CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 344

Heard at Montreal, Tuesday, March 14, 1972

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

UNITED TRANSPORTATION UNION (T)

EX PARTE

DISPUTE:

Consist of Crews – Passenger Train Service – between Pickering, Ontario and Hamilton, Ontario.

COMPANY'S STATEMENT OF ISSUE:

Inability of the United Transportation Union to agree with the Company that with the reduced consist of one Conductor and one Brakeman for crews in passenger train service operating locomotive-powered "GO" transit trains between Pickering, Ontario and Hamilton, Ontario, adequate safety can be maintained and such reduction will not result in undue burden on the reduce crew.

FOR THE COMPANY:

(SGD.) K. L. CRUMP
ASSISTANT VICE PRESIDENT, LABOUR RELATIONS

There appeared on behalf of the Company:

A. J. DelTorto	– System Labour Relations Officer, Montreal
M. A. Matheson	– Labour Relations Assistant, Montreal
D. E. Christensen	– System Transportation Officer, Montreal
H. V. Mann	– System Rules & Time Service Officer, Montreal
E. B. Roach	– Trainmaster, Toronto

And on behalf of the Union:

G. R. Ashman	– General Chairman, Toronto
F. Oliver	– Secretary, General Committee, Toronto
N. Parks	– Local Representative, North Bay

AWARD OF THE ARBITRATOR

By Article 73 of the collective agreement, the crew consist of trains such as those in question is to be one conductor and two brakemen. By Article 73–A, such crew consist may be reduced, provided:

(1) that adequate safety can be maintained with the proposed crew consist reduction; and

(2) that such reduction will not result in undue burden being placed on the reduced crew.

In the instant case, the Company seeks reduction of the crew on locomotive-powered "GO" transit trains to one conductor and one brakeman. Such crew consist, it may be noted, is presently used on the three-unit, self-propelled cars in the same service. Locomotive-powered trains are utilized during peak periods, and carry substantially more passengers, and consist of up to ten cars.

As presently constituted, the train crew of a locomotive- powered "GO" transit train is deployed as follows: one member is in the forward car, one in the rear car, and one about the middle of the train. If the crew consist is reduced, the Company proposes to assign one crew member to the rear car, and one to the middle of the train. The questions to be determined are, to what extent this will affect the maintenance of adequate safety, and to what extent it will result in an undue burden being placed on the remaining members of the crew. To deal briefly with the second question first, it may be said that the elimination of the crew member riding in the forward car would not appear to have any effect whatever on the duties required of crew members riding in other cars. It may be noted that the train crew has no duties in respect of ticket sales or collection, that train doors are centrally controlled, and that there are no vestibule platforms to raise or lower for passengers to entrain or detrain.

The major point raised by the Union is as to safety. In this regard, it is noted that substantial members of passengers are carried on these trains, which are in the nature of "Commuter" trains. It is said, no doubt correctly, that there is a great deal of crowding, rushing and jostling at some stations, as passengers hurry to get in or out of the train. Apart from the matter of control of the doors, which occupies one person, the role of the train crew is essentially one of surveillance. Having regard to the great number of commuters involved, the very small size of the train crew, and the overall nature of the operation, it is my view that the determining factors from the point of view of passenger safety are what may be described as "design" features. In this respect, the centralized control of doors, the absence of vestibule stairs which require any manipulation, the "door interlock" train start system and indeed the automatic control of heating and air conditioning, all go to reduce the need for train crew to a minimum. Platform crowding of passengers is not, in my view, a matter with respect to which the reduction of the train crew from three to two would have any observable effect.

It is my conclusion that the crew may be reduced with maintenance of adequate safety. Accordingly, the request of the Company is allowed.

(signed) J. F. W. WEATHERILL
ARBITRATOR