

Local 101R Update – CP Rail : Grievance update

Since June 2015, the union has presented 59 cases to arbitration under the grievance backlog process negotiated in the last agreement. Of those, 13 were terminations and 33 discipline of various forms, the remainder are a mixture of General Holiday Pay, Vacation allotments, Rule 6 calls, contracting out and others.

We currently have 387 active grievances in the Western Region and 326 active grievances in the Eastern Region, with some 30 terminations contained therein.

One decision of special interest to our members involves the termination of a member who allegedly refused to work *mandatory or required overtime*. In reinstating the employee with full redress, the arbitrator noted that: “..No call list was deployed or provided to the union on the dates in question in this case... Nor did the employer demonstrate that an emergency existed that would justify such a directive.....the employer did not meet its obligation under the provisions of the collective agreement regarding for overtime call lists or allocation of overtime among employees. Equally, the employer has not demonstrated that its disciplinary action was necessary or appropriate.”

While we had hoped that this decision would be sufficient grounds for the employer to cease demanding our members to work overtime on a mandated basis, CP has forced us to continue to proceed with two additional termination grievances of our members on similar fact basis. The legal question of forced overtime on a daily, weekly or ongoing basis will be decided in a final and binding basis following our March 2015 scheduled hearing dates.

In advance of those hearing dates, we will be meeting with CP Rail on March 2, 3 and 4 in Calgary with the view of resolving a large numbers of grievances. With nearly 60 decisions issued by the Arbitrator, we would now expect the company to see their way to draw some guidance from these decisions and apply similar resolves on cases involving similar fact.

Safety Allowance

We were disappointed to see that the safety footwear/apparel allowance was not on the first pay of 2016 apparently as a result of an SAP glitch. We immediately contacted top officers of the company who advised they were taking immediate steps to have the negotiated allowance applied on “off cycle” payment, and deposited to the active employees by the end of business day Friday January 29. Mechanisms are being put in place to ensure timely payment of the safety allowance in the final two years of the agreement.

In solidarity

Nelson Gagne - Local 101R President

Karine Desjardins – Vice President Eastern Region

Jim Wiens – Vice President Western Region

Brian Stevens – Unifor National Rail Director

Bob Orr – Unifor Assistant to the National Secretary-Treasurer

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