TEAMSTERS CANADA RAIL CONFERENCE

General Committees of Adjustment
Canadian Pacific Railway

Greg Edwards	**Dave Fulton**
John Campbell	**Wayne Apsey**
General Chairmen	**General Chairmen**
Locomotive Engineers	**Conductors, Trainmen, Yardmen**

January 24, 2018   *VIA EMAIL*

Mr. Myron Becker
Assistant Vice-President Labour Relations
Canadian Pacific Railway
7550 Ogden Dale Rd. SE
Calgary AB T2C 4X9

Dear Sir,

This letter is in response to the hand delivered letter you provided during our bargaining session Wednesday January 17, 2018 in Calgary.

As you are well aware, on the evening of Tuesday January 2, 2018 in the middle of the Christmas school break, the Company informed employees who were scheduled to conclude their annual vacation on January 4, 2018 that they were being booked on the board in a matter of hours or in some cases minutes. At the time, the employees were told that the Company was no longer recognizing the last two days of their assigned AV.

Since then the Company has paid those employees a General Holiday claim and a day of annual vacation for each day on January 1 and 2, 2018. To date, the employees have not received the actual time off for their entitlement of their 2017 annual vacation days.

The parties exchanged numerous emails in order to correct this violation but were unsuccessful as CP's interpretation on that evening was different than that of previous years.

In your letter provided on January 17th you take responsibility for this decision and state that "it has come to my attention that the administration of this provisions has permitted employees whose 7-day vacation period coincides with a general holiday to have their additional vacation day(s) added on before the commencement or immediately after the completion of their vacation period. To date, the Union has inferred that a practice exists that differs from the Collective Agreement language as specifically written and should supersede the written and agreed upon provisions of the Collective Agreement."

Firstly, the administration of the combined articles governing annual vacation and general holidays do provide the employees the ability to extend their vacation period as you have suggested including the end of the year, week Z. Secondly, to be clear, it was you not the Union that suggested there was a practice that differed from the Collective Agreements. We have always maintained our position is clearly set out in the Collective Agreements and the Canada Labour Code.

Your suggestion that the Company has the ability to unilaterally assign extra days of annual vacation at will is not based on any Collective Agreement language or sound reasoning. You have no managerial right to these actions and have simply fabricated an argument to cover the wrong that was committed. Refusing to reach a resolution on this matter and the issuance of your letter is another setback on the parties' relationship.

It is not our intention to turn this correspondence into a full account of our positions and reserve our right to argue as necessary. Given the Company's actions, we request a meeting at your earliest opportunity to discuss a resolution. Further, the Union requests that the Company accept a singular grievance on behalf of all four General Chairmen at Step three of the procedure to expedite the process and adjudicate the matter in a timely fashion.

Further the Union is requesting that the parties explore the opportunity to use Arbitrator Kaplan to mediate/arbitrate this dispute within the currently scheduled 2018 dates that have been arranged. We look forward to your concurrence on this Union request in order that this matter can be brought to fruition.

 Sincerely,

Dave Fulton
General Chairman - CTY West

Greg Edwards,
General Chairman - LE West

Wayne Apsey
General Chairman - CTY East

John Campbell
General Chairman - LE East

CC: Robert Johnson, Executive Vice President Operations, CP
       Tony Marquis, SVP Operations East
       Mark Redd, SVP Operations West
       Doug Finnson, President TCRC
       Rolly Hackl, Vice President TCRC