

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1254

Heard at Montreal, Wednesday, June 13, 1984

Concerning

CANADIAN PACIFIC LIMITED

and

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES

DISPUTE:

Claim that the Company violated Article VIII of the Job Security Agreement.

JOINT STATEMENT OF ISSUE:

On January 1, 1984, the Company abolished, without notice, position R/A-4, in the Office of System Manager Revenue and Agency Accounting, Montreal, Quebec.

The Company contends the abolishment was due to a decrease in volume of work.

The Union contends the abolishment was indirectly due to technological, operational and organizational changes over the years.

The Union requested the position be maintained until the Company complied with an Article VIII Notice.

FOR THE BROTHERHOOD:

(SGD.) J. MANCHIP
GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD.) R. A. MICHAUD
ASSISTANT CONTROLLER, REVENUE & CLAIMS

There appeared on behalf of the Company:

G. M. Booth – Personnel Manager, Finance & Accounting, Montreal
A. Wood – Senior Supervisor, Audit and Claims, Montreal
P. E. Timpson – Labour Relations Officer, Montreal

And on Behalf of the Brotherhood:

J. Manchip – General Chairman, Montreal
P. Vermette – Vice-General Chairman, Montreal
D. Bujold – Vice-General Chairman, Toronto
J. Germain – Local Chairman, Montreal

AWARD OF THE ARBITRATOR

Because the Trade Union has failed to establish its contention that the abolishment of the position of Interline Received Recheck Clerk R/A-4 resulted directly from the introduction of "any technological, operational or organizational change", I cannot conclude that an adverse effect on employees has resulted.

Indeed, all that has been demonstrated in evidence is that four positions have been reduced to three in the department of the Employer's operation affected by the abolished position. There has been no linkage made between the reduced number of positions (that have allegedly adversely affected the recall prospects of certain laid off employees) and the introduction of computerization and technological apparatus (VDTs) to the Employer's work place. Indeed, the incumbents occupying the positions in question continue to perform their duties "manually".

Accordingly, since no such linkage between a technological change and an adverse effect to employees has been established, I am compelled to accept the Employer's explanation that the abolished position resulted from a downturn in the volume of work occasioned by the recession. Accordingly, the grievance is denied.

(signed) DAVID H. KATES
ARBITRATOR