

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2687

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 October 24, 1994, the grievor was assessed 20 demerits for his alleged "insubordination and endangering a fellow employee's life". This resulted in the grievor's discharge for accumulation of demerits.

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

The Union requests that the discipline assessed be removed from the grievor's record and that the grievor 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