

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2967

Heard in Montreal, Wednesday, 15 July 1998

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

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

DISPUTE:

Appeal of discipline, 30 day suspension, assessed to Conductor G.R. Dirk of Kamloops, British Columbia effective February 20, 1996.

JOINT STATEMENT OF ISSUE:

On February 19, 1996 Mr. G.R. Dirk and a number of other employees were travelling from Vancouver and Kamloops to Gimli, Manitoba for Conductor Locomotive Operator (CLO) Training. On arrival at Winnipeg Mr. Dirk travelled to the Gimli Training Centre in transportation provided by the Company.

On February 20, 1996 the grievor failed to report to his classroom training at 0800. Subsequent to a discussion between Manager B. Sears and Mr. Dirk, the grievor was advised he would be returned to his home terminal of Kamloops. On March 20, 1996 the Company issued a thirty (30) day suspension effective February 20 to March 20, 1996, inclusive, for his conduct on February 19 and 20, 1996 while travelling to the CLO Program in Gimli, Manitoba.

The Union's position is that, although Mr. Dirk failed to report to his classroom training at 0800, the incident did not warrant any discipline and therefore the Union requests the grievor be fully compensated, without loss of seniority or benefits.

The Company disagrees.

FOR THE COUNCIL:

(SGD.) M. G. ELDRIDGE
FOR: GENERAL CHAIRPERSON

FOR THE COMPANY:

(SGD.) K. MORRIS
FOR: ASSISTANT VICE-PRESIDENT, LABOUR RELATIONS

There appeared on behalf of the Company:

K. Morris – Labour Relations Officer, Edmonton
S. Blackmore – Labour Relations Officer, Edmonton

And on behalf of the Council:

M. G. Eldridge – Vice-General Chairperson, Edmonton

AWARD OF THE ARBITRATOR

The Arbitrator is satisfied, on the basis of the material filed, that the grievor was involved in a drinking party into the early morning hours of February 20, 1996 at Gimli, Manitoba. In the result, whether by reason of inebriation and/or hangover, he failed to be in attendance at his orientation class that morning. It is not disputed that the grievor participated in drinking both at the Winnipeg airport on the evening of the 19th, and at the Gimli dormitory facility, in the room of another employee, during the course of a noisy party which apparently proceeded until approximately 03:00 on the 20th. It appears that the grievor's room was taken by another employee, and that Mr. Dirk was required to occupy another vacant room for the night, where he was found by two course supervisors at approximately 09:15 on the morning of the 20th.

The Arbitrator can see little reason to disturb the assessment of a thirty day suspension registered against Mr. Dirk. He obviously failed to appreciate the importance of treating the Gimli training course as a serious endeavour, an endeavour undertaken at considerable cost to the Company. Plainly, as an employee of senior service, first hired in 1963, being fifty-nine years of age, the grievor should have known better. I am satisfied that the suspension assessed is appropriate in the circumstances. The grievance is therefore dismissed.

July 17, 1998

(signed) MICHEL G. PICHER
ARBITRATOR