

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2243

Heard at Montreal, Thursday, 12 March 1992

concerning

### CANADIAN PACIFIC LIMITED

and

### BROTHERHOOD OF LOCOMOTIVE ENGINEERS

#### **DISPUTE:**

Reinstatement of Locomotive Engineer D.A. Gosselin, London, Ontario.

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

Following an investigation conducted on March 13, 1990 in connection with Gosselin's tour of duty on March 5, 1990 he was dismissed for reporting for duty under the influence of alcohol, a violation of Rule G, UCOR.

The Brotherhood has appealed the dismissal of Mr. Gosselin requesting his reinstatement on the grounds that the penalty was too severe.

The Company has refused to reinstate Mr. Gosselin.

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

**(SGD.) G. N. WYNNE**  
GENERAL CHAIRMAN

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

**(SGD.) J. S. MCLEAN**  
FOR: GENERAL MANAGER, OPERATIONS & MAINTENANCE, IFS

There appeared on behalf of the Company:

J. S. McLean	– Manager, Labour Relations, IFS, Toronto
R. A. Colquhoun	– Manager, Industrial Relations, Montreal
B. P. Scott	– Labour Relations Officer, Montreal
G. Chehowy	– Labour Relations Officer, Montreal
H. B. Butterworth	– Assistant Manager, Labour Relations, IFS, Toronto
K. J. O'Brien	– Deputy Superintendent, London
K. Sinclair	– Witness

And on behalf of the Union:

G. N. Wynne	– General Chairman, Smiths Falls
W. Foster	– Local Chairman, London

**AWARD OF THE ARBITRATOR**

On the basis of the material filed the Arbitrator cannot conclude that the penalty assessed against the grievor was too severe. Most significantly, there is no evidence upon which it can be reliably concluded that his acknowledged drinking problem has been brought under control.

For the foregoing reasons the grievance must be dismissed.

March 13, 1992

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