

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1550

Heard at Montreal, Thursday, July 10, 1986

Concerning

ALGOMA CENTRAL RAILWAY

and

UNITED TRANSPORTATION UNION

DISPUTE:

Claim of the Organization with respect to discipline assessed to Trainman William J. Bain for incident that occurred on August 17, 1985.

JOINT STATEMENT OF ISSUE:

Trainman William J. Bain, regularly employed in Roadswitcher Service, was assessed discipline of 10 demerit marks for violation of U.C.O.R. Rule 112, 3rd paragraph, during tour of duty as Conductor in charge of Train Extra 101 West, Saturday, August 17, 1985, resulting in considerable damage to Algoma Ore Division property and to Caboose 9519.

The Organization requested the Company to remove the discipline from Trainman Bain's record for the following reasons:

1. there were no warning signs;
2. other employees involved were not disciplined;
3. Mr. Bain was not in direct control of the movement;
4. the two trainmen were away from the area for several years, therefore the Company was not in compliance with Article 80.

The Company declined the request of the Organization.

FOR THE UNION:

(SGD.) J. SANDIE  
General Chairman

FOR THE COMPANY:

(SGD.) V. E. HUPKA  
FOR: Vice-President -  
Rail

There appeared on behalf of the Company:

Victor E. Hupka - Manager, Industrial Relations, ACR, Sault Ste. Marie  
Newell L. Mills - Superintendent, ACR, Sault Ste. Marie

And on behalf of the Union:

J. Sandie - General Chairman, UTU, Sault Ste. Marie

AWARD OF THE ARBITRATOR

