

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 440

Heard at Montreal, Tuesday, April 9th, 1974

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

UNITED TRANSPORTATION UNION (T)

EX PARTE

### DISPUTE:

Consist of Yard Crews – Coach Yard and Depot.

### 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 in the territory at Toronto, Ontario, known as the Coach Yard and Depot.

FOR THE COMPANY:

(SGD.) G. H. BLOOMFIELD

ASSISTANT Vice-President, LABOUR RELATIONS

There appeared on behalf of the Company:

A. D. Andrew – System Labour Relations Officer, Montreal

M. Delgreco – Labour Relations Assistant, Montreal

D. E. Christensen – Transportation Officer, Montreal

M. R. Robinson – Transportation Officer, Montreal

J. R. Thompson – Assistant Manager Rules, Montreal

C. H. Henningsen – Administrative Officer, Toronto

E. B. Roach – Trainmaster, Toronto

A. H. Wall – Trainmaster, Toronto

J. E. Hirst – Supervisor Operations, Toronto Terminals Railway, Toronto

J. Welter – Train Movement Director, Toronto Terminals Railway, Toronto

And on behalf of the Brotherhood:

G. E. McLellan – Assistant General Chairman, Toronto

P. Corcoran – Local Chairman, Toronto

B. J. Christensen – Vice Local Chairman, Toronto

J. Racho – Local Chairman, Stratford

-

## AWARD OF THE ARBITRATOR

The Company seeks the reduction of the three-man crews heretofore used on the territory in question to two-man crews. The union has, in conformity with article 135A of the collective agreement, specified certain moves which, it is said, cannot be performed safely with a two-man crew. In considering the parties' representations on the matter, I found it helpful to take a view of the trackage in question, and this was done in the presence of representatives of the parties. In this award, I shall not deal with each move that was referred to by the parties, but only those in which, in my view, real doubts with respect to the safety of a two-man operation arose.

In 53 coach yard the layout and curvature of tracks result in relatively short sight lines, even when occupation of the tracks is moderate. It is not sufficient, as a practical answer, to refer to the Uniform Code of Operating Rules or to the question of organization of work by limiting the number of cars handled, with respect to the work in this yard. Given rather strict limitations of that sort, a two-man crew might handle the work safely, but as a practical matter I have considerable doubt as to the safety of reasonable operations in this area – even allowing for a decrease in productivity – by a two-man crew.

The wharf lead was, in my view, correctly described by the union as the "bottleneck" of the yard. Traffic on it includes scheduled CN and CP trains, as well as GO transit, in addition to the yard movements. It is the main lead for movements between Union Station and 49 and 53 coach yards. The nature and volume of traffic and the layout of the trackage would impose severe restrictions on the operations of a two-man crew in this area. While, as has been held in a number of related cases, any loss of productivity which may follow a reduction in crew size is a matter for the Company, I think there is a certain relationship between efficiency and safety, particularly with respect to trackage used by other movements. "Inefficient" movements, involving prolonged use of trackage, or the utilization of track for temporary storage of parts of a train which would otherwise be too long for safe control, in themselves create safety hazards. Inefficiency may well increase danger, at least in some circumstances, whatever its effect may be on productivity. In my view the area of the wharf lead is one where "inefficient" movements increase the risks involved in the work.

The control of movements in the Union Station would, I think, involve some difficulties because of the lighting conditions. Had it not been for the reduction in the volume of traffic said to have occurred, I would have more concern with respect to this area. As it is, I think the most that can be said is that it is a factor to be considered in assessing the safety of reduced-crew operations on the territory in question.

I make no finding with respect to other movements referred to by the union, as consideration of these were not essential to the disposition of this case. I would however, make the comment that I did not consider movements on the loop track to involve undue difficulty for a reduced crew.

Having regard to the foregoing considerations, it is my view that the necessary work in the areas referred to could not be performed by a reduced crew with maintenance of adequate safety. Accordingly the request of the Company is denied.

**(signed) J. F. W. WEATHERILL**

**ARBITRATOR**