



Order No.: 9159-U

Supercedes: 8993-U

IN THE MATTER OF THE

Canada Labour Code

- and -

Canadian Union of Postal Workers,

applicant union/certified bargaining agent,

- and -

1644307 Ontario Inc., operating as Super Express,
Sault Ste. Marie, Ontario,

successor employer,

- and -

Eazy Express Inc.,
Sault Ste. Marie, Ontario,

former employer.

WHEREAS the Canada Industrial Relations Board, by order no. 8993-U dated November 18, 2005, certified the Canadian Union of Postal Workers as the bargaining agent for a unit of employees of Eazy Express Inc.;

AND WHEREAS, the Board has received an application, pursuant to section 35 of the *Canada Labour Code (Part I - Industrial Relations)*, seeking a declaration that Eazy Express Inc. and 1644307 Ontario Inc., operating as Super Express are a single employer and a single federal work, undertaking or business for all purposes of the *Code*;

AND WHEREAS, the Board has received an amended application, pursuant to section 44 of the *Code*, seeking a declaration that the sale of Eazy Express Inc.'s business in Fredericton to 1644307 Ontario Inc., operating as Super Express constitutes a sale of business within the meaning of the *Code*;

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AND WHEREAS, in consideration of the settlement negotiated between the parties, the Board declares that a sale of business has occurred within the meaning of section 44 of the *Code* and that 1644307 Ontario Inc., operating as Super Express is the successor employer;

AND WHEREAS, the Board has determined that the provisions of section 44(2) of the *Code* apply and that the Canadian Union of Postal Workers continues to be the bargaining agent of the unit of employees of 1644307 Ontario Inc., operating as Super Express;

AND WHEREAS, pursuant to the terms of settlement, the Canadian Union of Postal Workers has sought leave of the Board to withdraw the section 35 application.

NOW, THEREFORE, it is declared by the Canada Industrial Relations Board that a sale of business has occurred within the meaning of the *Code* and that 1644307 Ontario Inc., operating as Super Express is the successor employer, and it is ordered that the Canadian Union of Postal Workers be, and it is hereby certified to be, the bargaining agent for a unit comprising:

“all employees of 1644307 Ontario Inc., operating as Super Express employed at its location in Fredericton, New Brunswick, excluding the site supervisor.”

ISSUED at Ottawa, this 31st day of August, 2006, by the Canada Industrial Relations Board.

Louise Fecteau
Vice-Chairperson

Reference: File No. 25692-C