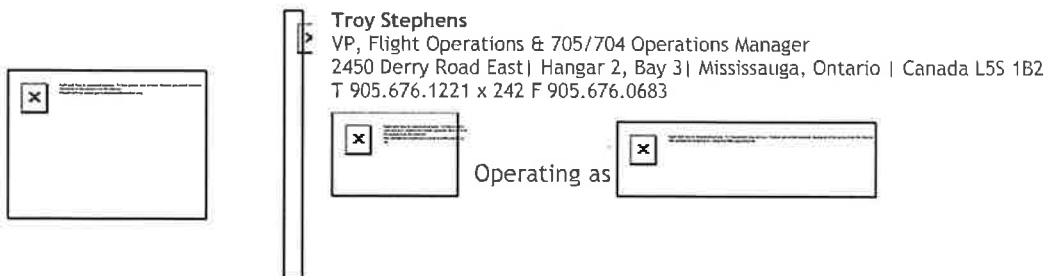
CC: Aleksandra Dojcinovic ,Eric Edmondson ,Julie Mailhot

Hi Jim,

We have not received a formal response from the MEC on the LOU provided by the Company as per the below.

Rob had indicated to Aleks that there was no agreement. As such, mitigation discussions are formally off the table and the Company will proceed with Furlough of the B1900 YYZ Pilots as per the existing Collective Agreement.

At this time, we ask that it is kept confidential as we have not notified the employees.
We will advise if we require to meet.



From: Aleksandra Dojcinovic
Sent: Thursday, September 27, 2018 5:00 PM
To: McCallum, Robert, GGNMEC Negotiating Chairman <Robert.McCallum@alpa.org>
Cc: Leger, Bert, Representation <Albert.Leger@alpa.org>; Macarthur, James, GGNMEC Chairman <James.Macarthur@alpa.org>; Troy Stephens <tstephens@AirGeorgian.ca>; Julie Mailhot <JMailhot@AirGeorgian.ca>; Eric Edmondson <eedmondson@AirGeorgian.ca>
Subject: RE: GGN LOU B1900

Hi Rob,
Please see the Company's response as per the attached.
This offer has been reviewed and approved by Eric & Julie.

Thanks, A.

ALEKSANDRA DOJCINOVIC
Employee & Labour Relations Manager
905.531.9731

From: McCallum, Robert, GGNMEC Negotiating Chairman [<mailto:Robert.McCallum@alpa.org>]
Sent: Thursday, September 27, 2018 3:00 PM
To: Aleksandra Dojcinovic <ADojcinovic@AirGeorgian.ca>; Troy Stephens <tstephens@AirGeorgian.ca>
Cc: Leger, Bert, Representation <Albert.Leger@alpa.org>; Macarthur, James, GGNMEC Chairman <James.Macarthur@alpa.org>
Subject: FW: GGN LOU B1900

Hi Aleks and Troy,

Here is our new proposal based on what we talked about on Tuesday September 25th and today Thursday September 27th.

After you are done reading, please give us a call.

In Unity,



Robert McCallum
Bargaining Committee Chairman
Air Line Pilots Association, International
(204) 997-1732
Robert.McCallum@alpa.org



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TAB 6

This is Exhibit "6" referred to in the Affidavit of Robert McCallum, sworn October 9, 2018.

Commissioner for Taking Affidavits (or as may be)

Orlando da Silva Santos
Lawyer | Notary Public | Commissioner of Oaths
Law Society # 24224K
193 Main Street N., Brampton, ON Canada
t. 905-452-7734 f. 905-453-3560



Posted Online:

Expires:

March 29 2019

On Thursday September 27, 2018 the Air Line Pilots Association, International (ALPA) representing Air Georgian Limited Pilot group made the decision to file a request for conciliation services with the Federal Mediation and Conciliation Service. This was shortly after negotiations were abruptly ended with no explanation by the ALPA bargaining committee on Wednesday afternoon.

We are disappointed that the talks have reached a stage of 'break-down' as we have been committed to working towards a deal and had 16 dates scheduled over the next few months to finalize a Collective Agreement. In January 2018, the Company tabled 32 Articles for consideration and response. As of today's date, we have no response from ALPA on over half these proposals.

Despite ALPA's decision to move to the conciliation procedure with very little discussion and delays from both Parties, we respect and remain committed to the process.

I recognize and appreciate the frustration and uncertainty this decision brings. We are committed to working diligently towards a negotiated settlement that is in the best interest of our Pilot group and Air Georgian Limited in a highly competitive regional environment.

