

CANADIAN RAILWAY OFFICE OF ARBITRATION
SUPPLEMENTARY AWARD TO
CASE NO. 2147

Heard at Montreal, Wednesday, 9 October 1991
concerning

VIA RAIL CANADA INC.

and

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

There appeared on behalf of the Corporation:

C. Pollock	– Senior Officer, Labour Relations, Montreal
M. St. Jules	– Senior Negotiator and Advisor, Labour Relations, Montreal
D. Fisher	– Senior Officer, Labour Relations, Montreal
J. R. Kish	– Senior Advisor, Labour Relations, Montreal
C. Thomas	– Senior Officer, Human Resources, Halifax
D. DeWolfe	– Section Director, Customer Services, Halifax

And on behalf of the Brotherhood:

G. T. Murray	– Regional Vice-President, Moncton
R. Dennis	– Local Chairperson, Moncton

SUPPLEMENTARY AWARD OF THE ARBITRATOR

For the reasons related in **CROA 2148** and **Ad Hoc Award No. 126**, the Arbitrator is satisfied that the Corporation is correct in its position that the grievors D. LePage and P. Lorette were not employees adversely impacted by the job abolishments of January 1990, as they did not hold a regular position or a position bulletined under article 12.6 of Collective Agreement No. 1 as of January 14, 1990. It does not appear disputed that as of that date they were in the category of a “qualified part-time employee” within the meaning of article 12.7(a) of Collective Agreement No. 1. They would, on that basis, fall within the category of part-time employees expressly excluded from the provisions of the Supplemental Agreement, article 11.1 of which provides as follows:

11.1 Casual and part-time employees are those who work casually on an as-required basis from day to day, including those who work part days as distinguished from employees who work on regular or regular seasonal positions.

Casual and part-time employees are entirely excluded from the provisions of this Agreement.

For the foregoing reasons the Arbitrator is satisfied that the Corporation has complied with both the terms of the collective agreement and supplemental agreement, and with the intent of the remedial directive of the Arbitrator contained in the award herein dated May 17, 1991.

11 October 1991

(Sgd.) MICHEL G. PICHER
ARBITRATOR