



# Teamsters Canada Rail Conference

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General Committees of Adjustment  
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Dave Able  
General Chairman  
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1900.34

Without Prejudice

September 25, 2008

Mr. Doug McFarlane  
AVP Operations Central  
Canadian Pacific Railway  
401 - 9th Avenue SW  
Calgary, AB T2P 4Z4

Dear Sir,

This office acknowledges receipt of your letter of September 19, 2008 informing the union of your "intent to include Fort Steele as a reporting location for road freight employees working in the Cranbrook terminal." The Union does not concede that your proposed changes are matters to be dealt with under our respective Material Change Articles.

In the last round of collective bargaining the Company attempted to renegotiate the Sparwood agreement. The Union's position was that this was a matter for local rules negotiation and the Company did not achieve their objective at the bargaining table. The Union maintains the position that what the Company is trying to accomplish with this notice is a matter for local rules negotiation and the Material change articles of our Collective Agreements have no application.

It is clearly established in arbitral jurisprudence the Company cannot serve a material change to circumvent what they were unable to achieve at collective bargaining.

Prior Unions signed a Memorandum of Understanding with the Company on January 27, 1970. Since that time there have been several supplementary agreements signed. Additionally, many issues were a matter for arbitration on March 9, 1984. Following that arbitration an agreement was signed on April 17, 1984 and two letters of understanding were signed on the same date. On November 29, 1993 the Sparwood run through agreement was signed. There have been other agreements reached since then that have involved local rule negotiations.


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While reviewing our files on the subject, it is clear the issue of reporting for work at Cranbrook has been an ongoing major consideration for our Members. All of these agreements have specific clauses dealing with the issue of where the members report for duty.

The Company has committed to transporting our membership from Cranbrook to Fort Steele in every agreement to achieve our concurrence. It appears that the Company is now backing away from these commitments.

This letter is not a full explanation of our position in this matter and we reserve the right to change or expand our position as required. As always in the interest of harmonious relations this office is willing to meet with you on a without prejudice or precedent basis to discuss this matter should you so desire.

Respectfully,



Dave Able  
General Chairman

Respectfully,



Dave Olson  
General Chairman