

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2113

Heard at Montreal, Wednesday, 13 February 1991

concerning

VIA RAIL CANADA INC.

and

CANADIAN BROTHERHOOD OF RAILWAY, TRANSPORT AND GENERAL WORKERS

DISPUTE:

This (sic) disqualification of 10 senior employees from the position of Assistant Service Coordinator at Winnipeg due to their lack of bilingual skills.

JOINT STATEMENT OF ISSUE:

Following the issuance of the Article J notice of October 12, 1989, the Corporation posted a Special General Bulletin listing all positions that would exist after the government imposed train service reductions to take effect January 15, 1990.

At Winnipeg, 10 senior employees were not awarded positions of Assistant Service Coordinator due to their not possessing sufficient bilingual qualifications.

The Brotherhood contends that the Corporation has violated Appendix 6 of Collective Agreement No. 2 and that the Corporation should allow these senior unilingual employees to displace junior employees who were awarded the Assistant Service Coordinator position.

The Corporation denies violating Appendix 6. The Corporation believes that the position of Assistant Service Coordinator is not included and is exempt from the remedial actions contemplated by Appendix 6. The Corporation further asserts that this issue was resolved previously in CROA 2052 and that the principle of res judicata should apply to this case.

FOR THE BROTHERHOOD:

(SGD.) A. CERILLI
for: NATIONAL VICE-PRESIDENT

FOR THE CORPORATION:

(SGD.) M. ST-JULES
for: DEPARTMENT DIRECTOR, LABOUR
RELATIONS

There appeared on behalf of the Corporation:

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

At the request of the parties, the hearing was adjourned sine die.