

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2481

Heard in Montreal, Thursday, 12 May 1994

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

**CANADIAN COUNCIL OF RAILWAY OPERATING UNIONS
[UNITED TRANSPORTATION UNION]**

EX PARTE

DISPUTE:

Discharge of Conductor P. Champagne of Melville, Saskatchewan for accumulation of demerits on March 12, 1993.

UNION'S STATEMENT OF ISSUE:

On March 12, 1993 Conductor P. Champagne was discharged for accumulation of demerits.

It is the Company's position that the discharge of Conductor Champagne was just based on his discipline record.

The Union appealed the discharge of Conductor Champagne on the basis that the discharge was without just cause and was inappropriate in all of the circumstances.

The Company denied the Union's request.

FOR THE UNION:

(SGD.) J. W. ARMSTRONG
GENERAL CHAIRPERSON

There appeared on behalf of the Company:

B. Laidlaw	– Labour Relations Officer, Edmonton
R. Pelesh	– District Superintendent Transportation, Saskatoon
R. Hedley	– Project Manager, Transportation Services, Edmonton
J. Carron	– Counsel, Montreal

And on behalf of the Union:

D. Ellickson	– Counsel, Toronto
J. W. Armstrong	– General Chairperson, Edmonton
L. H. Olson	– President, UTU-Canada, Ottawa
B. Henry	– Vice-General Chairperson, Edmonton
P. Champagne	– Witness
P. Champagne	– Grievor

AWARD OF THE ARBITRATOR

For the reasons related in **CROA 2480**, the grievance is allowed in part. The grievor is to be reinstated into his employment with thirty-five demerits on his record, and without loss of seniority and without compensation for wages and benefits lost.

13 May 1994

(sgd.) MICHEL G. PICHER
ARBITRATOR