

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 3137

Heard in Montreal, Wednesday, July 12, 2000

concerning

**VIA RAIL CANADA INC.**

and

**BROTHERHOOD OF LOCOMOTIVE ENGINEERS**

### **DISPUTE:**

Brent Dillon – 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. Dillon.

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**

Regrettably, Mr. Dillon scored a thirty-nine on the Bennet Mechanical Comprehension Test. There are no objective factors pointed to in mitigation to explain his failure of the test. In these circumstances the Arbitrator is without any basis to change the result or order the re-testing of Mr. Dillon. His grievance must therefore be dismissed.

July 14, 2000

**(signed) MICHEL G. PICHER**  
**ARBITRATOR**