

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 3291

Heard in Montreal, Wednesday, 9 October, 2002

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

UNITED TRANSPORTATION UNION

DISPUTE:

Recall of protected employees upon implementation of furlough board in the Atlantic Region pursuant to the new labour agreement in effect since March 1, 2002.

JOINT STATEMENT OF ISSUE:

Under the terms of the 1995 labour agreement, protected employees (employees hired before a certain date) no longer had access to the furlough boards that were set up when terminals had more employees than available positions. Since the new agreement came into effect, protected employees in the Atlantic Region were able to obtain reinstatement of this layoff protection.

The Union requests that the Company call protected employees back to their terminals, even though they held a position at another terminal before the new agreement came into effect. The Union is also claiming reimbursement of expenses incurred outside of their terminals in accordance with the provisions of Article 72 of Agreement 4.16.

The Company declined the Union's appeal.

FOR THE UNION:

(SGD.) R. LEBEL
GENERAL CHAIRPERSON

FOR THE COMPANY:

(SGD.) D. LAURENDEAU
FOR: SENIOR VICE-PRESIDENT,
EASTERN CANADA DIVISION

On behalf of the Company [among others]:

D. Laurendeau	– Manager, Human Resources, Montreal
J. Torchia	– Director, Labour Relations, Edmonton
B. Hogan	– Manager, Work Force Strategies

On behalf of the Union [among others]:

R. LeBel	– General Chairperson, Quebec City
R. Michaud	– Chairperson – Quebec Legislative Committee

AWARD OF THE ARBITRATOR

At the hearing for this grievance and following discussions between the parties, the hearing was adjourned because the dispute was resolved according to the conditions agreed by the parties.

October 11, 2002

(signed) MICHEL G. PICHER
ARBITRATOR