



Teamsters Canada Rail Conference

General Committees of Adjustment
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February 12, 2013

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Dear Sir,

RE: CANCELLATION OF LOCAL RULES AND STANDARDIZED CALLING PROCEDURES

In accordance with Article 22.02 LE and Article 71.02 CTY, Step three of the current Collective Agreements we are herein submitting a policy grievance with regard to the Company's decision to arbitrarily cancel all local rules system wide and calling procedures effective January 28, 2013.

As you will recall, during the recent round of negotiations, the Company served a demand to standardize local rules and calling procedures. The Company went as far as to place it before Arbitrator Kaplan during the Mediation Arbitration process required under Bill C-39. The Company demand was left under the Arbitrator's jurisdiction to rule if this was an acceptable demand. When Arbitrator Kaplan delivered his award on December 19, 2012, Mr. Kaplan did not accept the Company position. The Company was unsuccessful in achieving their demand. The Union submits any demands not specifically awarded by Mr. Kaplan or agreed to between the parties cannot be arbitrarily implemented by the Company.

The CIRB published order 669-NB on December 19, 2012 directing the Company to cease and desist from the wholesale cancellation of local agreements. Almost immediately, the Company issued a letter informing our Divisions of the Company's intention to execute once again the cancellation of the aforementioned local rule package(s) and arbitrarily adjusting calling procedures, directly contravening CIRB order 669-NB.

In several areas the Union was invited locally to discuss the notice of cancellation of local rules, at no time was this office notified of the cancellations or invited to review or sign off on any local rules packages as stipulated in the MOS Appendix 37. The Collective Agreements also contains specific articles with regard to handling local rules, Article 35 of the Locomotive Engineers Agreement and Article 79 of the Conductors, Trainmen and Yardmen Agreement both stipulate how local rules will be negotiated and made effective.

Article 25.03 LE requires the Company to consult with the Union prior to making a change of consequence in calling procedures, this has not taken place and the manner in which the Company has cancelled the local rules packages clearly violates these articles.

Since the Company has issued and implemented new calling and board placement rules via Company Bulletin, the Union submits that these rules are in violation of numerous Collective Agreement provisions. One such example the Union draws attention towards is the manner in which Article 39.03 CTY is recognised when calling spare Conductors on road assignments. The rules contained in the Bulletin directly contravene Article 39.03 and are causing lost wages and hardship relating to fatigue for our membership on a daily basis.

The order of these calling rules further violate LE Article 4.12 (5) and (6) when filling vacancies in yard service, by not allowing Engineers desiring overtime shifts to be called following the use of spareboard Engineers. These are only a few examples of the issues with the Bulletin and are not an exhaustive list. By compiling and then implementing these rules without engaging the Union, the company has not only created a situation of complete disorder but also denies our members their collective right to work and wages provided for in their respective Collective Agreements.

The LE West Collective Agreement Article 25 is clear on Union involvement in the calling procedures our Local Chairs clearly identify that they were presented with a document and advised that this was to be implemented. For the Company readily admits in their affidavit to the CIRB that the only location that there was any form of consultation was Vancouver. There apparently was no consultation or input allowed from the Local Chairs in other locations or this office.

In addition, our offices have received information from our Divisions that the Company is attempting to dictate which Local Union Officers are permitted leave for union business and the time frame of when they can be off. It is our position that the Company may be engaging in behaviour that appears to be systematic Anti - Union animus, in contravention of the Canada Labor Code.

For the above reasons, the Union asks that the Company comply with CIRB order 669-NB, Canada Labour Code, Collective Agreements and other applicable legislation. We request that the Company cease and desist the implementation of the wholesale cancellation of all previous local rules and the arbitrary change to calling procedures.

We request that the Company provide the Union any practises and/or procedures which may affect working conditions or calling procedures. To date this office has not been provided any documentation from the Company on their wholesale change to the decision rules. We further request that any of our members who have been disadvantaged, be made whole.

The Union reserves the right to allege a violation of, refer to, and/or rely upon any other provisions of the Collective Agreement and/or any applicable statutes, legislation, acts or policies.

Yours truly,



Dave Able
General Chairman, LE West



Dave Olson
General Chairman, CTY West

Cc: Mr. Dave Freeborn, Director Labour Relations CP
Mr. Bruce Hiller, General Chairman TCRC CTY East
Mr. Benoit Brunet, General Chairman TCRC LE East
Local Chairmen, TCRC CP West