

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2102

Heard at Montreal, Tuesday, 12 February 1991

concerning

### CANADIAN NATIONAL RAILWAY COMPANY

and

### BROTHERHOOD OF LOCOMOTIVE ENGINEERS

#### **DISPUTE:**

Appeal of the discipline assessed Locomotive Engineer E. Chilton of Jasper, Alberta effective May 13, 1986.

#### **JOINT STATEMENT OF ISSUE:**

On May 13, 1986, Locomotive Engineers M.S. Boyne and E. Chilton were called at Jasper to work and deadhead respectively, on Train 792 operating from Jasper to Winniandy, Alberta. On that date, the departure of Train 792 was seriously delayed.

Following an investigation into the matter, the record of Locomotive Engineer Chilton was assessed 15 demerit marks for: "Excessive shop track delay to Train 792-NT10 May 13, 1986."

The Brotherhood contends that the discipline assessed was unwarranted because the delay to Train 792 was due to the defects discovered during inspection of the locomotive consist on the shop track at Jasper.

The Company declined the appeal.

#### **FOR THE BROTHERHOOD:**

**(SGD.) W. A. WRIGHT**  
ACTING GENERAL CHAIRMAN

#### **FOR THE COMPANY:**

**(SGD.) M. DELGRECO**  
FOR: ASSISTANT VICE-PRESIDENT, LABOUR RELATIONS

There appeared on behalf of the Company:

L. A. Harms – System Labour Relations Officer, Montreal  
P. D. Morrissey – Manager, Labour Relations, Montreal  
R. Paquette – System Labour Relations Officer, Montreal  
B. Mahoney – System Transportation Officer, Montreal

And on behalf of the Brotherhood:

W. A. Wright – Acting General Chairman, Kamloops  
D. Shewchuk – Vice-General Chairman, Kamloops

#### **AWARD OF THE ARBITRATOR**

The material establishes to the satisfaction of the Arbitrator that the delay in the departure of Train 792 was caused by the unauthorized inspection of the motive power on the shop track by Locomotive Engineer Chilton. While it does not appear disputed that his intention was to more closely familiarize Locomotive Engineer Boyne with the workings of the equipment in question, his inspection went far beyond the kind of inspection for which a locomotive engineer is responsible. It duplicated much of the inspection duties of maintenance personnel and, in the result, substantially contributed to a delay of some two hours and fifteen minutes in the departure of his train.

Needless to say, one of the most basic obligations of an engineer training another is to communicate the importance of running on schedule. In all of the circumstances I am satisfied that discipline was justified, and that fifteen demerits falls within the appropriate range of disciplinary response.

For the foregoing reasons the grievance must be dismissed.

February 15, 1991

**(Sgd.) MICHEL G. PICHER**  
**ARBITRATOR**