

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 352

Heard at Montreal, Tuesday, April 11th, 1972

Concerning

QUEBEC NORTH SHORE AND LABRADOR RAILWAY

and

UNITED TRANSPORTATION UNION (T)

DISPUTE:

Three month suspension assessed to Conductor R. Belanger. Request by United Transportation Union for removal of discipline and full compensation for time lost due to suspension.

JOINT STATEMENT OF ISSUE:

On December 13, 1971, Mr. R. Belanger was the conductor in charge of the Extra 217 South (CL-979), a southbound ore freight movement on the Wacouana Subdivision from Oreway Nfld. to Sept Îles, P.Q. Conductor Belanger was charged with allowing his train to move at excessive speed between North Mile 148 siding and South Mai, in violation of Time Table speed restrictions, Special Instructions #47 and #48 of the current Time Table #13 and General Rule B of the Uniform Code of Operating Rules. Following an investigation of the incident held on December 16, 1971, employee was assessed a three month suspension. The United Transportation Union appealed the discipline assessed. The Company has refused to remove the discipline.

FOR THE EMPLOYEES:

(SGD.) J. J. SIROIS
GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD.) P. L. MORIN
SUPERINTENDENT, LABOUR RELATIONS

There appeared on behalf of the Company:

J. Bazin	– Counsel
P. L. Morin	– Superintendent, Labour Relations, Sept Îles
F. LeBlanc	– Labour Relations Assistant
T. Leger	– Labour Relations Assistant, Sept Îles
G. F. McDonald	– Chief Dispatcher, Sept Îles
R. Morris	– Trainmaster, Sept Îles
W. A. Adams	– Road Foreman of Engineers, Sept Îles
B. K. Wilson	– Supervisor, Communications & Signals, Sept Îles
B. Gosselin	– Road Foreman of Engines, Transportation, Sept Îles

And on behalf of the Union:

J. J. Sirois	– General Chairman, Sept Îles
G. W. McDevitt	– Vice-President, Ottawa

AWARD OF THE ARBITRATOR

The facts in this case are described in the Award in **Case No. 351**, which was heard together with this case. For the reasons there set out, I find that the train was moved at an excessive speed, and that the grievor shares in the responsibility therefor. The only question remaining is as to the severity of the penalty.

The grievor was conductor of the train and as such had a special responsibility. He had a record of discipline for similar offences. In this case it was a matter of a long train of loaded ore cars. In view of the seriousness of the matter and the nature of the grievor's record, I cannot conclude that the penalty, while very severe, was beyond the range of reasonable disciplinary responses to the situation. I find that just cause existed for the discipline imposed. Accordingly, the grievance is dismissed.

(signed) J. F. W. WEATHERILL
ARBITRATOR