

It's not "Force Majeure" if it's planned says IAM

The IAM was advised this morning that Air Canada intends to use an extraordinary measure by placing approximately 284 IAM members on "off duty status" by invoking a "force majeure" provision contained within the collective agreement. The IAM categorically opposes the use of the "force majeure by placing our members on "off duty status" as it does not apply in the current situation. Air Canada is well outside the statute of limitations to use "force majeure". The company announced 1,700 staff reductions across its operations throughout the country.

Force Majeure is an unforeseeable circumstance that prevents someone from fulfilling a contract or an obligation.

Should Air Canada move forward with their intent to reduce its workforce, the Employer's only legal recourse are the layoff, bumping and recall provisions outlined in the Collective Agreement. "It seems obvious that the company was planning these layoffs several weeks ahead of today's announcement," said Fred Hospes, President and Directing General Chairperson of IAM District 140.

"The Union intends to seek interim relief from an arbitrator in an effort to obtain a "force majeure" cease and desist order. In addition, the Labour Minister must step in and ensure that Air Canada follows the Labour Code provision by forcing Air Canada to provide the affected employees with group termination notice of 16 weeks," said Steve Prinz General Chairperson of IAM District 140.

"Air Canada cannot simply claim "force majeure" in an effort to avoid its responsibilities under the Collective Bargaining Agreement and the Canada Labour Code. With this pandemic well into its tenth month, they cannot now claim this is a sudden emergency said an irate Stan Pickthall, IAM General Vice-President.

"I'm deeply concerned about these layoffs and the way Air Canada seems intent to proceed with them, and we will oppose this vehemently," said Hospes. "We are looking forward to the Minister of Labour to step in and stop this ridiculous manoeuvre."

The International Association of Machinists and Aerospace Workers is Canada's largest Union representing aviation, airlines, airports, and aerospace workers. The Union represents over 10,000 members at Air Canada, and almost 20,000 in air transportation across Canada.

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