

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 13

Heard at Montreal, Monday, September 13th, 1965

Concerning

CANADIAN NATIONAL RAILWAYS (GREAT LAKES REGION)

and

THE BROTHERHOOD OF RAILROAD TRAINMEN

DISPUTE:

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Claims of Conductor W.R. Cooper and crew for 8 hours' pay at yard rates for switching performed at Goderich, Ontario, January 4, 1964.

JOINT STATEMENT OF ISSUE:

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Conductor W.R. Cooper and Brakemen B.E. Bart and W.H. Harrison were assigned in turn-around service to the wayfreight operating daily from Stratford to Goderich and return to Stratford On Saturday, January 4, 1964 the wayfreight arrived at Goderich at 9:40 a.m. and departed at 2:15 p.m. for return to Stratford. While at Goderich Conductor Cooper and crew placed empty cars which had arrived in their train at the Sifto Salt Company plant for loading and picked up loaded cars at the same plant for movement on their train from Goderich In addition to receiving full pay for the road trip, the Conductor submitted a claim for 8 hours' pay at yard rates for each member of the crew under the provisions of Articles 35 and 140 of the Agreement, on the grounds that the switching performed at Goderich was yardmen's work. The Company declined payment of these claims.

In addition, yard helpers E.C. Schuett and H.J. Lowe who were on the spare board at Stratford each claimed 8 hours' pay at the yard helpers' rate under Article 140 of the Agreement because trainmen had allegedly performed yardmen's work at Goderich. The Company also declined payment of these claims.

FOR THE EMPLOYEES:

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(Sgd.) G. W. McDEVITT  
GENERAL CHAIRMAN

(Sgd.) W. G. FLOOD  
ASST. GENERAL CHAIRMAN

FOR THE COMPANY:

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(Sgd.) T. A. JOHNSTONE  
ASST. VICE - PRESIDENT -  
LABOUR RELATIONS

There appeared on behalf of the Company:

T. A. Johnstone - Asst. Vice-President, Labour Relations,  
C.N.R., Montreal

R. St. Pierre - Labour Relations Assistant, C.N.R.

Montreal

A. D. Andrews - Senior Agreements Analyst, C.N.R.  
Montreal

A. J. DelTorto - Labour Relations Officer, C.N.R. Montreal

R. J. Wilson - Senior Agreements Analyst, C.N.R.  
Montreal

G. A. Fournier - Superintendent - Montreal Yard, C.N.R.

D. McGillivray - Trainmaster - Road Foreman, C.N.R.  
Belleville

J. Mansfield - Labour Relations Officer, C.N.R. Toronto

And on behalf of the Brotherhood:

G. W. McDevitt - General Chairman, B.R.T. - Toronto

W. G. Flood - Asst. General Chairman, B.R.T. -  
Toronto

P. LaRochelle - General Chairman, B.R.T. - Quebec

V. L. Hayter - Secy. G.G.C., B.R.T. - Stratford

G. R. Ashman - Vice-Chairman, G.G.C., B.R.T. -  
Belleville

G. E. McLellan - Secy. G.G.C. Yard, B.R.T. - Ottawa

AWARD OF THE ARBITRATOR

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From the facts described in the foregoing issue and for the reasons given in Case No. 11, these claims and those similar to it described therein are disallowed.

J. A. HANRAHAN  
ARBITRATOR