

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1084

Heard at Montreal, Tuesday, May 10, 1983

Concerning

CN MARINE INC.

and

CANADIAN BROTHERHOOD OF RAILWAY,
TRANSPORT AND GENERAL WORKERS

DISPUTE:

The discharge of Mr. C. Collins, Senior Engineer, Newfoundland Vessel Services.

JOINT STATEMENT OF ISSUE:

Mr. C. Collins was discharged on 2 November 1982, for being absent from place of duty and under the influence of liquor.

The Union appealed on the basis that discharge was not warranted under the circumstances.

The Company declined the appeal.

FOR THE BROTHERHOOD:

(SGD.) W. C. VANCE
Regional Vice-President

FOR THE COMPANY:

(SGD.) G. J. JAMES
Director Industrial Relations

There appeared on behalf of the Company:

N. B. Price - Manager Labour Relations, CN Marine, Moncton
Capt. E. Mulrooney- Master, Newfoundland Services, CN Marine, St.
John's, Mfld.
W. J. Nearing - Sr. Labour Relations Asst., CN Marine, Moncton

And on behalf of the Brotherhood:

W. C. Vance - Regional Vice-President, CBRT&GW, Moncton
Derrick Froude - President Local 314, CBRT&GW, St. John's,
Nfld.

AWARD OF THE ARBITRATOR

The grievor, an employee of some nine years' service, was employed as a Senior Engineer on the M.V. Ambrose Shea at the material times. The vessel was in service between Lewisporte and Goose Bay. It arrived in Goose Bay at 2345 hours on October 20, and tied up. The grievor worked his regular assigned hours (0000 to 0400; 0800 to 1200 and 1200 to 1600) on October 21.

On October 22, however, the grievor did not report for his engineroom watch at 0000 hours. He had gone ashore with others at about 1830 or 1900 and had apparently spent much of the evening at a tavern. He returned to the ship at about 0300 on October 22, and while he may have appeared briefly in the engineroom, did not carry out his shift duties in any substantial way.

The grievor did report for duty from 0800 to 1200. He was not on duty from 1200 to 1600, having apparently arranged for another officer to cover that period for him while he went ashore. At about 1630, however, he was observed by the Master in the alleyway of the officers' quarters. The Master's evidence is that the grievor was hardly able to walk, his eyes were bleary, there was a smell of alcohol around him and he was hardly able to recognize the Master. While the grievor denies that he had been drinking, the conclusion that he had been, and that he was unfit for duty on that account is clearly supported on the balance of probabilities.

Although the vessel was tied up at the time, it was in service and left Goose Bay, it seems, later on the 22nd or early on the 23rd, the grievor reporting for his 0000 watch. The Senior Engineer's responsibilities are important ones, and a failure to meet them may involve grave risks for the safety of the vessel, as well as of the passengers and crew. The offence would in any event be a serious one, and it is my view that in view of the nature of the grievor's responsibilities it must be considered as one for which discharge is justified. Accordingly, the grievance is dismissed.

J. F. W. WEATHERILL,
ARBITRATOR.