

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2818

Heard in Montreal, Thursday, 16 January 1997

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

NATIONAL AUTOMOBILE, AEROSPACE, TRANSPORTATION AND GENERAL WORKERS UNION OF CANADA (CAW-CANADA)

DISPUTE:

Assessment of discipline to Mr. T. DeRose of Thunder Bay, Ontario.

JOINT STATEMENT OF ISSUE:

Following an investigation held on 15 September 1993, Mr. DeRose was assessed 30 demerits for conduct unbecoming a CN employee as the result of an altercation which took place between Mr. T. DeRose and his supervisor Mr. R. Davis on 09 September 1993.

It is the Union's position that Mr. Davis was the instigator of the incident and Mr. DeRose was only acting in self-defense when he participated in the altercation. Therefore, the Union is requesting that Mr. DeRose's file be expunged of all discipline and that he be compensated for all wages and benefits as a result of his suspension.

The Company denies the request.

FOR THE UNION:

(SGD.) A. S. WEPRUK
NATIONAL COORDINATOR

FOR THE COMPANY:

(SGD.) J. TORCHIA
FOR: SENIOR VICE-PRESIDENT, WESTERN CANADA

There appeared on behalf of the Company:

D. Lanthier	– Labour Relations Officer, Edmonton
S. Michaud	– Labour Relations Officer, Edmonton
J. Dixon	– Manager, Labour Relations, Edmonton
C Colquhoun	– Senior Technical Officer, Winnipeg

And on behalf of the Union:

A. S. Wepruk	– National Coordinator, Montreal
A. DeRose	– Grievor

AWARD OF THE ARBITRATOR

For the reasons related in **CROA 2821**, the grievance is allowed, in part.

January 20, 1997

(signed) MICHEL G. PICHER
ARBITRATOR