

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 3133

Heard in Montreal, Wednesday, July 12, 2000

concerning

VIA RAIL CANADA INC.

and

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

DISPUTE:

Richard W. Collins – 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. Collins.

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. Collins scored a failing grade of thirty-four in the Bennet Mechanical Comprehension Test. There are no mitigating factors raised in support of his grievance. In the circumstances the Arbitrator is compelled to conclude that the test was fairly administered to Mr. Collins, and that his failure to obtain a passing grade justified his removal from the training selection process. His grievance must therefore be dismissed.

July 14, 2000

(signed) MICHEL G. PICHER
ARBITRATOR