

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2243

Heard at Montreal, Thursday, 12 March 1992

concerning

CANADIAN PACIFIC LIMITED

and

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

DISPUTE:

Reinstatement of Locomotive Engineer D.A. Gosselin, London, Ontario.

JOINT STATEMENT OF ISSUE:

Following an investigation conducted on March 13, 1990 in connection with Gosselin's tour of duty on March 5, 1990 he was dismissed for reporting for duty under the influence of alcohol, a violation of Rule G, UCOR.

The Brotherhood has appealed the dismissal of Mr. Gosselin requesting his reinstatement on the grounds that the penalty was too severe.

The Company has refused to reinstate Mr. Gosselin.

FOR THE BROTHERHOOD:

FOR THE COMPANY:

(SGD.) G. N. WYNNE

(SGD.) J. S. McLEAN

GENERAL CHAIRMAN

for: GENERAL MANAGER, OPERATIONS & MAINTENANCE, IFS

There appeared on behalf of the Company:

J. S. McLean

Manager, Labour Relations, IFS, Toronto

R. A. Colquhoun

Manager, Industrial Relations, Montreal

B. P. Scott

Labour Relations Officer, Montreal

G. Chehowy

Labour Relations Officer, Montreal

H. B. Butterworth

Assistant Manager, Labour Relations, IFS, Toronto

K. J. O'Brien

Deputy Superintendent, London

K. Sinclair

Witness

And on behalf of the Union:

G. N. Wynne

General Chairman, Smiths Falls

W. Foster

Local Chairman, London

AWARD OF THE ARBITRATOR

On the basis of the material filed the Arbitrator cannot conclude that the penalty assessed against the grievor was too severe. Most significantly, there is no evidence upon which it can be reliably concluded that his acknowledged drinking problem has been brought under control.

For the foregoing reasons the grievance must be dismissed.

March 13, 1992

(Sgd.) MICHEL G. PICHER

ARBITRATOR