

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2472

Heard in Montreal, Tuesday, 10 May 1994

concerning

**CANADIAN PACIFIC LIMITED**

and

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

### **DISPUTE:**

The contracting out of snow clearing at the Hudson and Rigaud commuter train platform.

### **JOINT STATEMENT OF ISSUE:**

On or about December 15, 1992 the Company reassigned the snow clearing unit that had been used to clear snow and salt platforms at the Rigaud and Hudson stations and reassigned it to the clearing of the Vendome platforms. The snow clearing at Rigaud and Hudson was subsequently performed by the contractor already engaged for the clearing of the parking lots at those locations. Sanding and salting was performed by a CP Flagman who protected the contractor against train movements.

The Union contends that: **1.)** The Company violated Article 31.3 of Wage Agreement No. 41 by not including this contract in its plans for the year 1992; **2.)** The Company violated Article 31.1 by contracting out work which is presently and normally performed by bargaining unit employees; **3.)** The Company violated Articles 31.4 and 31.5 by not serving notice to the Union of its intention to contract out this work.

The Union requests that: Mr. Lafleur and Mr. Bazeau be compensated for any hours lost outside of regular hours as a result of the reassignment of the snow fighter.

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

### **FOR THE BROTHERHOOD:**

**(SGD.) D. MCCRACKEN**  
SYSTEM FEDERATION GENERAL CHAIRMAN

### **FOR THE COMPANY:**

**(SGD.) M. G. MUDIE**  
GENERAL MANAGER, OPERATION & MAINTENANCE, IFS

There appeared on behalf of the Company:

W. Stekman – Labour Relations Officer, Toronto  
D. T. Cooke – Manager, Labour Relations, Montreal  
J. Favreau – Manager, Engineering Maintenance, Montreal

And on behalf of the Brotherhood:

P. Davidson – Counsel, Ottawa  
D. McCracken – System Federation General Chairman, Ottawa  
R. Della Serra – Federation General Chairman, Montreal

At the request of the parties, the hearing has been adjourned *sine die*.