

Can Employer Pre-Test to Screen Union Employee Qualifications for Open Jobs?



Unions objected to SaskTel's "unilateral and arbitrary" use of pre-testing applicants for vacant positions and automatically excluding anyone who flunked from consideration. Under the collective agreement, open positions should go to the most senior employees, they claimed. We first need to know if a person has the minimum qualifications for such positions, SaskTel countered. The Saskatchewan arbitrator split the baby, saying SaskTel could use the pre-tests to disqualify for certain higher-level positions, provided that it implement safeguards to keep the process fair, reasonable and consistent, such as ensuring that tests are objectively measurable and geared to the regular duties of the job and that all candidates for a particular job be given the exact same test [[Saskatchewan Telecommunications \(SaskTel\) v Unifor, Locals 1-s And 2-s](#), 2021 CanLII 41414 (SK LA), May 5, 2021].