



BULLETIN

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*

ALL IAM & AW MEMBERS

AIR CANADA PUBLIC PARTICIPATION ACT (ACPPA)

Dear Brothers and Sisters:

The IAMAW wants to thank the governments of Québec and Manitoba for stepping up to enforce the Air Canada Public Participation Act (ACPPA) after the closure of Aveos when the Federal government would not.

The ACPPA was passed to protect the Canadian public when Air Canada was privatized. It says that Air Canada's articles of incorporation must contain provisions requiring the Corporation, "to maintain operational and overhaul centers in the City of Winnipeg, the Montréal Urban Community and the City of Mississauga". The IAMAW is of the opinion that the Vancouver overhaul maintenance base is protected by the ACPPA by default, due to the 1999/2000 airline merger as this base became an Air Canada maintenance overhaul center.

In 2009, when Air Canada took overhaul work away from its own employees, the IAMAW launched court litigation under the ACPPA. The Court told us that we had no standing to bring an application under the Act. It also said that Air Canada was not in violation of the Act because its overhaul work was still being carried out under contract with Aveos in the required locations.

When Aveos shut down and the work started to leave, the IAMAW went to the provincial governments and urged them to come forward to file cases and hold Air Canada to the law. The governments of Québec and Manitoba did just that.

On February 4, 2013 the Attorney General of Québec won the case. It had the support of the Attorney General of Manitoba who appeared as an intervener, as well as the support of your Union, which provided evidence and witnesses for the case.

Air Canada has, unfortunately, chosen to appeal this decision rather than working with the IAMAW to start down the path of returning its work to its rightful place with its current and former employees.

Some of the key findings in the decision are as follows:

- The Québec and Manitoba governments have standing to file a Court challenge under the ACPPA in the face of the Aveos shutdown and the contracting out of the Aveos work to non-Canadian entities.
- The facts were different than when the Union first brought the case. At that time Air Canada was contracting heavy maintenance work to Aveos, which was maintaining the heavy maintenance centers required by the ACPPA. After Aveos's closure this was no longer the case.
- The Court relied on statements made by the President of Air Canada to Parliament when the law was being passed that an "overhaul center" is a place where an important level of overhaul work is being conducted.
- Air Canada tried to argue that delineation between "heavy maintenance" and "light maintenance" can no longer be made, and that Air Canada's current line maintenance operations incorporate what was traditionally part of "heavy maintenance" or overhaul. The Court preferred the evidence of Québec's expert witness who testified that Aveos, and not Air Canada, carried out the heavy maintenance on Air Canada's aircraft until its closure.
- After the disappearance of this work from Winnipeg and the disappearance of nearly all of the work done by Aveos work from Québec, the Court held that no "overhaul centers" now existed in those provinces.
- The Court concluded that Air Canada is in violation of the Air Canada Public Participation Act.

The IAMAW appreciates your continued support regarding this matter.

In Solidarity,

Fred Hospes, President and Directing General Chairperson
Transportation District 140, IAM & AW

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