

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 441

Heard at Montreal, Tuesday, April 9th, 1974

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

UNITED TRANSPORTATION UNION (T)

EX PARTE

### DISPUTE:

Consist of Yard Crews – Kitchener, Ontario.

### 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 Kitchener, Ontario.

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

A. D. Martin – Trainmaster, Kitchener

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 in size of yard crews working in Kitchener Yard from three men to two. As contemplated by article 135A of the collective agreement, the union has specified a number of moves which it contends could not be made by a two-man crew with maintenance of adequate safety. I shall deal in turn with the several situations referred to.

Tracks K82-83 (Schneiders). The difficulty said to exist here is the need to make a "drop" or "running switch" of cars. A running switch is an operation which it is admitted should not be required of a two-man crew. The material furnished by the Company satisfies me that a nearby run-around track may conveniently be used so that cars may be run around and pushed onto tracks K82 and 83. This procedure may involve delay and loss of efficiency, but the proper switching may be performed without resort to running switches.

Tracks K85-86-87 (Rosen's). These tracks are of limited capacity. Given the small number of cars capable of being moved at any time, and accepting, as the Company suggests, that one track be switched at a time, sight lines can be maintained and a two-man crew can perform the work with adequate safety.

Tracks K91-92 (GRR Interchange). A study of the track layout satisfies me that a two-man crew could safely handle the limited number of cars involved.

Tracks L36, L91-92 (Storage and Interchange); L61-62-63 (Storage). The difficulty referred to here, that of lining drawbars, is not one which relates particularly to the question of safe operation with a reduced crew. Rather, the difficulty may be one of reduced productivity.

Tracks L-71 to L-78 (Budd Automotive). Here again a question is raised as to the need for performing a move described as a "drop". The movement in this case, however, is not the same as a running switch, since the engine is moved clear, and switches lined, before cars are allowed to run free by the release of their brakes. Reduction in crew size would not affect this movement in itself.

Track L-83 (General Spring). As the switching for this plant is sometimes done on tracks L80 and 81, where the engineman is on the outside of the curve, so that one yardman must ride with him to receive signals, a reduction of the crew would not be feasible. The necessary moves could, however, be made by switching cars at the support yard tracks, and shoving a limited number of cars to L-83. This proposed method would be safe with a reduced crew.

Track J-30 (Kaufman Lumber). Here there is no doubt that in some situations maintenance of sight lines will require a limitation on the number of cars handled at any one time. There is no reason why with such limits as may be required from time to time, the work should not be done by a two-man crew.

Track J-50, 51, 55, 56, 60, 61, 62, 70, 71 and 72 (Uniroyal). The difficulties in this case relate to transport traffic and to the use of "reachers" which would increase the number of cars handled. As to contact with transports, this matter, like the matter of contact with pedestrian or motor traffic generally, involves compliance with the Uniform Code of Operating Rules and with the general requirement of keeping a proper lookout. As to the use of reachers, it appears that those are no longer required. As some limit on the number of cars handled will be necessary, then if reachers were in fact required as well, it would seem the move could not be handled by a reduced crew. Given the withdrawal of a requirement for the use of reachers, then moves can be safely made by a reduced crew.

Track H-10 (Kitchener Stock Yards). At this location it was said that it would be necessary to leave one member of the crew at the switch, and that the one remaining man could not control the movement alone, because of curvature of the track. Having regard to the relatively short distance involved, however, the second crew member could be in a position to pass signals to the other, and still remain in charge of the switch, in compliance with Rule 104 of the Uniform Code of Operating Rules.

Tracks H-31-39 (Passing Track and Classification Yard). In my view the layout of the tracks in this yard is such as to enable at least short cuts of cars to be handled safely by a two-man crew. Where it is necessary for a crew member to ride a car, that situation is the same as in the case of a three-man crew. As has been said before, while efficiency may be somewhat reduced, the general operation can be safely carried out by a reduced crew.

Tracks M30-32 (Cottrell Forwarding). The union indicated here that a revised switching method would be necessary for a reduced crew, since one member was required to ride in the engine to receive signals because the engineman was on the wide side of the curve. The Company has demonstrated that it would be possible to turn the engine when working on these tracks, so that the second man would be on the ground to pass signals. I am satisfied these moves could thus be safely handled by a reduced crew.

Tracks M91, 92 (GRR Interchange) and M-43 (Canada Barrels). It was suggested by the union that a running switch was needed in this area. With the ability to run around cars on the GRR Interchange tracks, however, the making of a running switch is not necessary, and no reason appears why a reduced crew could not handle safely the small volume of traffic here.

Although of course each yard must be considered individually in assessing the possibility of the operations of a reduced crew, I am satisfied from the material before me that in the area in question a reduced crew may be safely used. In a number of cases I have visited yards in which

somewhat similar industrial switching operations have been carried out, but in the instant case the material before me appeared sufficient to permit a proper disposition of the issues which arose under article 135A of the collective agreement.

For the foregoing reasons the request of the Company is allowed.

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

**ARBITRATOR**