

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2685

Heard in Montreal, Wednesday, 13 December 1995

concerning

**CANADIAN NATIONAL RAILWAY COMPANY**

and

**BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES**

### **DISPUTE:**

Assessment of discipline to Mr. L. Cartier.

### **JOINT STATEMENT OF ISSUE:**

On July 14, 1994, the grievor was assessed 20 demerits for his alleged "unsatisfactory work performance as an Extra Gang Foreman from April 26 to June 25, 1994."

The Union contends that the discipline assessed was too severe and unwarranted in the circumstances.

The Union requests that the discipline assessed the grievor be removed from his record immediately and that he be returned to duty forthwith without loss of seniority and with full compensation for all losses incurred as a result of this matter.

The Company denies the Union's contentions and declines the Union's request.

### **FOR THE BROTHERHOOD:**

**(SGD.) R. F. LIBERTY**

**SYSTEM FEDERATION GENERAL CHAIRMAN**

### **FOR THE COMPANY:**

**(SGD.) J. TORCHIA**

**FOR: SENIOR VICE-PRESIDENT, WESTERN CANADA**

There appeared on behalf of the Company:

S. Michaud	– Labour Relations Officer, Edmonton
J. Dixon	– Assistant Manager, Labour Relations, Edmonton
L. McKay	– Track Supervisor – Engineering, Peace River
A. C. Giroux	– Legal Counsel, Montreal
N. Dionne	– Manager, Labour Relations, Montreal

And on behalf of the Brotherhood:

P. Davidson	– Counsel, Ottawa
R. F. Liberty	– System Federation General Chairman, Ottawa
D. B. Brown	– Sr. Counsel, Ottawa

**AWARD OF THE ARBITRATOR**

For the reasons related in **CROA 2688**, the grievance is allowed, in part.

December 15, 1995

**(signed) MICHEL G. PICHER**  
**ARBITRATOR**