VP Flight Operations

I have read and understood this memo



TAB 7

This is Exhibit "7" referred to in the Affidavit of Robert
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Lawyer | Notary Public | Commissioner of Oaths
Law Society # 24224K
193 Main Street N., Brampton, ON Canada
t. 905-452-7734 f. 905-453-3560

From: Aleksandra Dojcinovic <ADojcinovic@AirGeorgian.ca>

Date: October 6, 2018 at 11:31:39 PDT

To: "McCallum, Robert, GGNMEC Negotiating Chairman" <Robert.McCallum@alpa.org>

Cc: "Leger, Bert, Representation" <Albert.Leger@alpa.org>, "Macarthur, James, GGNMEC Chairman" <James.Macarthur@alpa.org>, "Sviergula, John, GGNMEC" <John.Sviergula@alpa.org>, "Delorme, Marc, Representation" <Marc.Delorme@alpa.org>, "Patel, Rushi, Economic & Financial Analysis" <Rushi.Patel@alpa.org>

Subject: RE: Negotiations and Conciliation

Hello Rob,

Air Georgian has been working with pilot representation for two decades. We have always sought to achieve a negotiated settlement without the brinkmanship of threat of labour disruption. We were committed to reaching a collective agreement through the voluntary negotiation process with agreed-upon dates.

Our history shows that we are committed to ensuring that our pilots have a productive and safe work environment and the fastest path to Air Canada with competitive compensation and working conditions.

This year, we have had to deal with the retirement of our Beechcraft 1900 aircraft in Toronto, which affects approximately 40 pilots directly. Our approach to this change of business focused on preventing workforce reductions by keeping our staff engaged and actively employed, even if that meant some pilots were inactive for an extended period while transitioning to the CRJ or Air Canada. This direction we proposed would come at a great cost to Air Georgian, but we were willing to invest this in our pilot group.

It is extremely disappointing that at this juncture, ALPA would choose to disrupt our voluntary negotiating process, signaling that you wish to proceed only under conciliation. Further, when presented with a reasonable request to delay conciliation, you have refused, opting instead to continue on a path designed to inflict the maximum damage to Air Georgian, our relationship with Air Canada and your membership.

ALPA filing for conciliation has altered the landscape and budgetary parameters under which are operating. We need to proceed with contingency plans and their related expenses, as well as identify steps we can take to protect the employment of our entire organization of close to 580 employees – pilots, mechanics, flight attendants, administration and support staff. We explained to you several times that your decision to proceed with conciliation would result in an inability on our part to protect surplus pilots. The fact you are willing to dismiss this group of your membership is extremely concerning to us.

On October 2nd we concluded bargaining with the second of two large national unions, who together, represent nearly half of our unionized employees. ALPA's complete failure to recognize this achievement and acknowledge that the company has indeed been working hard to negotiate in good faith is astonishing. We

remain committed to the process of bargaining as we have been from the beginning and will continue to do so in good faith.

Please consider your decision to proceed with conciliation carefully and respond by Sunday evening. We are all working hard to avoid furlough notices, which may be issued as early as Monday afternoon unless we have a clear indication from you that you are willing to delay conciliation.

Thank you, Aleks

ALEKSANDRA DOJCINOVIC
Employee & Labour Relations Manager
905.531.9731

From: McCallum, Robert, GGNMEC Negotiating Chairman [<mailto:Robert.McCallum@alpa.org>]
Sent: Friday, October 05, 2018 5:02 PM
To: Aleksandra Dojcinovic <ADojcinovic@AirGeorgian.ca>; Troy Stephens <tstephens@AirGeorgian.ca>
Cc: Leger, Bert, Representation <Albert.Leger@alpa.org>; Macarthur, James, GGNMEC Chairman <James.Macarthur@alpa.org>; Sviergula, John, GGNMEC <John.Sviergula@alpa.org>; Delorme, Marc, Representation <Marc.Delorme@alpa.org>; Patel, Rushi, Economic & Financial Analysis <Rushi.Patel@alpa.org>
Subject: Negotiations and Conciliation

Hello Aleks,

After much thought and contemplation, the Bargaining Committee is steadfast in our decision to go to conciliation. We understand that this hasn't been a popular decision at both Air Georgian and Air Canada but we are strongly committed to using the conciliation process to bargain a fair and equitable industry standard contract.

