



Order No. 1180-NB

IN THE MATTER OF THE

Canada Labour Code

- and -

Canadian National Railway Company,

applicant,

- and -

Unifor National Council 4000

respondent.

WHEREAS the employees of Canadian National Railway Company (**CN** or the **Employer**) are represented by Unifor National Council 4000 (**Unifor 4000**) and CN and Unifor 4000 are parties to a collective agreement which expires December 31, 2022;

AND WHEREAS the Canada Industrial Relations Board (the **Board**) has received an application from the Employer pursuant to sections 19.1, 88, 89 and 91 of the *Canada Labour Code (Part I – Industrial Relations)* (the **Code**);

AND WHEREAS section 3(1) of the Code provides that a strike includes a cessation of work or a refusal to work or to continue to work by employees, in combination, in concert or in accordance with a common understanding, and a slowdown of work or other concerted activities on the part of employees in relation to their work that is designed to restrict or limit output;

AND WHEREAS, the Board held a teleconference with the parties on July 10, 2020 to hear their respective positions with respect to the Employer's application;

AND WHEREAS, the Board finds that certain members of the bargaining unit represented by the Respondent and assigned to CN's Brampton Intermodal Terminal ("**BIT**") did engage in activity that constitutes an unlawful strike on July 9 and 10, 2020 in contravention of section 89(2) of the Code;

NOW THEREFORE, it is hereby ordered by the Board, pursuant to section 91 of the Code, that:

Order No. 1180-NB

1. the employees assigned to the BIT who are represented by Unifor 4000 cease and desist from participating in any activities that constitute a strike as defined in section 3(1) of the Code; and
2. the employees assigned to the BIT who are represented by Unifor 4000 are to immediately report for work and resume or continue to perform their regular duties in the normal manner; and
3. Unifor 4000 and the Employer shall take immediate steps to communicate the Board's Order to the employees affected by the Order.

THIS ORDER is made pursuant to the provisions of section 91 of the Code and shall remain in effect until the requirements of section 89(1) of the Code have been met, unless it is modified or revoked pursuant to an application under Section 93 of the Code.

ISSUED at Ottawa this 10th day of July, 2020 by the Canada Industrial Relations Board.



Ginette Brazeau
Chairperson

Reference No.: File No. 33873-C