

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1715

Heard at Montreal, Wednesday, 11 November 1987

Concerning

CANADIAN NATIONAL RAILWAYS

And

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

EX PARTE

DISPUTE:

Claim by Mr. J. Marcotte for the Attendant's rate of pay as was paid to Mr. R. Manke, whom Mr. Marcotte displaced on January 14, 1986, while Mr. Marcotte was performing the same duties as Mr. Manke and others.

BROTHERHOOD'S STATEMENT OF ISSUE:

On January 14, 1986, Mr. J. Marcotte displaced into the position of Extra Gang Labourer at Acheson, Alberta, supplying White Fleet outfits. Mr. Marcotte displaced Mr. R. Manke who was receiving the Attendant's rate of pay while Mr. Marcotte only received the Extra Gang Labourer's rate of pay.

It is the contention of the Brotherhood that the Company violated Article 7.1 of Agreement 10.1 by not paying Mr. Marcotte the higher rate of pay in accordance with the agreement.

The Company denies the Brotherhood's contention.

FOR THE BROTHERHOOD:

(SGD) G. SCHNEIDER  
System Federation General Chairman

There appeared on behalf of the Company:

T. D. Ferens	- Manager Labour Relations, Montreal
J. Glazer	- Counsel, Montreal
G. Blundell	- System Labour Relations Officer, Montreal
M. Vaillancourt	- Engineering Co-ordinator, Montreal

R. Gregory	- System Engineer Production, Montreal
A. Watson	- Labour Relations Trainee, Montreal

And on behalf of the Brotherhood:

M. Gottheil	- Assistant to Vice-President, Ottawa
G. Schneider	- System Federation General Chairman, Winnipeg

#### AWARD OF THE ARBITRATOR

At the request of the parties the case was withdrawn by the Arbitrator.