

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2894

Heard in Montreal, Wednesday, 15 October 1997

concerning

**CANADIAN NATIONAL RAILWAY COMPANY**

and

**CANADIAN COUNCIL OF RAILWAY OPERATING UNIONS  
[BROTHERHOOD OF LOCOMOTIVE ENGINEERS]**

**EX PARTE**

### **DISPUTE:**

The Company's administration of articles 43 and 50 of agreement 1.1 relative to the manning and crewing of MonTrain Assignments operating between the Second and Third District for locomotive engineers.

### **EX PARTE STATEMENT OF ISSUE:**

Prior to the implementation of the new crewing assignments for the operation of MonTrain, discussions took place between the Company and Brotherhood concerning the contractual division of work between the 2nd and 3rd Seniority Districts as specified in article 43 of agreement 1.1. The Company sought to persuade and convince the Brotherhood that the new MonTrain assignments should be manned on a 50/50 basis between the two seniority districts.

The Brotherhood refused to change their existing method for equalization work between the two seniority districts. Subsequently, the Company issued a bulletin which unilaterally changed the long standing application of article 43 and implemented the MonTrain crewing assignments on an equal basis between the 2nd and 3rd seniority districts.

It is the Brotherhood's position that the Company's action violates articles 43 and 50 of agreement 1.1. The division of work between the two seniority districts was subject to the specified articles in the collective agreement and has been an internal conflict and internal dispute between the 2nd and 3rd seniority districts for over a decade. For many years the preponderance of work between the two districts was consistently manned by locomotive engineers from the 2nd seniority district.

It is the position of the Company that they are in full compliance with articles 43 and 50 with regards to the MonTrain crewing assignments for locomotive engineers.

### **FOR THE BROTHERHOOD:**

**(SGD.) B. E. WOOD**  
**GENERAL CHAIRMAN**

There appeared on behalf of the Company:

D. MacKenzie	– Labour Relations Officer, Toronto
G. Search	– Assistant Manager, Labour Relations, Toronto
V. Mayer	– General Supervisor, MonTrain, Montreal

And on behalf of the Brotherhood:

- B. E. Wood – General Chairman, Halifax
- G. Hallé – Canadian Director, BLE, Ottawa
- R. Parisien – Vice-Chairman, Division 91, Montreal

And on behalf of the Intervenor:

- R. Dyon – General Chairman, Toronto
- C. Hamilton – Advisor
- D. Lessard – Local Chairman, Division 89, Montreal

### **AWARD OF THE ARBITRATOR**

Having regard to the material filed, the Arbitrator directs that assignments in passenger service on MonTrain, on the Deux Montagnes Subdivision, be divided on a 50/50 basis between the locomotive engineers of the third seniority district and the locomotive engineers of the second seniority district, with all odd assignments to be awarded to locomotive engineers from the second seniority district. For the purpose of clarity, and by way of example, if seventeen assignments are to be divided eight shall be awarded to the third seniority district and nine to the second seniority district.

October 17, 1997

**(signed) MICHEL G. PICHER**  
**ARBITRATOR**