

IN THE MATTER OF AN ARBITRATION

BETWEEN

FLETCHER CHALLENGE CANADA, VICTORIA SAWMILL
(the Company)

AND

I.W.A. - CANADA, LOCAL 1-118
(the Union)

GRIEVANCE OF HAKIM CHAHAL

Single Arbitrator	David H. Vickers
Representing the Company	J. Lloyd Doidge
Representing the Union	John C. Neal
Date of Hearing	February 28, 1989
Place of Hearing	Victoria, B.C.

The issue referred to me as a Single Grievance Arbitrator is whether technological change has caused the loss of a bargaining unit position. The parties agreed that this Board was properly constituted and had jurisdiction to hear the issue.

Article 6 of the Collective Agreement deals with the subject of technological change. The Company is required to give six months' notice of such change "which would involve the discharge or laying off of employees". Employees who are discharged, laid off or displaced because of technological change are entitled to severance pay. At this stage, I am only asked to determine whether there has been technological change which has impacted upon the Group 5 position of Auto Trimmer Tailer/Sling Hoist. In the event that the question is answered in the affirmative, I am to retain jurisdiction and decide whether the Grievor who held such a posted position was, in fact, discharged, laid off or displaced by such technological change and thus entitled to severance pay.

CONFEX:
ART XXII
SAME

Technological change is defined in this Collective Agreement as the institution of "a change in working methods or facilities", Article 6, Section 2. Weldwood of Canada Limited (Ash Street Division) and International Woodworkers of America, Local 1-217, (unreported), Sherlock, October 25, 1973. See also, MacMillan Bloedel Limited v. I.W.A. Local 1-217 (unreported), Bird, December 29, 1983, and MacMillan Bloedel Ltd. v. I.W.A. Local 1-217 (unreported), McKee, January 24, 1984.

Wage Supplement No. 1 includes in Group 2 the classification Line Bar Tailer and in Group 5, Auto Trimmer Tailer/Sling Hoist. Two employees filled these positions in the Reman (remanufacture) area of the mill. They worked side by side in the area immediately preceding the grader as the

lumber moved down the chain. The position of Line Bar Tailer was a posted position until approximately February of 1984. At that time, a decision was taken to close down the Gang Mill. This was a log gang to which the Company diverted smaller logs, 14 inch to 22 inch in diameter. These logs ultimately ended up in the Reman area.

When the Gang Mill was closed, a study was carried out of the Reman area. It was decided to eliminate the Line Bar Tailer position, amongst others. A decision was taken to reduce the crew and not pick up 1 inch material which eliminated the need for a horizontal resaw.

The decision was implemented in April, 1984, but it lasted only for a short period of time. It became obvious that there was a need to manufacture 1 inch material because the mill was experiencing a loss of volume. The foremen also expressed concern that production levels were not being achieved without the Line Bar Tailer. Consequently, some of the decisions made earlier had to be reversed.

It appears that from about mid-May, 1984, to mid-November, 1987, the Line Bar Tailer position was filled but not posted. It was filled by a utility man who was called upon to do other tasks from time to time. From mid-May 1984, it was considered a spare position. There was no doubt that the person working as Line Bar Tailer was at that position most of the time but, to some extent, this depended on the particular employee and his skill levels.

With respect to the Line Bar Tailer position during this period, mid-May, 1984 to mid-November, 1987, the evidence leads me to the following conclusions:

- 1) The position was a spare position;
- 2) In November, 1987, there were no persons posted to that position;
- 3) Incumbents, who occupied a Utility position, were called upon from time to time to do other tasks although some incumbents, with limited skills, would spend most, if not all of their time, in the Line Bar Tailer position;
- 4) No matter what the skills of the incumbent, he would be in the Line Bar Tailer position for most of the time on any given shift.

As already noted, the Line Bar Tailer worked to the left of the Auto Trimmer Tailer/Sling Hoist position, adjusting and moving the lumber on the chain to assist the grader.

In addition to operating the Sling Hoist, the person in the Auto Trimmer Tailer/Sling Hoist position had more responsible operational duties including, amongst others, starting the Auto Trim roll case and guiding material onto the transfer, checking the amount of lumber of the Line Bar transfer chain and with the use of a picaroon, establishing a lumber line by pulling pieces that were too far out on the transfer chains.

On April 1, 1987, Company officials met with members of the Plant Committee to notify them that approval had been obtained for mill modifications. It was intended that in the fall of 1987, the Company move from a long log mill to a short log mill. Those present at this meeting were advised that

certain work stations would no longer be required after the modifications were completed. Included in that list was, inter alia, the Line Bar Tailer position.

Another meeting was held May 28, 1987, and again Union representatives were advised that the Line Bar Tailer job station would be eliminated.

