

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 759

Heard at Montreal, Tuesday, July 8th, 1980

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

UNITED TRANSPORTATION UNION (T)

DISPUTE:

Assessment of twenty (20) demerit marks to Conductor W.T. Drew for failure to comply with Article 17.1, Item 11, of Form 696 – General Operating Instructions and for failure to answer direct questions at the investigation into the matter.

JOINT STATEMENT OF ISSUE:

On October 24, 1979, Conductor W.T. Drew was in charge of Extra 5181 East, running from Atikokan, Ontario to Thunder Bay, Ontario.

At mileage 43.3 - Kashabowie Subdivision, Extra 5181 East was stopped by an emergency brake application initiated by the Conductor. When the train was allowed to proceed after the emergency stop, the crew failed to comply with Article 17.1, Item 11, of Form 696 – General Operating Instructions.

As a result, Conductor W.T. Drew was assessed twenty (20) demerit marks for his failure to comply with Article 17.1, Item 11, of Form 6 and for his failure to answer direct questions at the investigation of the matter.

The UTU (T) appealed the discipline on the ground that it was too severe.

The Company declined the appeal.

FOR THE EMPLOYEE:
(SGD.) L. H. MANCHESTER
GENERAL CHAIRMAN

FOR THE COMPANY:
(SGD.) S. T. COOKE
ASSISTANT VICE-PRESIDENT, INDUSTRIAL RELATIONS

There appeared on behalf of the Company [among others]:

L. R. Weir – System Labour Relations Officer, Montreal
R. Monette – Counsel, Montreal

And on behalf of the Brotherhood [among others]:

L. H. Manchester – General Chairman, Winnipeg
G. Waxman – Counsel, Montreal
W. T. Drew – Grievor

After the commencement of the hearing in this matter, counsel for the parties advised, following a recess, that the matter had been settled. These proceedings are therefore terminated.

(signed) J. F. W. WEATHERILL
ARBITRATOR