



Teamsters Canada Rail Conference

General Committees of Adjustment
Canadian Pacific Railway

Dave Fulton
Bruce Hiller
General Chairmen
Conductors, Trainmen and Yardmen

Greg Edwards
Benoit Brunet
General Chairmen
Locomotive Engineers

March 6, 2015

VIA EMAIL

All TCRC Local Chairs - CPR Eastern and Western Regions - Bulletin 12

As you are all aware, in spite of our best efforts were unsuccessful in reaching a negotiated settlement with CP Rail. As a result, we exercised our legal right to strike as per the *Canada Labour Code*. We would like to thank the entire membership for their support during the strike. Each member of the bargaining committee participated in picketing at various locations and were encouraged by the memberships' comments and commitment to resolving their issues to conclusion.

Considering the eminent appointment of an Arbitrator by the government, we came to an agreement with the Company and opted for interest arbitration. We believe, in the circumstances, this afforded us the best chance of a fair settlement considering that we will be part of the selection process in regards to the Arbitrator and there are no preconditions set out for the final award.

To that point, the parties have not been able to complete the selection of the Arbitrator; therefore Federal Mediation and Conciliator Services (FMCS) has requested that both parties re-submit 5 names by March 12, 2015 in order to complete the first step. (See attach letter from FMCS dated March 3rd, 2015)

In negotiations and in our discussions with FMCS, the Company and the Minister, we have explored the possibility of requesting the Minister to utilize the powers she has under the *Canada Labour Code* to address the arbitration backlog at CP. We have formally requested the help of the minister to that effect. (See attach letter dated March 4th, 2015)

We also had to deal with the Company's interpretation of the return to work agreement signed February 16 in Ottawa. The Company took the position that the Union business interim agreement and Board Order in place prior to the strike did not apply anymore. We clearly were in disagreement with their position and took proper action and applied to the CIRB for a decision on the matter.

On February 25, 2015 we filed a complaint with the Canada Industrial Relations Board (CIRB) charging that CP actions violated Sections 50, 89, and 94 of the *Canada Labour Code*. In addition we sought the Board's immediate intervention through a request for interim relief and to immediately stop CP. We were successful in our interim request and the board has ordered maintaining our right to protect our membership. (See attached decision rendered March 5th, 2015) The Board has requested the parties schedule dates to hear the original complaint and we will provide details as they unfold.

Your Bargaining Committee has spent the time following the strike preparing for the mediation-arbitration process. Although a negotiated contract was our goal, we are ready and committed to presenting our demands before a third party.

Teamsters Canada and the National Office continue to assist and support us fully in our efforts on your behalf. Your Bargaining Committee is in regular contact with your Local Representatives and will inform them as soon as possible on any developments.

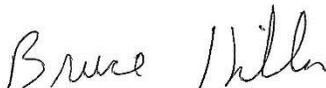
In Solidarity,



Dave Fulton
General Chairman - CTY West



Greg Edwards
General Chairman - LE West



Bruce Hiller
General Chairman - CTY East



Benoit Brunet
General Chairman - LE East

CC: Doug Finnon, President TCRC



BY FAX AND EMAIL

March 3, 2015

Mr. Peter Edwards
Vice-President Human Resources
and Industrial Relations
Canadian Pacific Railway Company
7550 Ogden Dale Road South East
Calgary, AB
T2C 4X9

Fax: 403-319-6770
Email : peter_edwards@cpr.ca

Mr. Doug Finnon
President
Teamsters Canada Rail Conference
130 Albert Street, Suite 1710
Ottawa, Ontario
K1P 5G4

Fax: 613-235-1069
E-mail: dfinnon@teamstersrail.ca
dougfinnon@shaw.ca

Collective bargaining dispute between Canadian Pacific Railway Company and
Teamsters Canada Rail Conference

Dear Mr. Edwards and Mr. Finnon:

Further to our telephone conversation of yesterday, I would like to confirm that both parties were not able to agree on a mediator/arbitrator as per Section 4 of the Memorandum of Agreement. Consequently, each party is now to submit a list of five names of potential mediators/arbitrators who have labour relations experience. Please indicate if you require a bilingual arbitrator in your response to me.

