

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1207

Heard at Montreal, Tuesday, March 6, 1984

Concerning

CN MARINE INC.

and

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

DISPUTE:

That the Company should have assigned Mr. P. H. Richards to perform certain work, which required overtime, and involved driving a truck to and from Halifax, N.S., on 1 August 1983.

JOINT STATEMENT OF ISSUE:

The Brotherhood contends that Mr. Richards, rather than D. A. Matheson, should have been assigned the work in question, on the basis of seniority.

The Company declined the grievance, indicating that there were factors other than seniority which need be considered when assigning work.

FOR THE BROTHERHOOD

(SGD.) W. C. VANCE
REGIONAL VICE-PRESIDENT

FOR THE COMPANY:

(SGD.) G. J. JAMES
DIRECTOR INDUSTRIAL RELATIONS

There appeared on behalf of the Company:

N. B. Price – Manager Labour Relations, Moncton
Capt. D. G. Graham – Marine Superintendent, Borden
D. Randall – Superintendent Marine. Engineering, Borden, PEI

And on behalf of the Brotherhood:

G. Murray – Representative, Moncton
W. C. Vance – Regional Vice-President, Moncton
G. Sexton – Local Chairman, Borden

AWARD OF THE ARBITRATOR

I am satisfied that there is neither a provision under the collective agreement nor a past practice that would warrant the distribution of overtime on the basis of seniority.

Accordingly, the Company was entitled in the exercise of its discretion to assign the overtime work in question to Mr. Matheson despite his less senior service with the Company when compared to the grievor's.

The grievance is denied.

(signed) DAVID H. KATES
ARBITRATOR