

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2462

Heard in Montreal, Wednesday, 9 March 1994

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES

EX PARTE

DISPUTE:

The seniority level of two employees awarded new positions.

BROTHERHOOD'S STATEMENT OF ISSUE:

In March 1990, the Company issued Bulletin QV-05A-90 for track employees on the Quebec, Lac St-Jean and Abitibi Territories. In April 1990, two positions were awarded to Mr. M. Blouin and Mr. C. Michaud.

The Union contends that: **1)** There were other employees bidding on these positions who were more senior than Mr. Blouin and Mr. Michaud. **2)** These more senior employees were not awarded the positions bid on. **3)** The Company has preferred junior employees at the expense of senior employees. **4)** In so doing the Company has violated the intent of Article 3.4(c) of Agreement 10.8 and violated the terms of Article 3.3 and Appendix II of Agreement 10.8.

The Union requests that: The employees adversely affected be awarded the positions in question and that they be compensated for all lost wages.

The Company denies the Union's contentions and declines the Union's request.

FOR THE BROTHERHOOD:

(SGD.) R. A. BOWDEN
GENERAL CHAIRMAN

There appeared on behalf of the Company:

J. Perron	– Assistant System General Counsel, Montreal
M. Hughes	– System Labour Relations Officer, Montreal
D. C. St-Cyr	– Manager, Labour Relations, St. Lawrence Region, Montreal
P. Gagnon	– Observer
D. Roy	– Observer
N. Tessier	– Observer

And on behalf of the Brotherhood:

R. A. Bowden	– System Federation General Chairman, Ottawa
R. Phillips	– General Chairman, Toronto
A. Trudel	– General Chairman, Montreal
L. Regis	– General Chairman, Ottawa

At the hearing, the matter was resolved between the parties.