

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO 14

Heard at Montreal, Monday, September 13th, 1965

Concerning

CANADIAN NATIONAL RAILWAYS (ST. LAWRENCE REGION)

and

THE BROTHERHOOD OF RAILROAD TRAINMEN

DISPUTE:

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Claims of Conductor F.G Prefontaine and crew for 8 hours' pay at yard rates for work performed at Montreal Yard, April 17, 1963.

JOINT STATEMENT OF ISSUE:

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Conductor F.G. Prefontaine and Brakemen G.W. Bray and J.A. Leger arrived at Montreal yard on an extra train with engine 1730 at 10:15 p.m. on Wednesday April 17, 1963. On arrival the crew were required to place their caboose on track No. 19 and the balance of their train consisting of 15 cars on track No. 18. The work involved required 15 minutes and the conductor, in addition to receiving payment under the provisions of Article 10, Rule (b), 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 placing the caboose on a separate track from the train was yardmen's work. The Company declined payment of the claims.

Similar claims were submitted by trainmen on 18 other occasions between January 16, 1963 and November 5, 1964 when a road crew were required to place their caboose on a separate track from the train on arrival at Montreal yard. The Company also declined payment of these claims.

FOR THE EMPLOYEES:

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(Sgd.) G. W. McDEVITT  
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, as  
therein described are disallowed.

J. A. HANRAHAN  
ARBITRATOR