

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 3131

Heard in Montreal, Wednesday, July 12, 2000

concerning

VIA RAIL CANADA INC.

and

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

DISPUTE:

Ghislain J. Beaulieu – Bennet Mechanical Comprehension Test.

JOINT STATEMENT OF ISSUE:

The Brotherhood contends that the Corporation has improperly administered and/or evaluated the Bennet Mechanical Comprehension Test taken by Mr. Beaulieu.

The Corporation denies the Brotherhood's contention.

FOR THE BROTHERHOOD:

(SGD.) J. L. SHIELDS
FOR: GENERAL CHAIRMAN

FOR THE CORPORATION:

(SGD.) J. LAFLEUR
FOR: DIRECTOR, LABOUR RELATIONS

There appeared on behalf of the Corporation (among others):

J. Lafleur – Counsel, Montreal

And on behalf of the Brotherhood (among others):

J. L. Shields – Counsel, Ottawa

J. Tofflemire – General Chairman, Toronto

AWARD OF THE ARBITRATOR

Mr. Beaulieu scored a thirty-seven on the Bennet Mechanical Comprehension Test, which is a failing grade. On his behalf the Brotherhood relates that he says that he experienced severe nervousness when he wrote the test, a factor which he believes adversely affected his outcome.

As unfortunate as it may be, the candidate's nervousness and inability to properly respond to the questions put to him on the test are part of the normal dynamic of any testing process. If Mr. Beaulieu failed the test it was plainly not because of any irregularity in the testing process or error on the part of the Corporation in its administration. This is not a circumstance where the Arbitrator can reverse the result or direct a re-testing.

Mr. Beaulieu's grievance is therefore dismissed.

July 14, 2000

(signed) MICHEL G. PICHER
ARBITRATOR