

CANADIAN RAILWAY OFFICE OF ARBITRATION

SUPPLEMENTARY AWARD

TO

CASE NO. 1221

Heard at Montreal, Thursday, September 13, 1984

Concerning

CANADIAN NATIONAL RAILWAY COMPANY
(CN Rail Division)

and

CANADIAN BROTHERHOOD OF RAILWAY,
TRANSPORT AND GENERAL WORKERS

(Decided on the basis of the parties' written submissions)

There appeared on behalf of the Company:

W. Wilson - Manager Labour Relations, CNR, Montreal
S. MacDougald, - Labour Relations Officer, CNR, Montreal

And on behalf of the Brotherhood:

T. N. Stol - Representative, CBRT&GW, Toronto
A. Miloff - Local Chairman, Local 216, CBRT&GW, Toronto

AWARD OF THE ARBITRATOR

The trade union has requested clarification of my initial decision in this matter. Pursuant to the parties' representations and my response to them with respect to my award, the following represents the thrust of my award:

- 1) The trade union does not have a proprietary interest or ownership in the two positions at the classified labourers' rate with respect to the refuelling process;
- 2) The refuelling process continues to remain a part of the two classified labourers' positions along with the other labourers' functions attached;
- 3) The company is required, effective the date of the wrongful abolition of the two classified labourers' positions to compensate the two incumbents at the classified labourers' rate of pay . In this regard, the company has undertaken to compensate Mr. V. Vancardo accordingly.
- 4) In offering both Mr. I. Ferrante and Mr. V. Vancardo the classified labourers' positions as

aforesaid, compliance by the company with my initial decision has been made.

For the purposes of clarity the implication of Mr. Ferrante's refusal to accept the company's offer to occupy the classified labourer's position does not undermine the company's compliance with my decision.

Should the company refuse to offer the said position to another CBRT&GW member of the bargaining unit, such action will have to be the subject matter of another grievance.

DAVID H. KATES,
ARBITRATOR.