

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2097

Heard at Montreal, Wednesday, 9 January 1991

Concerning

VIA RAIL CANADA INC.

and

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

DISPUTE:

Time claims for 40 hours' pay on behalf of Ms. J. Keoughan, 16 hours' for Mr. M. Doucet and 24 hours' for Mr. M. Gallant

JOINT STATEMENT OF ISSUE:

Between June 4, 1989 and June 8, 1989, inclusive, the grievors M. Gallant, M. Doucet and J. Keoughan attempted to displace junior employees at the Halifax Maintenance Centre. At that time, all three grievors were protecting part-time work at Halifax Station.

The Brotherhood alleges that the Corporation violated Article 12.7 of Collective Agreement No. 1 and the local part-time agreement, when the grievors were not permitted to displace into the Halifax Maintenance Centre.

The Corporation contends that the grievors had no right to displace as they were all protecting part-time work at Halifax Station and were not subject to layoff, but were receiving a 20-hour guarantee. The Corporation declined the grievances.

FOR THE BROTHERHOOD:

(SGD.) T. McGRATH
NATIONAL VICE-PRESIDENT

FOR THE CORPORATION:

(SGD.) C. C. MUGGERIDGE
DIRECTOR, LABOUR RELATIONS

There appeared on behalf of the Corporation:

C. Pollock	– Senior Officer, Labour Relations, Montreal
M. St-Jules	– Senior Negotiator & Advisor, Labour Relations, Montreal
D. Fisher	– Senior Officer, Labour Relations, Montreal
R. Wesley	– Senior Negotiator & Advisor (Trainee), Labour Relations, Montreal
J. R. Kish	– Personnel & Labour Relations Officer, Customer Services, Montreal

And on behalf of the Brotherhood:

G. Murray	– Regional Vice-President, Moncton
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AWARD OF THE ARBITRATOR

The facts in this grievance are materially indistinguishable from those related in **CROA 2096**. For the reasons given therein, this grievance must be allowed.

January 11, 1991

(Sgd.) MICHEL G. PICHER
ARBITRATOR