

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2104

Heard at Montreal, Wednesday, 13 February 1991

concerning

VIA RAIL CANADA INC.

and

CANADIAN BROTHERHOOD OF RAILWAY,  
TRANSPORT AND GENERAL WORKERS

EX PARTE

DISPUTE:

1. Bulletining of positions under Article 12 of Agreement No. 1.
2. Displace procedure under Article 13 of Agreement No. 1.
3. Calling procedure for Employment Security employees, Agreement No. 1.

BROTHERHOOD'S STATEMENT OF ISSUE:

As a result of the train service reduction of January 15, 1990, the bulletining, displacement and calling procedures were established for employees who were assigned to positions and who were on ES status covered by Collective Agreement No. 1.

The Brotherhood maintains that those procedures were not properly put into place and violate the bulletining procedures and displacement procedures of Collective Agreement No. 1. The Brotherhood contends that the Corporation's interpretation of Article 7 of the Employment Security and Income Maintenance Plan Agreement is in violation of Articles 12 and 13 of Agreement No. 1. The Corporation maintains that the bulletining, displacement and calling procedures are in line with the rules of the Agreement.

The above would encompass the fact that the employees on ES covered by Agreement No. 1 should be assigned two days off, free from calling.

FOR THE BROTHERHOOD:

(SGD.) T. McGRATH  
NATIONAL VICE-PRESIDENT

There appeared on behalf of the Corporation:

M. St-Jules	-- Senior Negotiator & Advisor, Labour Relations, Montreal
C. Pollock	-- Senior Officer, Labour Relations, Montreal
D. Fisher	-- Senior Officer, Labour Relations, Montreal

R. Wesley	-- Senior Officer, Labour Relations, Montreal
J. Kish	-- Senior Advisor, Labour Relations, Montreal
D. Wolk	-- Manager Customer Services, Montreal
M. M. Boyle	-- Observer
D. David	-- Observer

And on behalf of the Brotherhood:

A. Cerilli	-- Regional Vice-President, Winnipeg
T. McGrath	-- National Vice-President, Ottawa
G. Murray	-- Regional Vice-President, Moncton
R. J. Stevens	-- Regional Vice-President, Toronto
R. Moreau	-- Regional Vice-President, Montreal
J. Brown	-- Representative, Montreal
A. Della Penna	-- Local Chairperson, Montreal
F. Bisson	-- Local Chairperson, Montreal
J-J Journault	-- Local President, Montreal
K. Williams	-- Secretary, Local Grievance Committee, Winnipeg
K. Sing	-- Local Chairperson, Halifax
R. Dennis	-- Local Chairperson, Moncton
L-P Rousseau	-- Member, Local 335, Belleville
L. Robichaud	-- Witness

#### AWARD OF THE ARBITRATOR

The issues described in the Ex Parte Statement of Issue have, with the exception of the question of the assigned two days off and the application of Article 13 of Collective Agreement No. 1, been fully dealt with in CROA 2074. The issue of the application of Article 13 is separately considered in CROA 2107. At the hearing it was not disputed that the issue of the assigned two days off, free from calling, has been put aside, at the Brotherhood's request, and that there was therefore no further issue to be considered under the Ex Parte Statement of Issue.

February 15, 1991

(Sgd.)MICHEL G. PICHER  
ARBITRATOR