

CANADIAN RAILWAY OFFICE OF ARBITRATION
SUPPLEMENTARY AWARD TO
CASE NO. 2244

concerning

CANADIAN PACIFIC LIMITED

and

BROTHERHOOD OF LOCOMOTIVE ENGINEERS

SUPPLEMENTARY AWARD OF THE ARBITRATOR

By a letter dated February 2, 1993 the parties seek clarification of the Arbitrator's award herein dated March 13, 1992. In answer to the first question put by the parties, the medical practitioner must clearly indicate that Mr. Britton has his stress under control. He must also indicate whether Mr. Britton is or is not an alcoholic, in the sense that he is or is not, in the physician's opinion, alcohol dependent. For the purposes of making that determination the medical practitioner may resort to the kinds of tests referred to in paragraph no. 1 of the remedial award. The award calls upon the medical practitioner to express an opinion as to whether the grievor is able to return to work in a safety sensitive position only insofar as his control over stress is concerned.

Should the expert medical practitioner determine that Mr. Britton is alcohol dependent, it is the intention of the award that as a condition of returning to work Mr. Britton must be able to satisfy the employer that he is free of alcohol while on duty or subject to duty, and be subject to testing to confirm his condition in that regard, in accordance with paragraph no. 4 of the remedial order. Whatever the diagnosis, the award makes no ruling with respect to the grievor's consumption of alcohol other than while on duty or subject to duty. In the event that the medical practitioner determines that Mr. Britton is not an alcoholic, in the sense of being alcohol dependent, the award contains nothing which would prevent him from consuming alcohol as he may deem appropriate, on his own time, subject of course to his being free of alcohol at all times while on duty or subject to duty, as may be determined, in part, through the testing provided for in paragraphs no. 4 and no. 5 of the remedial award.

February 12, 1993

(Sgd.) MICHEL G. PICHER
ARBITRATOR