

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:

The 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 [among others]:

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

And on behalf of the Brotherhood [among others]:

A. Cerilli – Regional Vice-President, Winnipeg
T. McGrath – National Vice-President, Ottawa

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