

EMPLOYMENT STANDARDS TRIBUNAL
In the matter of an appeal pursuant to Section 112 of the
Employment Standards Act, R.S.B.C. 1996, C. 113

- By -

International Express Aircharter Ltd.
Operating as Regency Express Flight Operations
("International Express" or the "Company")

- of a Determination issued by -

The Director of Employment Standards
(the "Director")

ADJUDICATOR: Ib S. Petersen
FILE NO.: 1999/111
DATE OF HEARING: June 2, 1999
DATE OF DECISION: July 7, 1999

As a rule, labour relations and employment contracts are under provincial jurisdiction. However, the applicability of provincial legislation in these areas may be outside provincial jurisdiction if the undertaking, business or service is an integral element of the federal jurisdiction over some other matter (see, for example, *Construction Montcalm Inc. v. Minimum Wage Commission*, <1979> 1 S.C.R. 754). Under Sections 91 and 92 of the *Constitution Act, 1867*, aeronautics is under federal jurisdiction (*Johannesson v. West S. Paul*, <1952> 1 S.C.R. 292) . The evidence clearly supports that the Company is in the air transportation business: it operates air planes and moves cargo both provincially and internationally. In my view, therefore, it is within the federal jurisdiction.

In the result, the Determination must be set aside.

ORDER

Pursuant to Section 115 of the *Act*, I order that the Determinations in this matter, dated February 8, 1999 be cancelled.

Ib Skov Petersen
Adjudicator
Employment Standards Tribunal