

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2724

Heard in Montreal, Thursday, 11 April 1996

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

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

DISPUTE:

Appeal the discharge of Traffic Coordinator J.C. Ayotte of Montreal, Quebec effective 18 September 1995.

JOINT STATEMENT OF ISSUE:

Following an investigation J.C. Ayotte was discharged from the services of the Company effective September 18, 1995 for sexual harassment of a female employee of Canadian National Railway on the 24th of August 1995 while employed as a Traffic Coordinator at Pointe-St-Charles.

The Union requests the reinstatement of Mr. Ayotte without loss of seniority and with compensation for all lost time on the grounds that: (a) the alleged impropriety was not handled in accordance with the Company's Sexual Harassment Policy; (b) the grievor was not provided a fair and impartial investigation and the discipline assessed was unwarranted and, in any event, excessive.

The Company declined the Union's appeal.

FOR THE COUNCIL:

(SGD.) W. G. SCARROW
GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD.) A. E. HEFT
FOR: VICE-PRESIDENT, CN EAST

There appeared on behalf of the Company:

J. Curtis McDonnell	– Counsel, Toronto
J. Vaasjo	– Labour Relations Officer, Toronto
R. Bateman	– Assistant Manger, Labour Relations, Toronto
D. Laurendeau	– Assistant Manger, Labour Relations, Montreal

And on behalf of the Council:

K. Cahill	– Counsel, Monteval
W. G. Scarrow	– General Chairman, Sarnia
R. J. Long	– Vice-General Chairman, Hamilton
J. C. Ayotte	– Grievor

The hearing was adjourned at the request of the parties and ultimately resolved between the parties.