

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 328

Heard at Montreal, Tuesday, December 14, 1971

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

**CANADIAN BROTHERHOOD OF RAILWAY,
TRANSPORT AND GENERAL WORKERS**

DISPUTE:

The sequence in which crews were dispatched from Vancouver following a service disruption on the Albreda Subdivision on April 29, 1971.

JOINT STATEMENT OF ISSUE:

As a result of the disruption of service on April 29, 1971, Vancouver crews arrived at their home terminal out of the order of their departure therefrom. Subsequently, they were dispatched from that point in accordance with Article 4.23(b) of Agreement 5.8. The Brotherhood claims that Article 4.23(a) should have applied.

The Company declined the Brotherhood's claim.

FOR THE EMPLOYEES:

(SGD.) J. A. PELLETIER
NATIONAL VICE-PRESIDENT

FOR THE COMPANY:

(SGD.) K. L. CRUMP
ASSISTANT VICE-PRESIDENT, LABOUR RELATIONS

There appeared on behalf of the Company.

O. W. McNamara – System Labour Relations Officer, Montreal
C. C. Bright – Manager, Customer & Catering Services, Montreal
L. Johnson – Superintendent, Customer & Catering Services, Vancouver
R. Arnold – Superintendent, Customer & Catering Services, Montreal

And on behalf of the Brotherhood:

R. Henham – Regional Vice President, Vancouver
J. A. Pelletier – National Vice President, Montreal

AWARD OF THE ARBITRATOR

Article 4.23 (a) and (b) are as follows:

- (a) Regularly assigned employees who have not lost their position in sequence of operation due to late arrival at their home terminal will be due out on their assignments on their normal departure day.
- (b) When the sequence of an operation is disrupted at the home terminal for whatever reason, such operation will be restored on a 'first in', 'first-out' basis and crews will continue in this sequence when normal operations are resumed.

As a result of a derailment on the Abreda Subdivision on April 29, there was a disruption in service, and a change in the order in which crews took their turns from Vancouver. Crews which had left Vancouver on April 26 were rerouted on their return trip, and did not arrive at Vancouver until May 3 – the day when, the normal course of events, they would have again taken a train out on that day. On the other hand, other crews which had left Vancouver later had, by reason of the derailment, returned much earlier. It was such a crew that was dispatched on May 3.

The question is simply whether article 4.23 (b) applies or not. The Union made much of the fact that there was no “disruption” as such at Vancouver. But that is not what the article refers to. It provides for the assignment of crews in cases where “the sequence of an operation” is disrupted at a home terminal, “for whatever reason”. Here, of course, the reason was the derailment on the Albreda Subdivision, but one of the effects of that was that the sequence of operations at Vancouver was disrupted. Crews that left before the derailment were delayed in returning, crews that left after the derailment returned much more quickly than expected. The sequence of their arrival and departure was clearly affected. In my view, this was a case to which article 4.23(b) applied. Accordingly, the Company quite properly dispatched a crew who had arrived earlier rather than the crew which had just arrived, even though the latter would, in normal circumstances, have gone out on that day.

For the foregoing reasons, the grievance is dismissed.

(signed) J. F. W. WEATHERILL
ARBITRATOR