

**IN THE MATTER OF AN ARBITRATION
BETWEEN:
Canadian Pacific Railway
and
Teamsters Rail Conference
(Lethbridge Non-Compliant Locomotive)**

Before: William Kaplan
Sole Arbitrator

Appearances

For the Company: Lauren McGinley
Assistant Director Labour Relations

For the Union: Ken Stuebing
Caley Wray
Barristers & Solicitors

Dave Fulton, General Chairperson
CTY West, Calgary
Wayne Apsey, General Chairperson
CTY East, Smiths Falls
Greg Edwards, General Chairperson
LE West, Calgary
Ed Mogus, General Chairperson
LE East, Oakville
Doug Edward, Sr. Vice General Chairperson
CTY West
Harvey Makoski, Sr. Vice General Chairperson
LE West, Calgary
Greg Lawrenson, Vice General Chairperson
LE West, Calgary
Ryan Finnson, Vice General Chairperson
CTY West
Chuck Ruggles, Vice General Chairperson
LE West, Calgary

Both parties filed detailed briefs and reply briefs and the matters in dispute proceeded by way of Zoom on May 6, 2021.

Issue in Dispute

This grievance arose out of Lethbridge and involved a Union Pacific locomotive. It concerns the collective agreement requirement to ensure that the lead locomotive has a refrigerator and hot plate, and seating, where reasonably practicable, that is upholstered with material that breathes. The Company is obligated by the terms of Article 83 of the collective agreement to provide locomotives that comply with these minimum standards.

Having carefully considered the submissions of the parties, I direct that the company shall be immediately notified when a locomotive is non-compliant. Having been so notified, the Company shall make alternate arrangements to satisfy the minimum requirements or substitute a compliant locomotive at the earliest reasonable opportunity.

Absent exceptional circumstances, crews/trains will not be permitted to operate with a non-compliant lead locomotive beyond the next location where there is an opportunity to exchange it with a compliant lead locomotive.

At the request of the parties, I remain seized with the implementation of this award.

DATED at Toronto this 7th day of May 2021.

“William Kaplan”

William Kaplan, Sole Arbitrator