

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 336

Heard at Montreal, Tuesday, January 11th, 1972

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

UNITED TRANSPORTATION UNION (T)

EX PARTE

DISPUTE:

Consist of Yard Crews at The Pas, Manitoba.

COMPANY'S STATEMENT OF ISSUE:

Inability of the United Transportation Union to agree With the Company that adequate safety can be maintained with a reduced consist of one Yard Foreman and one Yard Helper for crews working at The Pas, Manitoba.

FOR THE COMPANY:

(SGD.) K. L. CRUMP

ASSISTANT VICE PRESIDENT, LABOUR RELATIONS

There appeared on behalf of the Company.

A. J. DelTorto	– System Labour Relations Officer, Montreal
M. A. Matheson	– Labour Relations Assistant, Montreal
N. R. Smith	– Service Design Officer, Montreal
D. E. Christensen	– System Transportation Officer, Montreal
J. B. Pool	– General Yard Master, Prince Albert

And on behalf of the Union:

H. R. Burnett	– General Chairman, Winnipeg
R. Murdoch	– Secretary, General Committee, Winnipeg

AWARD OF THE ARBITRATOR

The Company seeks to reduce the size of yard crews working at The Pas from a crew of one Yard Foreman and two Yard Helpers to a crew of one Yard Foreman and one Yard Helper. The issue before me is whether adequate safety can be maintained with the proposed crew consist reduction. The collective agreement requires the Union to give specific reasons why, in their opinion, adequate safety cannot be maintained. In the instant case, the following reasons were advanced by the Union:

1. Owing to curvature of track and the necessity of giving signals from the left hand side at some locations and obstructed view, sight lines could not be maintained with a reduced crew.
2. There are many road crossings which could not be adequately protected with a reduced crew.
3. Running switches are performed during normal switching operations at The Pas. Running switches cannot be safely executed with a reduced crew.
4. Reduced crews would find it impossible to comply with all of the rules in the Uniform Code of Operating Rules, Safety Rules and General Instructions.

For the reasons given in **Case No. 335** it will be apparent that I do not consider these to be “specific reasons” of the sort contemplated by the collective agreement. The Company, in its brief, dealt with a number of situations where, in its view, changes in switching methods or limitations on the number of cars handled would enable the work to be performed safely by a two-man crew. From the material before me I am satisfied that this is the case. The reasons given by the Union were the subject of argument, and may be dealt with briefly.

As to the first reason given by the Union, relating to track curvature, it is general in nature, but was dealt with specifically by the Company in its analysis of moves and suggestion of changes. These included the two particular instances referred to by the Union in its brief. As to the second ground, it is quite possible for crossings to be protected by a two-man crew, and it was not shown that their other activity would prevent them from doing this. As to the third ground, it would appear to be quite true that running switches cannot be safely executed by a reduced crew. The Company is in agreement with this, and where a reduced crew is used, the running switch must be eliminated as a switching technique. It does not appear that it was such an important aspect of the work that its elimination would substantially change its character.

The fourth ground of objection was also raised in **Case No. 335**. It was dealt with at some length in that award, and those remarks need not be repeated. Where a move cannot be made in compliance with the Uniform Code of Operating Rules, Safety Rules and General Instructions, then it cannot properly be made at all.

For all of the foregoing reasons, it is my conclusion that the work in question may be carried out by a reduced crew of a Yard Foreman and one Yard Helper with maintenance of adequate safety.

Accordingly, it is my award that the request of the Company be granted.

(signed) J. F. W. WEATHERILL
ARBITRATOR