The names of potential mediators/arbitrators should be submitted to me in writing no later than **March 12, 2015**.

Yours sincerely,

Guy Baron
Director General,
Federal Mediation and Conciliation Service



TEAMSTERS CANADA RAIL CONFERENCE

CONFÉRENCE FERROVIAIRE DE TEAMSTERS CANADA

Douglas Finnon
President
Président

Roland Hackl
Vice-President
Vice-Président

1710-130 Rue Albert Street
Ottawa, ON - K1P 5G4
Tél: (613) 235-1828
Fax: (613) 235-1069
www.teamstersrail.ca

Christopher Lowe
Secretary Treasurer
Secrétaire-Trésorier

Don Ashley
National Legislative Director
Directeur législatif national

March 4, 2015

Hon. Dr. K. Kellie Leitch, P.C., O. Ont., M.P.
Minister of Labour and Minister of Status of Women
165 Hotel de Ville Street
Gatineau, QC K1A 0J2
FAX: (819) 994-5168

Dear Minister,

This letter is further to the discussions that took place in mid February as it pertained to the ongoing collective agreement negotiations between members of Teamsters Canada Rail Conference (TCRC) and Canadian Pacific Railway. In our view a critical topic involved the substantial number of outstanding grievances, and it has been raised as a key priority for our members. We appreciate your willingness to discuss the issue and your assistance in helping our members and the employer to eliminate this backlog.

We understand that you are currently reviewing the matter of grievance arbitration/mediation with members of your Advisory Council on Workplace and Labour Affairs. We are encouraged by the efforts to improve the present situation for Canadian workers and look forward to improvements in providing a grievance resolution system that better serves the parties.

In order to address the present situation involving TCRC members at CP Rail, I request your assistance in resolving the significant number of outstanding grievances filed by our members across the country. Accordingly, I submit for your consideration the appointment of mediators from the Federal Mediation and Conciliation Service of the Labour Program, pursuant to your authority under Section 105 of the *Canada Labour Code*, and to work with us to insure access to qualified third parties that may effectively arbitrate those matters that require resolution.

It is our hope to remedy the present situation, and we look to your office to provide much needed assistance. Hopefully, we can resolve this large backlog on an expedited basis.

.../2



Hon. Dr. K. Kellie Leitch, P.C., O. Ont., M.P.
March 4, 2015
Page 2

At the appropriate time we would also like to demonstrate to you and your staff the volume of outstanding matters, emphasize the significance of these issues and underscore the necessity to have the workers voices heard in a fair manner.

Our prior discussions involved the senior management of CP, who I believe had been supportive of the timely resolution of these grievances. We are hopeful they have not changed their position since that time.

Thank you for your consideration and your assistance in bringing us to this point. I look forward to your positive response to this request.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Douglas Zimm". The signature is written in a cursive style with a horizontal line at the end.

President - TCRC

cc : Guy Baron, Director General - FMCS
Benoit Brunet, GC CPE LE
Bruce Hiller, GC CPE CTY
Greg Edwards, GC CPW LE
Dave Fulton, GC CPW CTY

Canada Industrial Relations Board



Conseil canadien des relations industrielles

C.D. Howe Building, 240 Sparks Street, 4th Floor West, Ottawa, Ont. K1A 0X8
Édifice C.D. Howe, 240, rue Sparks, 4e étage Ouest, Ottawa (Ont.) K1A 0X8
Fax/Télécopieur: 613-995-9493

Our Files: 30945-C, 30947-C

Document No.: 530716

March 5, 2015

BY FAX

Mr. Michael A. Church and/or
Mr. Denis W. Ellickson
CaleyWray
Labour/Employment Lawyers
Suite 1600
65 Queen Street West
Toronto, Ontario
M5H 2M5 **416-366-3293**

Mr. Nizam Hasham
Legal Counsel - Litigation and Labour
Canadian Pacific Railway Company
Toronto Yard, General Yard Office
2025 McCowan Road
Toronto, Ontario
M1S 5K3 **403-205-9202**

Dear Sirs:

In the matter of the *Canada Labour Code (Part I-Industrial Relations)* and an application filed pursuant to section 19.1 thereof by the Teamsters Canada Rail Conference, applicant; Canadian Pacific Railway Company, respondent. (30945-C)

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 50(b), 94(1)(a), 94(3)(a), 94(3)(b) and 94(3)(e) of the *Code* by the Canadian Pacific Railway Company, respondent.

