

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2075

Heard at Montreal, Wednesday, 14 November 1990

Concerning

### VIA RAIL CANADA INC.

And

### CANADIAN BROTHERHOOD OF RAILWAY, TRANSPORT AND GENERAL WORKERS

#### **DISPUTE:**

Calling procedures for employees on Employment Security.

#### **JOINT STATEMENT OF ISSUE:**

As a result of the train service reductions of January 15, 1990, calling procedures were established for employees on Employment Security status covered by Collective Agreement No. 2.

The Brotherhood maintains these procedures violate the bulletining provisions of the collective agreement and contests the Corporation's interpretation of Article 7 – Employment Security – of the Supplemental Agreement.

The Corporation maintains that the calling procedures are in line with the rules of the agreement.

#### **FOR THE BROTHERHOOD:**

**(SGD) TOM MCGRATH**  
NATIONAL VICE-PRESIDENT

#### **FOR THE CORPORATION:**

**(SGD) C. C. MUGGERIDGE**  
DEPARTMENT DIRECTOR, LABOUR RELATIONS

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
M. M. Boyle	– 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
A. Della Penna	– Local Chairperson, Montreal
J. Caissyu	– Local President, Belleville
G. Belleville	– Member, Local 335, Belleville
F. Bisson	– Local Chairperson, Montreal
L-P Rousseau	– Member, Local 335, Belleville
J-J Journault	– Local President, Montreal
L. Robichaud	– Witness
K. Pride	– Witness

On Wednesday, 13 February 1991, there appeared before the Arbitrator:

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**

This is the arbitration of the Brotherhood's grievance alleging that the calling procedures established by the Corporation effective July 1, 1990 violate the provisions governing bulletining and filling of positions under Article 12 of Collective Agreement No. 2. For the reasons related in **CROA 2074**, and with the same proviso in respect of the decision in **CROA 2106**, the Arbitrator is satisfied that the calling procedures do not violate the terms of the Collective Agreement, the application of which has been amended by the provisions of the Supplemental Agreement, the Special Agreement and the Memorandum of Agreement dated November 19, 1989.

February 15, 1991

**(Sgd.) MICHEL G. PICHER**  
**ARBITRATOR**