

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2229

Heard at Montreal, Thursday, 16 January 1992

concerning

VIA RAIL CANADA INC.

and

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

DISPUTE:

Book rest claims submitted by various VIA Ontario spareboard employees with Maintenance of Earnings.

JOINT STATEMENT OF ISSUE:

Effective August 1, 1990, the Corporation issued a directive that spareboard employees with Maintenance of Earnings would, upon being released from duty, be permitted to book rest as follows:

Rest Entitlement	Having performed duty on a minimum of three (3) consecutive days,	one full calendar day.
	Having performed duty on a minimum of five (5) calendar days,	two full calendar days.

The Brotherhood grieved the above instructions maintaining that employees were denied their entitlement to lay-over and regular time off, in accordance with Article 7.11(b) and 4.13 of Collective Agreement No. 2.

Following the Arbitrator's decision in *CROA 2108*, the Corporation rescinded its previous instructions and effective February 28, 1991, spareboard employees with Maintenance of Earnings were permitted to book rest in conformity with Article 7.11(b).

The Brotherhood is claiming that all employees who worked on rest days should be paid time and one-half for each day worked or in lieu of days off, for the period between August 1, 1990 and February 28, 1991.

FOR THE BROTHERHOOD:

(SGD.) T. N. STOL
NATIONAL VICE-PRESIDENT

FOR THE CORPORATION:

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

There appeared on behalf of the Corporation:

M. St. Jules – Senior Negotiator and Advisor, Labour Relations, Montreal

And on behalf of the Brotherhood:

M. Lesperance – Representative, Toronto

H. Henry – Local Chairman, Toronto

At the hearing the matter was resolved between the parties and withdrawn.