

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2690

Heard in Montreal, Tuesday, 9 January 1996

concerning

**VIA RAIL CANADA INC.**

and

**BROTHERHOOD OF LOCOMOTIVE ENGINEERS**

### **DISPUTE:**

Claim on behalf of Locomotive Engineer K.J. McNay for loss of earnings on August 6, 1993.

### **JOINT STATEMENT OF ISSUE:**

On August 6, 1993, Mr. McNay was assigned to Run TW-5 and was on his scheduled days off. He was called off the emergency list to protect Train 87 from Toronto to Sarnia.

After he was called, spare employee D. Blue arrived on Train 63 with an off duty time of 15:48. The calling time for Train 87 was 16:05 and the spare employee was utilized for the trip, and Mr. McNay was subsequently cancelled.

The Brotherhood contends a violation of article 54.11 of the collective agreement and requests Mr. McNay be paid for the work performed by Mr. Blue on Train 87.

The Corporation disagrees with the Brotherhood's contention and has declined the claim.

### **FOR THE BROTHERHOOD:**

**(SGD.) C. HAMILTON**  
GENERAL CHAIRMAN

### **FOR THE CORPORATION:**

**(SGD.) K. W. TAYLOR**  
FOR: DEPARTMENT DIRECTOR, LABOUR RELATIONS &  
HUMAN RESOURCES SERVICES

There appeared on behalf of the Corporation:

K. W. Taylor	– Senior Advisor & Negotiator, Montreal
J. Ouellette	– Senior Labour Relations Officer, Montreal

And on behalf of the Brotherhood:

C. Hamilton	– General Chairman, Toronto
G. Howe	– Vice-General Chairman, Toronto

The hearing was adjourned *sine die* by the Arbitrator.