



Teamsters Canada Rail Conference

General Committees of Adjustment
Canadian Pacific Railway

Dave Fulton
Bruce Hiller
General Chairman
Conductors, Trainmen and Yardmen

Greg Edwards
Benoit Brunet
General Chairman
Locomotive Engineers

February 5, 2015

VIA EMAIL

All TCRC Local Chairs - CPR Eastern and Western Regions

FOR POSTING IN ALL LOCATIONS

Brothers and Sisters,

We have been hearing from many of you that CP Rail has begun to train their managers again in spite of the Canada Industrial Relations Board order 748-NB. Specifically they are telling Locomotive Engineers that they are to vacate their seat but remain on the lead engine while a manager trains another manager to perform our work. Some of our members have also been told that if they don't relinquish control of the train to the managers it would be considered insubordination and an investigation and discipline would follow.

We have forwarded this issue to our Lawyer Denis Ellickson, and he sent the attached letter to the Company informing them that we consider these actions to be a violation of the Board's decision and orders. We are pursuing all options available to us at this time and **need your help again in reporting all instances of managers removing our members from their work stations in order to train their scab replacement workforce.**

It goes without saying that our members are once again put in a position where they have no choice but to follow these directions from their supervisors in a "Do it now, grieve later" situation. We understand how frustrating this is for our membership, but rest assured that we are working to have this CIRB order upheld in its entirety.

We thank you all for your patience and want you all to know we are working on this issue and will keep you informed of any developments as they arise.

In Solidarity,

Greg Edwards
General Chairman, LE West

Dave Fulton
General Chairman, CTY West

Benoit Brunet
General Chairman, LE East

Bruce Hiller
General Chairman, CTY East

Encl.

CaleyWray

LABOUR/EMPLOYMENT LAWYERS

1600-65 Queen Street West
Toronto ON M5H 2M5

Denis W. Ellickson
Direct Line: 416-775-4678
Toll Free: 1-866-691-3763
Fax: 416-366-3293
Email: ellicksond@caleywray.com

File No. 32262

January 30, 2015

EMAILED

Mr. Nizam Hasham
Legal Counsel
Canadian Pacific Railway Company
2025 McCowan Road
1st Floor, GYO Building
Toronto, ON M1S 5K3

Dear Mr. Hasham:

RE: IN THE MATTER OF THE CANADA LABOUR CODE (*PART I – INDUSTRIAL RELATIONS*) AND A COMPLAINT OF UNFAIR LABOUR PRACTICE FILED PURSUANT TO SECTION 97(1) THEREOF BY THE TEAMSTERS CANADA RAIL CONFERENCE, COMPLAINANT, ALLEGING VIOLATION OF SECTIONS 94(1)(a) AND 94(3) OF THE *CODE* BY THE CANADIAN PACIFIC RAILWAY COMPANY, RESPONDENT. (30114-C)

RE: IN THE MATTER OF THE *CANADA LABOUR CODE (PART I – INDUSTRIAL RELATIONS)* AND AN APPLICATION FOR INTERIM RELIEF FILE PURSUANT TO SECTION 19.1 THEREOF BY THE TEAMSTERS CANADA RAIL CONFERENCE, COMPLAINANT, THE CANADIAN PACIFIC RAILWAY COMPANY, RESPONDENT. (30136-C)

RE: IN THE MATTER OF THE *CANADA LABOUR CODE (PART I – INDUSTRIAL RELATIONS)* AND AN APPLICATION FILED PURSUANT TO SECTION 23(1) CONCERNING THE TEAMSTERS CANADA RAIL CONFERENCE, APPLICANT; CANADIAN PACIFIC RAILWAY COMPANY, RESPONDENT (30734-C)

We write further to the Board's decision in the above matters dated January 9, 2015 and recent reports that the Company is conducting itself in violation of the Board's decision and orders.

Specifically, the Union has become aware that that in Calgary, Medicine Hat and other locations, Managers are relieving employees of their obligation to operate and control their trains. This is being done for the purposes of allowing Managers to train management trainees. Crews are then relegated to the role of observers.

We further understand that Managers are doing the above in furtherance of directions contained in a "Management Circular".

At page 11 of its decision, the Board states:

While the Board recognizes that the employer's interest in having managers qualify to operate trains, this interest must be balanced against the union's interest in the integrity of its bargaining unit. In the Board's view, the employer's practice of relieving unionized crews of their assignments in order to train managers contravenes the recognition of the bargaining unit work embodied in the union's certification order and violates section 36(1)(a) and 94(1)(a) of the *Code*. The employer is hereby directed to cease this practice.

We are requesting a copy of the Management Circular and that the above practice cease immediately. The Union reserves all of its rights to pursue such action as it deems necessary to prevent any future violations.

I would appreciate a response at your earliest opportunity.

Yours truly,
CaleyWray



Denis W. Ellickson
DWE/sb

c. G. Edwards B. Hiller B. Brunet
 D. Finnon D. Fulton