

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2818

Heard in Montreal, Thursday, 16 January 1997

concerning

**CANADIAN NATIONAL RAILWAY COMPANY**

and

**NATIONAL AUTOMOBILE, AEROSPACE, TRANSPORTATION AND  
GENERAL WORKERS UNION OF CANADA (CAW-CANADA)**

### **DISPUTE:**

Assessment of discipline to Mr. T. DeRose of Thunder Bay, Ontario.

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

Following an investigation held on 15 September 1993, Mr. DeRose was assessed 30 demerits for conduct unbecoming a CN employee as the result of an altercation which took place between Mr. T. DeRose and his supervisor Mr. R. Davis on 09 September 1993.

It is the Union's position that Mr. Davis was the instigator of the incident and Mr. DeRose was only acting in self-defense when he participated in the altercation. Therefore, the Union is requesting that Mr. DeRose's file be expunged of all discipline and that he be compensated for all wages and benefits as a result of his suspension.

The Company denies the request.

### **FOR THE UNION:**

**(SGD.) A. S. WEPRUK**  
NATIONAL COORDINATOR

### **FOR THE COMPANY:**

**(SGD.) J. TORCHIA**  
FOR: SENIOR VICE-PRESIDENT, WESTERN CANADA

There appeared on behalf of the Company:

|             |                                       |
|-------------|---------------------------------------|
| D. Lanthier | – Labour Relations Officer, Edmonton  |
| S. Michaud  | – Labour Relations Officer, Edmonton  |
| J. Dixon    | – Manager, Labour Relations, Edmonton |
| C Colquhoun | – Senior Technical Officer, Winnipeg  |

And on behalf of the Union:

|              |                                  |
|--------------|----------------------------------|
| A. S. Wepruk | – National Coordinator, Montreal |
| A. DeRose    | – Grievor                        |

### **AWARD OF THE ARBITRATOR**

For the reasons related in **CROA 2821**, the grievance is allowed, in part.

January 20, 1997

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