

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1740

Heard at Montreal, Wednesday 13 January 1988

Concerning

VIA RAIL CANADA INC.

And

**CANADIAN BROTHERHOOD OF RAILWAY,
TRANSPORT AND GENERAL WORKERS**

DISPUTE:

Letter of reprimand assessed to the record of H.T. Coté for failure to carry out instructions.

JOINT STATEMENT OF ISSUE:

The grievor while assigned as a Service Co-ordinator on Train No. 1 September 6 and 7, 1986 (Toronto-Winnipeg) was given specific instructions by two Supervisors to prepare for the third sitting in the dining car and remain in service until released by the oncoming crew in Winnipeg.

The Corporation claims that the grievor disregarded the Supervisor's instructions and suggested to the guests that they wait until arrival at Winnipeg to be served by the oncoming crew. As a result, a Letter of Reprimand was issued.

The Brotherhood contends the discipline was unwarranted and requests its removal, because the grievor was not given sufficient time to prepare for the third sitting in the dining room, as instructed.

FOR THE BROTHERHOOD:

(SGD.) TOM MCGRATH
NATIONAL VICE-PRESIDENT

FOR THE COMPANY:

(SGD.) A. D. ANDREW
DIRECTOR, LABOUR RELATIONS

There appeared on behalf of the Company:

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| C. O. White | – Labour Relations Officer, Montreal |
| M. St. Jules | – Manager, Labour Relations, Montreal |
| J. Kish | – Officer, Personnel and Labour Relations, Montreal |
| A. Henery | – Officer, Human Resources, Toronto |
| C. Pollock | – Officer, Labour Relations, Toronto |

And on behalf of the Brotherhood:

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| T. N. Stol | – General Chairman |
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AWARD OF THE ARBITRATOR

The material establishes that the grievor was in fact given a specific instruction to start the dinner meal and remain with the Winnipeg crew until she was released. Subsequently, and without informing her supervisors, the grievor formed the opinion that as the train was some twenty minutes from Winnipeg where the dining car crew change would take place, it would be better for the passengers if she did not commence their dinner service, leaving it entirely for the oncoming crew. Whether she was correct in her judgement is not the issue at hand. The grievor's superiors judged otherwise, and it appears that her contrary view may have caused some delay and frustration to the passengers concerned. At a minimum, it was open to Ms. Coté to make radio contact with either of her two supervisors who were on board the train to discuss with them her proposed course of action. She did not do so, and effectively proceeded without authorization to countermand her direct instructions.

In these circumstances the Arbitrator must conclude that the Corporation had just cause for the written reprimand which it issued to the grievor. The grievance must accordingly be dismissed.

(signed) MICHEL G. PICHER
ARBITRATOR