

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 105

Heard at Montreal, Tuesday, May 14th, 1968

Concerning

### CANADIAN PACIFIC RAILWAY COMPANY

and

### BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

#### DISPUTE:

Claim of the Union that the Company violated the General Holiday provisions of the collective agreement when it denied holiday pay to seven employees of the Works Manager's Office at Angus Shops for Labour Day, September 5th, 1966.

#### JOINT STATEMENT OF ISSUE:

These seven employees went on strike along with all other railway non-operating employees on August 26th, 1966 and returned to work either on September 7th or late September 6th, 1966. On their behalf the Union claimed a day's pay for the General Holiday, Labour Day, September 5th, 1966 on the basis they met all of the qualifications for General Holiday payment in accordance with Clauses (a), (b) and (c) of Article 2 of the General Holiday Agreement dated December 16th, 1965.

This claim was denied by the Company.

#### **FOR THE EMPLOYEES:**

**(Sgd.) M. PELOQUIN**  
**GENERAL CHAIRMAN**

#### **FOR THE COMPANY:**

**(Sgd.) H. W. HAYWARD**  
**CHIEF OF MOTIVE POWER AND ROLLING STOCK**

There appeared on behalf of the Company:

J. C. Anderson	– Assistant to Vice President-Personnel, Montreal
G. Lawson	– Manager of Stores, Montreal
G. C. Thompkins	– Works Manager Angus Shops, Montreal
W. B. Crichton	– Superintendent of Stores, Montreal

And on behalf of the Brotherhood:

M. Peloquin	– General Chairman, Montreal
W. C. Y. McGregor	– International Vice President, Montreal
E F. Downard	– International President's Special Assistant, Montreal
F. W. McNeely	– Vice General Chairman, Toronto
F C. Sowery	– Vice General Chairman, Montreal
W. T. Swain	– Assistant General Chairman, Saint John
D. Herbatuk	– Assistant General Chairman, Montreal

**AWARD OF THE ARBITRATOR**

This claim arises from the same situation that existed with respect to **Case 104**; Seven employees went on strike on August 26, 1966, along with other non-operating employees.

Three of the seven employees reported for work at 9.00 a.m. on September 6th, two reported for work at 10.00 a.m. on September 6th, one and one-half hours late, and two reported for work on Wednesday, September 7th.

The Brotherhood's contention was exactly similar to that submitted in **Case 104**. Both parties were content that the decision reached in **Case 104** should govern in this matter.

For the reasons given in **Case 104**, this grievance is dismissed.

**(signed) J. A. HANRAHAN**  
**ARBITRATOR**