Further to the hearing held today in the application for interim order (file no. 30945-C) and after consideration of all of the submissions of the parties concerned, the parties will find enclosed the decision in the form of an Order issued by a panel of the Canada Industrial Relations Board (the Board) composed of Ms. Ginette Brazeau, Chairperson, sitting alone pursuant to section 14(3) of the *Canada Labour Code (Part I-Industrial Relations)*. The Board's file concerning this application is now closed.

As indicated earlier at today's hearing, the parties are requested to consult one another and to provide the Board by **March 23, 2015** with possible dates that are mutually convenient for all parties concerned for the scheduling of a hearing in the related unfair labour practice complaint (file no. 30947-C).

Sincerely,



fa

Sylvie M.D. Guilbert
Executive Director and Senior Registrar

c.c.: Ms. Natalie Zawadowsky (CIRB-Toronto)
Encl.

Canada Industrial Relations Board



Conseil canadien des relations industrielles

Order No. 754-NB**IN THE MATTER OF THE***Canada Labour Code*

- and -

Teamsters Canada Rail Conference,

applicant,

- and -

Canadian Pacific Railway Company,
Calgary, Alberta,

respondent.

WHEREAS the Teamsters Canada Rail Conference (TCRC or the applicant) is the certified bargaining agent for all running trades employees (order no. 8600-U) employed by the respondent;

AND WHEREAS the collective agreement between the TCRC and Canadian Pacific Railway Company (CP Rail or the respondent) has expired on December 31, 2014 and the parties have since, entered into an agreement to refer the collective bargaining dispute to a mediation-arbitration process;

AND WHEREAS on February 25, 2015, the TCRC filed a complaint with the Canada Industrial Relations Board (the Board) alleging that CP Rail had breached sections 8(1), 50, 89, 94(1)(a), (3)(a), (b) and (e) of the *Canada Labour Code (Part I-Industrial Relations)* (the Code) when it informed the union on February 20, 2015 that Board order no. 738-NB had expired and established new parameters for union leave approval (Board file 30947-C);

AND WHEREAS the TCRC also filed an application for interim relief pursuant to section 19.1 of the *Code* seeking the Board's immediate intervention to direct the respondent to return to the status quo and to rescind its directive regarding leave of absence for employees to conduct union business and the selection of vacation for Local Chairs;

AND WHEREAS the parties were given an opportunity to file written submissions with respect to the application for interim relief and the Board held an oral hearing by teleconference on March 5, 2015;

Canada

Order No. 754-NB

AND WHEREAS section 19.1 of the *Code* provides the Board with the authority to make any interim order that the Board considers appropriate for the purpose of ensuring the fulfilment of the objectives of Part I of the *Code*;

AND WHEREAS, after reviewing the written submissions and hearing the parties, the Board is of the opinion that there is a serious issue to be tried; that the applicant's ability to carry out its statutory responsibilities may be harmed by the implementation of the respondent's new directive and parameters on union leave approval; that the balance of convenience favours the applicant; and that the interests of constructive labour management relations are best served by granting, in part, the applicant's application for interim relief;

NOW, THEREFORE, the Board, in the exercise of the authority vested in it by section 19.1 of the *Code*, hereby orders the respondent to abide by paragraphs 1 and 2 of the Memorandum of Interim Agreement dated April 22, 2014 and appended to the Board's order no. 738-NB until such time as the Board issues a determination on the merits of the applicant's complaint or a new collective agreement comes into force, whichever is earlier.

ISSUED at Ottawa, this 5th day of March, 2015, by the Canada Industrial Relations Board.



Ginette Brazeau
Chairperson

Reference No.: File No. 30945-C

