

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 3170

Heard in Calgary, Thursday, November 16, 2000

Concerning

CANADIAN PACIFIC RAILWAY COMPANY

And

**CANADIAN COUNCIL OF RAILWAY OPERATING UNIONS
(BROTHERHOOD OF LOCOMOTIVE ENGINEERS)**

EX PARTE

DISPUTE:

The Company's instructions to have freight crews handle their trains past their final destination of Ignace, Ontario, to either the first siding east or first siding west, a direct violation of article 30.09 and article 34.01(1).

COUNCIL'S STATEMENT OF ISSUE:

The Council is of the position that the Company must serve a material change notice pursuant to article 34.01(1). The Council also states that the Company is in direct violation of article 30.09. The Company's position is that the switching zones have been extended which would permit this type of operation.

The Council has requested a new day for each time locomotive engineers were ordered to run-through their final destination.

The Company has declined the Council's request.

FOR THE COUNCIL:

(SGD.) D. C. CURTIS
GENERAL CHAIRMAN

Appearing on behalf of the Company [among others]:

D. E. Guerin – Labour Relations Officer, Calgary

Appearing on behalf of the Council [among others]:

D. C. Curtis – General Chairman, Calgary

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