

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2850

Heard in Calgary, Tuesday, May 13, 1997

concerning

**CANADIAN PACIFIC RAILWAY COMPANY**

and

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

**EX PARTE**

### **DISPUTE:**

Claim on behalf of Messrs. M. Leblanc, R. Boone, P. McGee, M. Green, W. Cronk, J. Lawson, M. Duffy, T. Thibodeau, E. Dee, D.W. Blair, D.E. Blair, O. Comeau, P. Laforest, P. Green, G. Roy, P. Ladorest, L. Bowmaster, T. Campbell, R. McLaughlin, D. Bell, G. Brewer, R. Ferguson, and D.F. Blair (File #14.087).

### **EX PARTE STATEMENT OF ISSUE:**

On August 24, 1994, The Company served an article 8 notice, effective January 1, 1995. Notwithstanding the fact that the grievors were adversely affected by this article 8 change they were excluded from the article 8 notice and, therefore, were not considered entitled to employment security benefits.

The Brotherhood contends that: 1.) All the grievors possessed more than the required minimum of 8 years of cumulative compensated service; 2.) The Company violated articles 8.1 and 7 of the Job Security Agreement.

The Brotherhood requests that an amended article 8 notice be issued forthwith and that the grievors be made whole for all wages, benefits and expenses incurred as a result of this matter.

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

### **FOR THE BROTHERHOOD:**

**(SGD.) JOHN J. KRUK**

**SYSTEM FEDERATION GENERAL CHAIRMAN**

There appeared on behalf of the Company [among others]:

M. W. Shannon – Counsel, Calgary  
D. T. Cooke – Manager, Labour Relations, Calgary

And on behalf of the Brotherhood [among others]:

D. Brown – Sr. Counsel, Ottawa  
J. J. Kruk – System Federation General Chairman, Ottawa

### **AWARD OF THE ARBITRATOR**

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

Dated at Montreal, May 30, 1997

**(signed) MICHEL G. PICHER**  
ARBITRATOR