The modifications and changes required to implement these decisions, were completed by mid-November, 1987. From that date on, the Company says that the two positions of Line Bar Tailer and Auto Trimmer Tailer/Sling Hoist were combined and the person holding the position was directed to locate himself in the same position as was formerly occupied by the Line Bar Tailer.

Since these changes, the parties have met and agreed upon a new job break down for the job title of Auto Trimmer Tailer, Line Bar Tailer/Sling Hoist. In late January, 1989, the request for rate clearance was submitted to the B.C. Coast Sawmill Rate Determination Program. The Company's position is that the new combined position is a Group 5; the Union says it is a Group 6.

In its submission to me, the Union argued that the Grievor's job has been eliminated without formal notification. Formal notification is required where there has been technological change. The thrust of the argument was that where there was once two positions, now there is one. The Line Bar Tailer's position was filled throughout even though it was not posted. It is the Line Bar Tailer position which remained and which in its new metamorphosis, has been submitted to the Rate Determination Committee. Further, the elimination of the Auto Trimmer Tailer/Sling Hoist position results from

technological change within the meaning of those words found in the Collective Agreement, namely, by "a change in working methods or facilities". Specifically, the Union argues that the positioning of a camera is a change in the facility which has resulted in fewer cross-ups and thus, less work for the person who would otherwise have to clean up or straighten out these cross-ups. The infeed for the resaw has been substantially changed. Where once there was a Sling Hoist, there is now new works in a different position.

The Company argues that there is no proprietary interest in duties or to any specific work station. There has been a reassignment of duties and two positions have been combined. While it is true that there is a different infeed to the resaw, the Sling Hoist is still in operation and the person holding the new, combined position is expected to operate it as required, albeit not as frequently. As well, that person is still responsible for the jump rolls which were always a part of his duties. The Company concedes that more time may now be spent sorting lumber but that is of no material significance. While the change from a large log mill to a small log mill did create technological changes in some areas, it did not create technological change directed specifically at the Auto Trimmer Tailer/Sling Hoist position.

In MacMillan Bloedel Ltd. v. I.W.A. Local 1-217, (unreported), McKee, January 24, 1984, the Arbitrator said at page 27:

"Management has the right to direct the workforce and to assign employees. Such change in assignments cannot, in my opinion, be taken as changes in working methods. In my opinion, a change in working methods is a change in the way the

work is performed, i.e. new equipment, new technology.

A change definitely took place here -- a drastic change, so far as the grievor was concerned -- but not all change is technological change".

Similar views were expressed in Re United Cement, Lime and Gypsum Workers, Local 374 and Consolidated Sand & Gravel Ltd. (1965), 16 L.A.C. 174. A note of the case at that citation reads as follows:

"The collective agreement contained a schedule of job classifications, but there was no express provision that the classifications must be maintained during the currency of the agreement. Where the company decided that a certain job classification led to the uneconomical use of employees' time, and discontinued the classification, allocating the task involved to a number of others, held, by a majority of the board of arbitration, L. Wagg dissenting, there had been no violation of the agreement".

In MacMillan Bloedel Limited v. I.W.A. Local 1-217 (Bird, supra), the Arbitrator said at page 21:

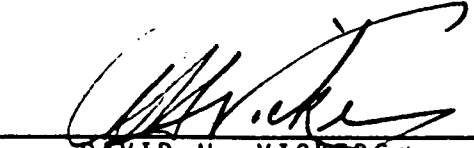
"In my opinion, neither the discontinuance of a particular job nor its reinstatement, by themselves, constitutes a change in working methods under the technological change provisions just as the discontinuance of the use of a facility or the reinstatement of the use of a facility can be the basis for a finding of a change in working methods."

My assessment of the evidence in this case leads me to the following conclusions:

- 1) The position of Auto Trimmer Tailer/Sling Hoist remains in a modified form;
- 2) It is modified to the extent that it has been combined with that of Line Bar Tailer;
- 3) The incumbent is called upon to do the same kind of work that was performed formerly by the Auto Trimmer Tailer/Sling Hoist position. The "bundle of chores" remains the same, although there is less of some and more of the other.

Was there a change in facilities? While it is true that there is new and different equipment, it is only in kind. It is still a lumber transfer chain and wood still travels along that chain. The origin of the lumber may be different although that is not so all of the time. But surely the origin of the lumber is not the issue. The question is, what are the duties now assigned to the new position? When I look at those duties, based upon the whole of the evidence, they appear to me to be a combination of the duties formerly held by the two positions. In short, it is a reassignment of duties and not an elimination of the position of Auto Trimmer Tailer/Sling Hoist that has occurred.

Accordingly, the answer to the question posed is in the negative and the grievance is dismissed.



DAVID H. VICKERS

March 8, 1989
Victoria, British Columbia

