

**IN THE MATTER OF AN APPLICATION FOR AN INTERIM ORDER
PURSUANT TO SECTION 60(1) (A) (II) of the CANADA LABOUR CODE**

BETWEEN

**CANADIAN PACIFIC RAILWAY COMPANY
(The “Company”)**

-And-

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
SYSTEM COUNCIL NO.11
(The “Union”)**

AH-646

RE: Technological, Organizational and Operational Changes
(TO&O Changes) dated July 20, 2015

ARBITRATOR: CHRISTINE SCHMIDT

AWARD

This is an application by International Brotherhood of Electrical Workers, System Council No. 11 (“the Union”) for an interim order pursuant to subsection 61(1)(a.2) of the *Canada Labour Code*. In response to the Union’s application, Canadian Pacific Railway Company (“The Company”) submits that I lack the jurisdiction to deal with the application.

This matter was dealt with by way of oral and written submissions on November 12, 2015 followed by additional written submissions. I indicated to the parties that, in light of the Company's intention to implement its TO&O initiative on November 23, 2015, I would issue a "bottom line" decision prior to that date.

Having carefully considered the representations of the parties, I find that I have the jurisdiction to deal with the Union's application. It is my further determination that the application for interim relief pending the adjudication of the Union's grievance must be, and is, dismissed.

Following a hearing into the merits of the underlying grievance, I shall provide written reasons with respect to this decision should either party so request.

November 20, 2015



CHRISTINE SCHMIDT

ARBITRATOR