

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 3382

Heard in Calgary, Wednesday, 12 November 2003

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

UNITED TRANSPORTATION UNION

EX PARTE

DISPUTE:

The abolishment of Traffic Coordinators and use of management and Train Movement Clerks at Clover Bar Yard in Edmonton, Alberta.

UNION'S STATEMENT OF ISSUE:

In August of 1999, the Company abolished four Traffic Coordinator positions in Clover Bar Yard in Edmonton. The Union claimed that this constituted a material change in working conditions and that, as such, adverse effects on the membership had to be addressed. The Company maintained that the positions were not abolished but the duties were transferred to West Tower Traffic Coordinators. This position was upheld by the arbitration in CROA 3143.

However, despite the Company's position that management and Train Movement Clerks performed this work only during the transitional period, in reality the work was transferred to West Tower Traffic Coordinators in name only. The work, which formerly belonged to the Clover Bar Traffic Coordinators was and is still being performed by Train Movement Clerks and management. It is the Union's position that this work should be performed by Traffic Coordinators and that the Company has improperly given the work to Train Movement Clerks.

The Union requests that the Traffic Coordinators be reinstated at Clover Bar and that the Company cease and desist the practice of management and train movement clerks performing this work. Additionally, the Union requests that those employees adversely affected be made whole.

The Company disagrees.

FOR THE UNION:

(SGD.) R. A. HACKL

FOR: GENERAL CHAIRPERSON

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

S. Blackmore – Manager, Human Resources, Edmonton

And on behalf of the Union [among others]:

M. Church – Legal Counsel, Toronto

R. A. Hackl – Vice-General Chairperson, Edmonton

AWARD OF THE ARBITRATOR

Having regard to the agreement of the parties, the award herein dated November 17, 2003, is vacated, and is therefore void and of no effect for any purpose.

May 11, 2004

(signed) MICHEL G. PICHER
ARBITRATOR