

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2171

Heard at Montreal, Wednesday, 10 July 1991

concerning

VIA RAIL CANADA INC.

and

CANADIAN BROTHERHOOD OF RAILWAY, TRANSPORT AND GENERAL WORKERS

EX PARTE

DISPUTE:

Time claim for 75 hours and 15 minutes at Service Attendant's rate of pay on behalf of F. Mohammed, a spareboard employee.

BROTHERHOOD'S STATEMENT OF ISSUE:

On October 26, 1987, the Corporation assigned laid-off employees to work on a special assignment known as the ``Sam Blye Special''. The Brotherhood submitted a time claim on the grievor's behalf on the basis that the Corporation is in violation of Articles 7.1, 7.2, 7.7, 7.8, 7.13 and 7.16, as employees on lay-off have no status for work under Article 4.8 until such time as s/he has been recalled under the provisions of Article 13.

FOR THE BROTHERHOOD:

(SGD.) T. McGRATH  
NATIONAL VICE-PRESIDENT

PRELIMINARY AWARD OF THE ARBITRATOR

For the reason related in CROA 2170 the Arbitrator directs that this matter be scheduled for hearing at the same time as CROA 2170, to allow the parties to adduce evidence in a manner similar to that described in CROA 2170.

July 13, 1991

(Sgd.) MICHEL G. PICHER  
ARBITRATOR

(The matter was ultimately resolved between the parties and withdrawn from the Canadian Railway Office of Arbitration.)