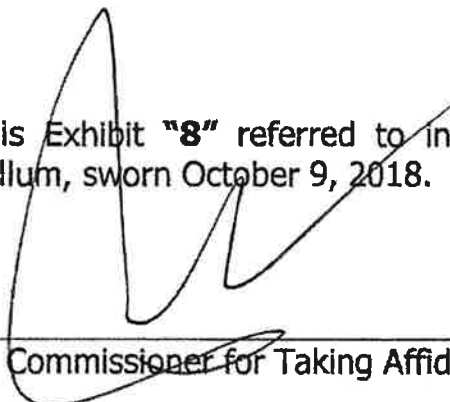
In Unity,

Capt. Robert McCallum
Bargaining Committee Chairman
Air Line Pilots Association, International
204-997-1732
Robert.McCallum@alpa.org

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TAB 8

This is Exhibit "8" referred to in the Affidavit of Robert McCallum, sworn October 9, 2018.



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Air Canada Express / Air Georgian Limited

October 2018 BID SHEET

Base: YYZ Position: CA FO FA

Fleet Type: CRJ - crj bids@airgeorgian.ca B1900 - bids@airgeorgian.ca

Name: James Macarthur Seniority #: 50808

Specific Days off request (5x2 Individual Dates)

Priority #1: 6,7/8
 Priority #2: 1,2 ALPA
 Priority #3: 14,15,16,17 ALPA
 Priority #4: 23,24,25,26,27 ALPA
 Priority #5: _____
 VAC Request: _____
 STT Request: _____

General Preferences (Mark YES or NO)

Single-Day Pairings:	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
Two Day Pairings:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Three Day + Pairings:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
AM Pairings:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
PM Pairings:	YES	<input checked="" type="checkbox"/>	NO	<input type="checkbox"/>
Standup/Continuous Duty:	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
Reserve Days:	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>
Commuter Schedule:	YES	<input type="checkbox"/>	NO	<input checked="" type="checkbox"/>

Please submit your bid on time; any illegal request will not be honored.

The format of the Bid Form should not be changed. **Please do not email any bids directly to the Crew Planner.** Please use above emails or (905) 676-0683 if you prefer to fax it. There is also a folder in the YYZ crew room for those who like to put pencil to paper. Thank you for your understanding of this process.

Last date to submit your bid is Sept 17th @ 1700^{LOC}.

Notes: I require all of the ALPA days...first set for meetings in Washington and second set for negotiations...last month for so many requests thanks...I will request a change in my RTGS on the 2nd

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 ALPA	2 ALPA	3	4	5	6
7	8 - Thanksgiving	9 TRN	10 TRN	11	12	13 ACP
14 ALPA	15 ALPA	16 ALPA	17 ALPA	18 ALPA	19	20 ACP
21	22 ALPA	23 ALPA	24 ALPA	25 ALPA	26 ALPA	27 SIM
28 SIM	29	30	31 ACP	Nov 1	Nov 2	Nov 3

****Please note: Any Bid Without Name And/Or Seniority Number Will Not Be Accepted!**

----- Original Message -----

Subject: FW: Flight Release...

From: Troy Stephens

To: "Macarthur, James, GGNMEC Chairman"

CC: Aleksandra Dojcinovic ,Julie Mailhot

Hi Jim,

Unfortunately we are unable to approve all your Union requested leave.

You have been approved for Union days October 22-26.

Troy

From: Aleksandra Dojcinovic

Sent: Friday, September 28, 2018 3:40 PM

To: Troy Stephens <tstephens@AirGeorgian.ca>; Julie Mailhot <JMailhot@AirGeorgian.ca>

Subject: Fwd: Flight Release...

Please advise

Aleksandra Dojcinovic

Employee & Labour Relations Manager

905.531.9731

Begin forwarded message:

From: "Macarthur, James, GGNMEC Chairman" <James.Macarthur@alpa.org>

Date: September 28, 2018 at 3:34:56 PM EDT

To: Aleksandra Dojcinovic <ADojcinovic@AirGeorgian.ca>
Subject: Flight Release...

Hi Aleks, I need to be released for the following days...

Tuesday October 2, 2018 – DRV
Sunday October 14, 2018 – DRV
Monday October 15, 2018 – DRV
Tuesday October 16, 2017 – DRV
Wednesday October 17, 2018 – DRV

Thank you very much for your prompt attention to this matter,

Jim



Capt. Jim Macarthur
Air Georgian MEC Chairman
Air Line Pilots Association, International
519-590-5627 Cellular
James.Macarthur@alpa.org



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