

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 3023

Heard in Montreal, Wednesday, 13 January 1999

concerning

CANPAR

and

TRANSPORTATION COMMUNICATIONS UNION

DISPUTE:

Appeal of 15 demerit marks assessed to the record of Mr. Sylvain De Bellefeuille for a vehicle accident.

JOINT STATEMENT OF ISSUE:

On or about August 26, 1997, Mr. DeBellefeuille had a vehicle accident and was disciplined 15 demerit marks.

The Union contends that during the interview the grievor explained that he followed the procedure when you have to move a trailer in a safe manner.

The Union submitted that the grievor was not responsible for the accident and that the discipline assessed was unwarranted.

The Union requested the removal of the demerits from Mr. De Bellefeuille's record.

The Company declined the Union's request.

FOR THE UNION:

(SGD.) R. NADEAU
DIVISION VICE-PRESIDENT

FOR THE COMPANY:

(SGD.) P. D. MACLEOD
DIRECTOR, LINEHAUL & TRANSPORT

There appeared on behalf of the Company:

R. Dupuis – Regional Director, Montreal

And on behalf of the Union:

D. J. Dunster – Executive Vice-President, Ottawa
R. Nadeau – Divisional Representative, Quebec
J. Scrivo – Local President, Montreal
S. De Bellefeuille – Grievor

AWARD OF THE ARBITRATOR

On the material filed the Arbitrator is satisfied that the grievor did not bring sufficient care to the task of hooking a trailer to his shunt tractor on August 26, 1997. In my view, on the objective evidence, the fact that the trailer became detached, coupled with the inspection which found no defect, supports the most probable inference that the grievor did not bring the requisite care to his task.

In the circumstances the Arbitrator sees no basis to disturb the discipline assessed. The grievance is therefore dismissed.

January 18, 1999

(signed) MICHEL G. PICHER
ARBITRATOR