

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2744

Heard in Calgary, Thursday, 16 May 1996

concerning

**CANADIAN NATIONAL RAILWAY COMPANY**

and

**CANADIAN COUNCIL OF RAILWAY OPERATING UNIONS  
[UNITED TRANSPORTATION UNION]**

### **DISPUTE:**

Appeal the Company's decision to assess 15 demerits to Mr. K.R. Hamelin of Edmonton, Alberta for "unsatisfactory work record between October 23, 1992 and January 3, 1993."

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

On January 22, 1993, Mr. Hamelin attended an employee statement regarding his work record for the period from October 23, 1992 to January 3, 1993. Mr. Hamelin's personal record was subsequently assessed 15 demerits for an unsatisfactory work record between October 23, 1992 and January 3, 1993.

The Union requests that the grievor's discipline be removed or at the very least be mitigated to a lesser degree.

The Company maintains that the grievor was appropriately assessed and has declined the Union's request.

### **FOR THE COUNCIL:**

**(SGD.) M. G. ELDRIDGE**  
**FOR: GENERAL CHAIRMAN**

### **FOR THE COMPANY:**

**(SGD.) J. TORCHIA**  
**FOR: SENIOR VICE-PRESIDENT, CN WEST**

There appeared on behalf of the Company:

W. Barber	– Labour Relations Officer, Edmonton
R. Reny	– Labour Relations Officer, Edmonton
S. Blackmore	– Labour Relations Assistant, Edmonton
J. Torchia	– Manager, Labour Relations, Edmonton
J. Dixon	– Labour Relations Officer, Edmonton

And on behalf of the Council:

M. G. Eldridge	– Vice-General Chairman, Edmonton
J. W. Armstrong	– General Chairman, Edmonton
H. Richardson	– Local Chairperson, Calgary
B. Mitchel	– Local Chairperson, Edmonton
K. Hamelin	– Grievor

### **AWARD OF THE ARBITRATOR**

The record establishes, to the Arbitrator's satisfaction, that the Company did have just cause to discipline the grievor for unsatisfactory attendance at work in the period of October 23, 1992 to January 3, 1993. It should be noted that this was the second infraction of its kind within a short period, as the grievor had previously been assessed twenty demerits for a similar infraction in September of 1992. While the Council raises the fact that the grievor's attendance was caused, in part, by his problems with alcohol, it should be noted that the grievor was afforded the opportunity of a leave of absence in or about June of 1991, in Vancouver, through the Company's EAP program, to follow a twenty-eight day in-patient treatment at the Maple Ridge Treatment Centre. The record discloses that the Company showed itself understanding of the grievor's condition and dealt with him in keeping with the principles of progressive discipline.

In the circumstances I am satisfied that the assessment of fifteen demerits was appropriate. The grievance must therefore be dismissed.

May 17, 1996

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