



ONTARIO LABOUR RELATIONS BOARD

Labour Relations Act, 1995

OLRB Case No: 1201-17-U
Unlawful Strike

Heligear Canada Acquisition Corp d/b/a Northstar Aerospace Milton,
Applicant v Unifor Local 112, Jerry Dias, Scott McIlmoyle, Barry Lines, Graham
Davies, Responding Party

COVER LETTER

TO THE PARTIES LISTED ON APPENDIX A:

The Board is attaching the following document(s):

Decision - August 11, 2017

DATED: August 11, 2017

Catherine Gilbert
Registrar

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OLRB Case No: **1201-17-U**

Heligear Canada Acquisition Corp d/b/a Northstar Aerospace Milton, Applicant v Unifor Local 112, Jerry Dias, Scott McIlmoyle, Barry Lines, Graham Davies, Responding Party

BEFORE: Bernard Fishbein, Chair

APPEARANCES: Herbert Law, Greg McGinnis, Jeff Rochweg, Krista Bunn, Brian Stone, Al Lightowler, Pete Schicht, Robert Brachvogel, Joanna Pye, Christine Stoiber and Tom Cheeseman for the applicant; Stephen Krashinsky, Joshua Mandryk, Barry Lines, Scott McIlmoyle and Graham Davies for the responding party

DECISION OF THE BOARD: August 11, 2017

1. This is an application under section 100 of the *Labour Relations Act, 1995*, S.O. 1995, c.1 as amended ("the Act") alleging that the responding parties have authorized, encouraged or counselled or done acts, the reasonable and probable consequence of which is that other persons will engage in an unlawful strike, and in particular, the employees of Heligear Canada Acquisition Corp d/b/a Northstar Aerospace Milton ("Northstar") at its Milton Ontario plant (the "Milton location").

2. The application was filed in the afternoon of August 10, 2017. Since the alleged illegal conduct was ongoing, a hearing was scheduled for August 11, 2017 at 1:00 p.m. After some unsuccessful discussions between the parties, the hearing commenced at 3:00 p.m. During the course of argument, Northstar withdrew its application against the responding parties, Barry Lines and Graham Davies.

3. After hearing the submissions of the parties, I have determined to exercise my discretion in making the following declarations and

directions. The serious arguments of the parties require full and lengthier reasons which can be elaborated later, and a written decision containing those reasons will follow if requested by any party by August 15, 2017. However, due to the urgency of this application, I issue these "bottom line" declarations and directions now (at approximately 7:30 p.m. on August 11):

DECLARATIONS

- (1) the Board *declares* that employees of Northstar at the Milton location engaged in an unlawful strike at Northstar's Milton location contrary to the Act;
- (2) the Board *declares* that the individual responding parties, Jerry Dias ("Dias") and Scott McIlmoyle ("McIlmoyle"), being union officials, and Unifor Local 112, supported or encouraged that unlawful strike contrary to section 81 of the Act;
- (3) the Board *declares* that the named responding parties, Unifor Local 112, Dias and McIlmoyle have done acts which they know or ought to have known would, as a probable and a reasonable consequence, prompt other persons to be engaged in an unlawful strike contrary to section 83 of the Act;
- (4) the Board *declares* that the responding parties, Unifor Local 112, Dias and McIlmoyle have authorized an unlawful strike contrary to section 100 of the Act.

DIRECTIONS

- (1) the Board directs that Unifor Local 112, its officers, servants, agents and representatives, and any person acting on its behalf, cease and desist from calling, authorizing, or threatening to call or authorize an unlawful strike;

- (2) the Board directs that employees of Northstar at the Milton location, and any other employee who may have notice of this order, cease and desist from engaging in an unlawful strike;
- (3) the Board directs that Dias and McIlmoyle and any other union official who may have notice of this order, forthwith cease and desist from supporting or encouraging an unlawful strike, or doing acts which they know or ought to know will prompt others to engage in an unlawful strike;
- (4) the Board directs that all Unifor Local 112, Dias and McIlmoyle refrain from any act which they know or ought to know will prompt other persons from engaging in an unlawful strike;
- (5) the Board directs that Unifor Local 112 and its officials forthwith provide a copy of these declarations and directions to all of the Northstar's employees in the bargaining unit at the Milton Ontario location;
- (6) the Board directs that the responding party Unifor Local 112 post copies of the Board's Declarations and Directions (this decision) in prominent places where they will come to the attention of its members; and without restricting the generality of the foregoing, on its website or "Facebook page", in the union's offices, and on any employee bulletin board to which Unifor Local 112 has access at the Milton location.

"Bernard Fishbein"
for the Board

APPENDIX A

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