

**CANADIAN RAILWAY OFFICE OF ARBITRATION  
& DISPUTE RESOLUTION**

**CASE NO. 3946**

Heard in Montreal Thursday, 14 October 2010

Concerning

**CANADIAN NATIONAL RAILWAY COMPANY**

and

**TEAMSTERS CANADA RAIL CONFERENCE**

**EX PARTE**

**DISPUTE:**

The establishment of “Velocity Trains” resulting in the re-assignment of work on the Three Hills, Blackfoot and Wainwright Subdivisions without service proper notice pursuant to article 139 of agreement 4.16 governing conductors and assistant conductors and the operation of trains on these subdivisions contrary to the collective agreement and other express agreements between the parties.

**UNION’S STATEMENT OF ISSUE:**

On or about June 3, 2009, the Company issued a bulletin describing a train service that would operate out of the home terminal of Edmonton, AB. This assignment would require Edmonton crews to go onto the Three Hills Subdivision, which is serviced by Calgary crews, the Blackfoot Subdivision which is serviced by North Battleford crews, and the Wainwright Subdivision, which is serviced by Biggar crews.

The new assignment – called a Velocity Train – is not a true through freight train or an extended run train; rather, it is a grain block assignment which operates over Edmonton territory and onto a subdivision of an adjacent terminal where it spots a full train at a customer location. Once loading is completed, the Edmonton crew is re-ordered and returns to Edmonton.

The Union submits that such operation is prohibited under the collective agreement and contrary to express agreements between the parties. Accordingly, the Union submits that, if the Company wishes to operate in such a manner, it must properly service a material change notice and address the adverse effects created by such a change in operations, including, but not necessarily limited to, loss of earnings and reduction in miles available to each affected terminal.

The Company disagrees.

**FOR THE UNION:**  
**(SGD.) B. R. BOECHLER**  
GENERAL CHAIRMAN

There appeared on behalf of the Company:

K. Morris	– Sr. Manager, Labour Relations, Edmonton
D. VanCauwenbergh	– Director, Labour Relations, Toronto
D. Brodie	– Manager, Labour Relations, Edmonton
P. Payne	– Labour Relations, Edmonton
T. Brown	– General Manager Operations, Winnipeg

And on behalf of the Union:

M. A. Church	– Counsel, Toronto
B. R. Boechler	– General Chairman, Edmonton
R. A. Hackl	– Vice-General Chairman, Edmonton
T. Markewich	– Sr. Vice-General Chairman, Edmonton
T. Beaver	– General Chairman, CP Lines East, Oshawa

### **AWARD OF THE ARBITRATOR**

For the reasons related in CROA&DR 3945, the grievance is allowed, in part. The Company is directed to apply the appropriate material change notice and process to Calgary based crews, based on the reduction of the prior protections of the special agreement respecting the closure of the home stations of Hanna and Mirror on the Three Hills Subdivision.

October 21, 2010

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