

IN THE MATTER OF AN ARBITRATION

BETWEEN:

The Canadian Pacific Railway Company

and

Teamsters Canada Rail Conference

Grievance Re: Consent Provision of FAF

Before: William Kaplan
Sole Arbitrator

Appearances

For CP: John Bairaktaris, Director, Labour Relations
Dave Pezzaniti, Assistant Director, Labour Relations

For TCRC : Ken Stuebing
Caley & Wray
Barristers & Solicitors

The matters in dispute first proceeded to a hearing in Toronto on October 31, 2018 and then continued by way of written submissions.

Award

This case concerns an employer revision to the employee consent provision of the FAF. It proceeded to a hearing in Toronto on October 31, 2018. At that time, and with the explicit consent of counsel, an effort was made to resolve the outstanding issues in dispute. It was agreed that the parties would continue those discussions following the hearing, but that if they were unable to resolve the outstanding matters, I would, as was discussed at the hearing, issue a direction. Unfortunately, the parties were unable to reach an agreement. Accordingly, I direct as follows with respect to the consent provision of the FAF:

Except as required by law, supervisors and managers are only entitled to information about functional limitations.

At the request of the parties, I remain seized with respect to the implementation of my award.

DATED at Toronto this 22nd day of November 2018.

“William Kaplan”

William Kaplan, Sole Arbitrator