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CANADIAN RAILWAY OFFICE OF ARBITRATION

Supplementary award to

CASE NO. 2384

Heard in Montreal, Tuesday, 12 April 1994

concerning

VIA RAIL CANADA INC.

and

Canadian Brotherhood of Railway, Transport & General Workers

There appeared on behalf of the Corporation:

D. S. Fisher - Senior Negotiator & Advisor, Labour Relations,
Montreal

C. Pollock - Senior Officer, Labour Relations, Montreal

I. Giroux - Observer

And on behalf of the Brotherhood:

T. A. Barron- Representative, Moncton

R. Dennis - Local Chairperson, Moncton

Supplementary AWARD OF THE ARBITRATOR

This matter has been returned to the Office for further resolution, in light of the inability of the parties to agree as to the appropriate remedy pursuant to the Arbitrator's decision, dated July 16, 1993.

For the purposes of further clarity, therefore, the Arbitrator declares as follows:

1.The award dated July 16, 1993 is limited in its application to employees within the VIA Atlantic Region.

2.The Corporation is correct in its position that employees voluntarily undertaking home training are not entitled to be paid at the rate of time and one-half. The assessment of forty hours' pay for each module undertaken is reasonable in the circumstances.

3.The payment of forty hours' wages for each module undertaken is to be received by any employee who completes the training program, regardless of whether he or she is successful in passing the course. In the Arbitrator's view it is reasonable for the Corporation to predicate payment in respect of the home training program upon the employee completing the program, whether or not the employee passes. In the result, the employer is correct in its position that any employee who withdraws from a home training program before its completion forfeits entitlement to any payment.

4.As this matter was brought forward in the nature of a policy grievance, the Corporation remains liable to compensate any employee who was not paid in accordance with the forgoing principles. If necessary, the Arbitrator shall direct the Corporation to provide the Brotherhood with the names of any employees in Atlantic Canada who registered for the home training program, for the purposes of verification as to payment. Hopefully that shall not be necessary, and the parties will be in a position to determine the appropriate compensation for any employees affected in light of this supplementary award.

15 April 1994

MICHEL G. PICHER

ARBITRATOR
