

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2501

Heard in Calgary, Thursday, 16 June 1994

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

**CANADIAN COUNCIL OF RAILWAY OPERATING UNIONS
(UNITED TRANSPORTATION UNION)**

DISPUTE:

Appeal the forty demerits assessed to Yard Foreman R.W. Haydock of Vancouver, B.C. for insubordination toward a Company Officer at the Thornton Yard Luncheon during a tour of duty on the 1615 Thornton Roust on January 28, 1991, resulting in his discharge on February 6, 1991 for accumulation of demerits.

JOINT STATEMENT OF ISSUE:

On January 28, 1991 Yard Foreman Haydock was assigned to the 1615 Thornton Roust assignment. During his shift Mr. Haydock and General Yard Coordinator G. McKinley had an argument over the length of the lunch break. As a result of this incident Mr. Haydock was pulled out of service.

An investigation was held in connection with this incident, following which Yard Foreman Haydock was assessed 40 demerits for insubordination toward a Company Officer at the Thornton Yard Lunchroom during his tour of duty on the 1615 Thornton Roust on January 28, 1991. This resulted in his discharge for accumulation of demerits.

The Union appealed the discipline contending that the grievor was not insubordinate and that the investigation was not conducted in a fair and impartial manner. The Union requests that the discipline be removed and Mr. Haydock be reinstated.

The Company had denied the appeal.

FOR THE UNION:

(SGD.) J. W. ARMSTRONG
GENERAL CHAIRPERSON

FOR THE COMPANY:

(SGD.) B. LAIDLAW
for: SENIOR VICE-PRESIDENT, WESTERN CANADA

There appeared on behalf of the Company [among others]:

M. A. King – Solicitor, Edmonton
G. C. Blundell – Manager, Labour Relations, Edmonton

And on behalf of the Union [among others]:

D. Ellickson – Counsel, Toronto
J. W. Armstrong – General Chairperson, Edmonton
R. W. Haydock – Grievor

At the request of the parties, the hearing was adjourned. The matter was ultimately resolved between parties.