

# CaleyWray

**LABOUR/EMPLOYMENT LAWYERS**

1600-65 Queen Street West  
Toronto ON M5H 2M5

**Denis W. Ellickson**  
Direct Line: 416-775-4678  
Toll Free: 1-866-691-3763  
Fax: 416-366-3293  
Email: ellicksond@caleywrap.com

File No. 28450

June 9, 2011

**FAXED**

Mr. Tom Panelli  
Regional Director and Registrar  
CANADA INDUSTRIAL RELATIONS BOARD  
Western Region  
501 - 300 West Georgia Street  
Vancouver, BC V6B 6B4

Dear Mr. Panelli:

**RE: IN THE MATTER OF THE *CANADA LABOUR CODE (PART I - INDUSTRIAL RELATIONS)* AND AN APPLICATION FILED PURSUANT TO SECTION 19.1 THEREOF BY THE TEAMSTERS CANADA RAIL CONFERENCE, APPLICANT; CANADIAN PACIFIC RAILWAY COMPANY, RESPONDENT (28757-C); AND**

**IN THE MATTER OF THE *CANADA LABOUR CODE (PART I - INDUSTRIAL RELATIONS)* AND A COMPLAINT OF UNFAIR LABOUR PRACTICE FILED PURSUANT TO SECTION 97(1) THEREOF BY THE TEAMSTERS CANADA RAIL CONFERENCE, COMPLAINANT, ALLEGING A VIOLATION OF SECTIONS 94(1)(A), AND 94(3)(E) OF THE *CODE* BY CANADIAN PACIFIC RAILWAY COMPANY, RESPONDENT. (28758-C)**

---

We are the solicitors for the Teamsters Canada Rail Conference in the above matters.

On behalf of our client we are requesting leave of the Board to withdraw both Applications on the basis that the parties have entered into a settlement resolving the issues. A copy of the Agreement is enclosed

Thank you for your assistance with these matters.

Mr. Tom Panelli  
June 9, 2011  
Page 2 of 2

We trust the foregoing is satisfactory and look forward to hearing from you.

Yours truly,  
**CaleyWray**

A handwritten signature in black ink that reads "Denis Ellickson". The signature is written in a cursive style with a large, sweeping "D" and "E".

Denis W. Ellickson  
DWE/cr  
Enclosure

cc: D. Able (email), D. Olson (email), A. Garcia (email), G. Edwards (email), D. Fulton (email),  
R. Hampel (fax), H. Farysey (fax)



**CANADIAN  
PACIFIC**

Alla Azim Garcia  
*Director  
Labour Relations*

Gulf Canada Square  
401 - 9<sup>th</sup> Avenue S.W  
Suite 600.  
Calgary Alberta  
T2P 4Z4

Calgary, June 8, 2011

Dave Able  
General Chairman, Locomotive Engineers  
101 - 10820 24 Street SE  
Calgary AB T2Z 4C9  
Canada

Dave Olson  
General Chairmen, CTY  
101 - 10820 24 Street SE  
Calgary AB T2Z 4C9  
Canada

**RE: CIRB Complaint # 28757-C and 28758-C**

Dear Sirs:

This is in regards to recent discussions concerning the use of Management personnel to perform bargaining unit work, CIRB files 28757-C and 28758-C. As we have indicated to you on several occasions, it is the neither our preference, nor our long term objective, for management employees to perform bargaining unit work. As you are aware, we are currently hiring new employees at an unprecedented rate to address the situation.

We will follow the following protocol with regard to future instances involving management employees performing bargaining unit work:

1. Collective Agreement and local decision rules relating to calling procedures and Local Chairman notification will be exhausted before management personnel is utilized to perform bargaining unit work.
2. The appropriate Local Chairman will be notified by the Local Manager when this situation arises to allow the Local Chairman the opportunity to ensure that all bargaining unit employees have been exhausted before a management crew is utilized. If the Local Chairman is unavailable, the Vice Local Chairman will be notified. If the Vice Local Chairman is also unavailable, the Local Manager will proceed with the plan to use a management crew, when available unionized crews are exhausted.

Once again, management crews will be used when no bargaining unit employees are available to ensure that customer expectations are met and that Canadian Pacific remains competitive.

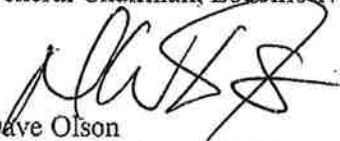
I trust that this forms a full and final resolve to the outstanding grievances and CIRB complaints #28757C and 28758-C. Please indicate the same by signing below.



Alia Azim Garcia  
Director, Labour Relations



Dave Able  
General Chairman, Locomotive Engineer



Dave Olson  
General, Chairman, CTY