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**Our File: 31783-C**

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September 13, 2016

**BY FAX**

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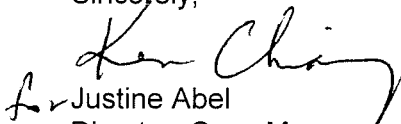
Dear Madam/Sir:

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* by Canadian National Transportation, Limited, applicant; Unifor and Unifor National Council 4000, respondents. (31783-C)

Further to the hearing held today in the above-noted matter, the parties will find enclosed an order issued by Ms. Ginette Brazeau, Chairperson of the Canada Industrial Relations Board, sitting alone pursuant to section 14(3) of the *Canada Labour Code (Part I—Industrial Relations)*.

The Board's file in this matter is now closed.

Sincerely,

  
For Justine Abel  
Director, Case Management Services  
(Registrar)

c.c.: Mr. Ken W. Chiang (CIRB—Vancouver)

Encl.



**Order No. 876-NB**

**IN THE MATTER OF THE**

*Canada Labour Code*

- and -

Canadian National Transportation Limited,

applicant,

- and -

Unifor National Council 4000,

respondent.

**WHEREAS** the Owner-Operators of Canadian National Transportation Limited (CNTL or the employer) are represented by Unifor National Council 4000 (Unifor 4000) and CNTL and Unifor 4000 are parties to a collective agreement which expires March 31, 2019;

**AND WHEREAS** the Canada Industrial Relations Board (the Board) has received an application from the employer pursuant to sections 89 and 91 of the *Canada Labour Code (Part I—Industrial Relations)* (the *Code*) alleging that members of the bargaining unit represented by the respondent trade union have engaged in an unlawful strike, in contravention of section 89 of the *Code*, and seeking specific orders in relation thereto;

**AND WHEREAS** section 3(1) of the *Code* provides that a strike includes a cessation of work or a refusal to work or to continue to work by employees, in combination, in concert or in accordance with a common understanding, and a slowdown of work or other concerted activity on the part of the employees in relation to their work that is designed to restrict or limit output;

**AND WHEREAS**, the Board heard oral submissions from the parties by teleconference with respect to the employer's application on September 13, 2016;

**AND WHEREAS**, the Board finds that certain members of the bargaining unit represented by the respondent and assigned to the employer's Calgary facility did engage in activity that constitutes an unlawful strike on September 11, 12 and 13, 2016 in contravention of section 89(2) of the *Code*;

**Order No. 876-NB**

**NOW THEREFORE**, it is hereby ordered by the Canada Industrial Relations Board, pursuant to section 91 of the *Canada Labour Code (Part I-Industrial Relations)*, that:

- (i) The Owner-Operators of the CNTL Calgary facility who are represented by the respondent trade union cease and desist from participating in any activities that constitute a strike as defined in section 3(1) of the *Code*; and
- (ii) The Owner-Operators of the CNTL Calgary facility are to immediately report for work and resume or continue to perform their regular duties in the normal manner; and
- (iii) The trade union and the employer shall take immediate steps to communicate the Board's Order to the Owner-Operators affected by the Order.

**THIS ORDER** is made pursuant to the provisions of section 91 of the *Code* and shall remain in effect until the requirements of section 89(1) of the *Code* have been met, unless it is modified or revoked pursuant to an application under Section 93 of the *Code*.

**ISSUED** at Ottawa, this 13th day of September, 2016, by the Canada Industrial Relations Board.



Ginette Brazeau  
Chairperson

**Reference No.: File No. 31783-C**

