



# Teamsters Canada Rail Conference

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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

December 30, 2014

**VIA EMAIL**

## **All TCRC Local Chairs- CPR Eastern and Western Regions - Bulletin 6**

During the week of December 16 – 19, 2014, your bargaining committee met with the Company in the presence of Federal Mediation and Conciliation Services (FMCS) in Calgary.

Despite the assistance of the Conciliation Officers we haven't made much progress in the talks. The next meeting is devoted to fatigue management. We continue to be committed to negotiating an agreement and have scheduled to meet the Company for 4 days January 6 - 9, 2015 in Montreal and again January 20 - 24 in Calgary. Unless an agreement is reached, or as otherwise agreed between the parties to extend, the period of conciliation under the Code will expire January 24<sup>th</sup>. After that, the Code provides the parties a 21 day "cooling off period". We have scheduled time during that cooling off period to meet with the Company with the assistance of FMCS. The process under the Code concludes at 23:59 on February 14<sup>th</sup>. After that time either party may legally take action under the code, in the form of a strike or lockout. However, the Union is obligated to obtain strike authority through a ballot process prior to that time.

On November 20, we received a letter from the Directors of Labour Relations regarding the current rest provisions of the respective Collective Agreements. Essentially, the Company argues that there is no provision for booking rest on a minute basis and effective with the expiration of the Collective Agreement, employees will have to book rest in hourly increments. This letter is similar to other rounds of negotiations where the Company has served estoppel issues. Obviously we disagree with the Company's selective reading of our rest provisions and maintain the proper application of the Collective Agreements is to allow booking of rest in the manner it has been done consistently since our rest provisions were negotiated and since CMA was introduced. A copy of the letters that were exchanged with the Company are attached to this bulletin and email.

Yesterday, December 29, 2014, we instructed our printers to process and send out the strike ballot. You should all begin seeing the ballots in the mail shortly after the New Year. As we have previously indicated, in accordance with the Canada Labour Code, the Union must poll the membership prior to any legal strike action. We urge everyone to cast their vote and to demonstrate your solidarity to protect your working conditions and wages. Once the ballots commence distribution, we will issue further instructions on the strike vote including lost ballots or members who did not receive their ballot.

As you all are aware, we recently concluded the scheduled hearings before the CIRB with respect to Management performing our bargaining unit work. We anticipate the board will issue a declaration in the near future and we will distribute immediately.

We look forward to resuming bargaining in the New Year and will keep you apprised of any further developments. Our commitment to the membership is to negotiate new Collective Agreements consistent with the memberships' demands and proposals.

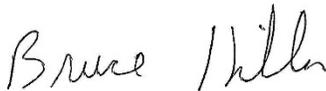
In Solidarity,



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 Rex Beatty President TCRC



November 20, 2014

Mr. G. Edwards  
General Chair – LE West  
Teamsters Canada Rail Conference  
101-10820 24<sup>th</sup> Street SE  
Calgary, AB  
T2Z 4C9

Mr. D. Fulton  
General Chair – CTY West  
Teamsters Canada Rail Conference  
101-10820 24<sup>th</sup> Street SE  
Calgary, AB  
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Benoit Brunet  
General Chair - LE East  
695 CH Avila, Suite 23  
Piedmont, QC  
JOR 1R3

Bruce Hiller  
General Chair - CTY East  
309-136 Aspen Springs Drive  
Bowmanville, ON  
L1C 0H2

Dear Sirs:

This has reference to the current rest provisions contained in the Collective Agreement. As you are aware, employees have the ability to book up to 24 hours rest at the home terminal and up to eight hours rest at the away-from-home terminal.

As you know, there are no provisions in the Collective Agreement that allows employees the right to book rest for periods that include increments of less than an hourly period. For example, there is no Collective Agreement provision that allows employees to book 2359 hours rest. As such, please be advised that effective with the expiry of the Collective Agreement on December 31, 2014 employees will only be permitted to book rest for periods of time in whole hours. Only rest that is booked in hourly increments will be permitted.

The above application, of course, will not apply to penalty rest for over ten hour occurrences which are calculated according to the formula outlined in Appendix 9 of the 2007 Memorandum of Settlement.

Bulletins will be issued to T&E employees before the effective date.

Yours truly,

David E. Guerin  
Director, Labour Relations

Brianne Sly  
Director, Labour Relations



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General Chairmen  
Locomotive Engineers

December 29, 2014

**VIA EMAIL**

Mr. Dave Guerin  
Director, Labour Relations  
Canadian Pacific Railway  
7550 Ogden Dale Road, S.E.  
Calgary, Alberta, T2C 4X9

Ms. Brianne Sly  
Director, Labour Relations  
Canadian Pacific Railway  
7550 Ogden Dale Road, S.E.  
Calgary, Alberta, T2C 4X9

Dear Sir and Madame,

This is in regards to your letter of November 20, 2014 concerning rest provisions contained within the respective Collective Agreements that allows employees the right to book up to 24 hours rest at the home terminal and up to eight hours at the away from home terminal. Specifically, your letter suggests that effectively with the expiry of the Collective Agreements on December 31, 2014 employees will only be permitted to book rest for periods of time in whole hours. Only rest is that is booked in hourly increments will be permitted.

The rest provisions of our Collective Agreements clearly refer to employees being provided the ability to book **up to** 24 hours rest at home terminals and **up to** 8 hours rest at away-from-home terminals. Further, the home terminal rest Article 12 of the MOS is very clear "Employees who book **other than** 24 hours rest at the home terminal will continue to be run first in first out as is done at present".

We completely disagree with your suggestion that "we know" the Collective Agreement does not allow for rest periods that include increments of less than an hourly period. It is our position the Collective Agreement does allow the booking of rest up to 8 or 24 hours including 2359 at the home terminal. The proper and consistent application of these provisions has been to allow employees to book rest on a minute basis. This application was solidified in the 2007 MOS.

Your letter suggests that this is an estoppel issue and the Company will end this practice at the expiry of the Collective Agreement. This unilateral change to the application of the Collective Agreement is not an estoppel issue nor within your managerial rights. As you know, even if it was an estoppel issue the practice would be subject to the freeze provisions of the Canada Labour Code and may not be unilaterally cancelled by the Company during the closed period of our Collective Agreement.

2014 12 29 Guerin, D\_ Sly, B – Hourly Rest

The current method of booking rest by employees is consistent with the language and application of the Collective Agreement language. We take great exception to the Company's attempt to limit and backup employees rest at both the home and away from home terminals.

We trust that our position is clear and request your letter of November 20, 2014 be withdrawn in its entirety.

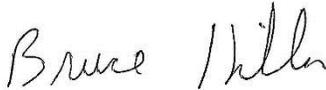
Yours truly,



Dave Fulton  
General Chairman - CTY West



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