

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1805

Heard at Montreal, Tuesday, 12 July 1988

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

And

CANADIAN SIGNAL AND COMMUNICATIONS UNION

DISPUTE:

Appeal of discipline assessed S&C Maintainer G. Violette effective 16 July 1987.

JOINT STATEMENT OF ISSUE:

Following an investigation, Mr. Violette was assessed 5 demerit marks for non-cancellation of a track occupancy permit which he obtained on 16 July 1987 to cover a section of the main line between Signal 2039 at Quisibis and Signal 1962 at St. Leonard.

The Union contends that Mr. Violette was unable to cancel his Track Occupancy Permit because of faulty communication equipment.

The Company disagrees with the Union's contention.

FOR THE UNION:

(SGD) J. E. PLATT
NATIONAL PRESIDENT

FOR THE COMPANY:

(SGD) W. W. WILSON
FOR: ASSISTANT VICE-PRESIDENT, LABOUR RELATIONS

There appeared on behalf of the Company:

G. Blundell	– Labour Relations Officer, Montreal
T. D. Ferens	– Manager, Labour Relations, Montreal
R. Paquette	– Senior Analyst, Montreal
H. Hartman	– Labour Relations Officer, Moncton
W. Trenholm	– System Manager, Operations S&C, Montreal
R. MacKinnon	– S&C Engineer, Moncton
T.E. Graham	– Supervisor S&C Maintenance, Edmunston

And on behalf of the Union:

A. G. Cunningham	– National Vice-President, Montreal
A. B. Vigneault	– Assistant to the Vice-President, Montreal
G. T. Violette	– Grievor

AWARD OF THE ARBITRATOR

The material establishes beyond controversy that the grievor did fail to cancel a Track Occupancy Permit obtained on July 16, 1987 within the time limits required. While Mr. Violette explains that he was unable to call the train dispatcher because of what he alleges was a faulty dispatcher telephone located near Signal 1962, he provides no adequate explanation for his failure to use alternative means of communication, including public pay telephones accessible on the nearby highway which he travelled after leaving the track near St. Leonard West. Even accepting the grievor's explanation, it would appear that while some slight delay in the cancellation of his Track Occupancy Permit might have been expected, the fifty-one minute delay which in fact occurred was not justified. In the

circumstances the Arbitrator must conclude that the imposition of five demerits was within the appropriate range of discipline, and the grievance must be dismissed.

July 15, 1988

(SGD) MICHEL G. PICHER
ARBITRATOR