

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2105

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. 2. (2.) Displace procedure under Article 13 of Agreement No. 2. (3.) Calling procedure for Spareboard and Employment Security employees, Agreement No. 2.

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. 2.

The Brotherhood maintains that those procedures were not properly put into place and violate the bulletining procedures and displacement procedures of Collective Agreement No. 2. 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, 13 and 7 of Agreement No. 2.

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. 2 should be governed by Article 4, eight calendar days off in each 4-week period, and for time off, in accordance with an operation of run statement if they are assigned to a trip.

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 issue of bulletining of positions under Article 12 of Collective Agreement No. 2 has been fully dealt with in **CROA 2075** and **2074**. The issue of the displacement procedures under Article 13 of Collective Agreement No. 2 is separately dealt with in **CROA 2107**, and issues relating to the entitlements of spareboard employees under the provisions of Article 7 of Collective Agreement No. 2 are separately dealt with in a number of other grievances heard concurrently with this matter. The further issue of the entitlement of employees on employment security to time off under Article 4 of Collective Agreement No. 2 is fully dealt with in **CROA 2108**. There is therefore nothing further to consider in respect of the Ex Parte Statement of Issue.

February 15, 1991

(Sgd.) MICHEL G. PICHER
ARBITRATOR