

**CANADIAN RAILWAY OFFICE OF ARBITRATION
CASE NO. 3351**

Heard in Edmonton, Wednesday, 9 July 2003

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

DISPUTE:

Appeal the discipline assessed the personal record of Locomotive Engineer E.W. Bugoy of Melville, SK "for complaints received regarding ongoing problems with your personal hygiene which is causing discomfort to fellow employees and disruption to our operations."

JOINT STATEMENT OF ISSUE:

On July 10, 2000, the Company commenced proceedings with respect to and in connection with complaints received regarding ongoing problems concerning the grievor's personal hygiene which was allegedly causing discomfort to fellow employees and disruptions to the Company's operations.

On or about August 31, 2000, Locomotive Engineer Bugoy was assessed a thirty (30) day suspension as the result of the employee investigation.

The Brotherhood submits that the Company has not proven Locomotive Engineer Bugoy's culpability in this matter that would attract such a measure of discipline and, further, that the grievor did not receive a fair and impartial hearing as contemplated under the provisions of article 86 of the collective agreement 1.2.

The Brotherhood requests that the Company be directed to expunge the said discipline and, moreover, that the grievor be made whole for all wages and benefits lost during the period of suspension.

The Company disagrees with the Brotherhood's position.

FOR THE BROTHERHOOD: FOR THE COMPANY:

(SGD.) D. E. BRUMMUND (SGD.) D. VANCAUWENBURGH

FOR: GENERAL CHAIRMAN FOR: VICE-PRESIDENT, LABOUR RELATIONS

There appeared on behalf of the Company:

D. VanCauwenburgh – Manager, Human Resources, Winnipeg

S. M. Blackmore – Manager, Human Resources, Edmonton

R. Reny – Senior Manager, Human Resources, Vancouver

S. Crick – Transportation Supervisor, Winnipeg

And on behalf of the Brotherhood:

D. E. Brummund – Sr. Vice-General Chairman, Edmonton

B. Willows – Vice-General Chairman, Winnipeg

AWARD OF THE ARBITRATOR

This file has been consolidated with **CROA 3352** and **CROA 3353**. The award and reasons of the Arbitrator are to be found in **CROA 3353**.

July 14, 2003 (signed) MICHEL G. PICHER
ARBITRATOR