



# Teamsters Canada Rail Conference

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General Committees of Adjustment  
Canadian Pacific Railway

Dave Able  
Benoit Brunet  
General Chairmen  
Locomotive Engineers

Dave Olson  
Bruce Hiller  
General Chairmen  
Conductors, Trainmen, Yardmen

March 22, 2013

**VIA EMAIL**

To All Local Chairs:

This is further to the distribution of the March 22, 2013 Decision by the Canada Industrial Relations Board (CIRB) as it pertains to our application to the CIRB to register, with the Federal Court of Canada, their original Board Order 669-NB, dated December 19, 2012.

It must be said, and we want to emphasize and recognize the hard work done by all the Local Chairs in their ongoing updates and information provided to the General Committee Offices. Without all of the factual background and evidence to prove our position we would not have been as successful. This is a clear demonstration that all of us pulling together in the same direction is the strongest position possible, and the best way to defend the rights of our membership and protect the Collective Agreements.

We want to provide you with the following explanation so that you and the membership understand where we presently are in this entire matter, how we got to this point, and what is going to be happening next.

To recap the entire situation for you and the membership, we provide the following explanation:

- October 1, 2012, we filed the initial charges with the CIRB with respect to the Local Agreement cancellations initiated by Canadian Pacific (CP) during September.
- Our position was that CP, in cancelling the local agreements, was in violation of Section 50, 94 and 96 of the Labour Code as well as Bill C-39.
- Additionally, we sought an interim order against CP to cease and desist until the entire complaint could be heard before the CIRB.
- October 19, 2012, a hearing was held in Ottawa and the CIRB granted our cease and desist request on an interim basis. Subsequent to this hearing, Board Order (696-NB) was issued until the merits of the complaint could be argued.
- Another hearing was scheduled for December 12, 13, 2012, in Ottawa, however this hearing did not take place as the CIRB decided it had sufficient evidence to make their decision.

- On December 19, 2012 the CIRB issued their Board Order (699-NB) which superseded the interim Board Order from October 19. The new Board Order found CP had violated Section 94(1)(a) of the Code in cancelling the Local Agreements at the time and in the manner they did. Further, the CIRB directed CP to cease and desist from the wholesale cancellation of the Local Agreements and to reinstate the Local Agreements that were cancelled.
- Shortly following this latest Board Order, CP began the wholesale cancellation of Local Agreements once again. We took the position their actions were in violation of the most recent (December 19, 2012) Board Order and we felt that CP would continue to ignore and to violate the Board Order in the future.
- CP took the position the December 19 Board Order had no effect on their actions and they could unilaterally cancel Local Agreements in a wholesale manner.
- Consequently, on January 11, 2013 we wrote to the CIRB requesting they intervene into the situation due to the actions of CP. On January 14, 2013, the CIRB took the position the previous file was closed with the issuance of their December 19 Board Order (699-NB). We understood that to mean we may have to eventually file another set of charges with the CIRB.
- Meanwhile, on January 23, 2013, we wrote to the CIRB requesting they register their December 19, 2012 CIRB Board Order (699-NB) with the Federal Court as CP continued to violation that Board Order.
- The CIRB responded by scheduling a hearing into this matter for March 18, 19, 2013 in Ottawa.
- We attended the hearing along with our legal counsel, and the hearing was completed in one day. The decision was issued on March 22, 2013, and distributed to each Local Chair.

We are satisfied the CIRB clearly understands the ongoing actions of CP, the entire situation the membership is facing at CP, and we are particularly encouraged by the comments of the CIRB within their March 22, Decision where they state:

“[28] The Board was very deliberate in its drafting of Order no. 669-NB, and it did intend the order to indefinitely prohibit the employer from unilaterally cancelling and replacing the local rules on a system-wide basis. Accordingly, the Board has no difficulty in finding that the employer has failed to comply with Order no. 669-NB, and that given the employer’s past conduct, there is every likelihood that it will continue to fail to comply with the order in the future.”

The decision of the Canada Industrial Relations Board is very clear to us. We expect that CP will begin to adhere to the Board Order, however that is a decision that CP must make. The actions of the CIRB in registering their Board Order with the Federal Court of Canada provide the ability to seek enforcement of that Board Order by the Court. Someone within CP may face the consequences of their decisions at a future date.

We will be meeting and discussing this entire situation together with our legal counsel and we anticipate that our next steps will be determined in due course.

During all this, we took further action by filing new charges on March 15, 2013 with the Canada Industrial Relations Board regarding the actions of CP in their cancellations which began again in December. In addition to our previous charges, we argued that CP is in violation of and has ignored the Board Order. These charges are currently being processed by the CIRB and we will update the Divisions with information as it is received. Hopefully the most recent decision of the CIRB to register with the Federal Court will enlighten someone within CP to pay attention to the law or face the consequences.

We want to emphasize to the membership how much we appreciate their patience and support during this concerted action by CP. We understand that sometimes it seems justice moves slowly, and in some cases it does. However, we remain diligent in our resolve to do everything legally that we can to protect the rights of the membership and to defend the collective agreements we have.

Finally, we have attached the current March 15, 2013 charges and the March 22, 2013 correspondence from the Board, with respect to the registering of the Board Order with the Federal Court of Canada, for your reference and files. Further updates will be distributed as required.

Sincerely and in Solidarity,



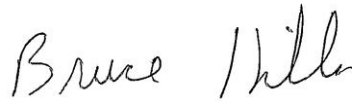
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