

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 3106

Heard in Montreal, Thursday, 13 April 2000

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

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

DISPUTE:

The assessment of fifty demerit marks and sixteen days' suspension to Yvon Surducan for insubordination.

JOINT STATEMENT OF ISSUE:

On July 27, 1999, Mr. Surducan attended a disciplinary investigation for alleged insubordination on July 20, 1999. As a result of the investigation, the Company assessed fifty demerit marks and sixteen days' suspension to the record of Mr. Surducan for insubordination.

The Union alleges that the discipline is unwarranted and unduly severe and, furthermore, constitutes a double penalty.

Accordingly the Union requests that the disciplinary record be modified and that the employee be made whole.

The Company denies the Union's contention.

FOR THE UNION:

(SGD.) R. JOHNSTON
PRESIDENT, NATIONAL COUNCIL 4000

FOR THE COMPANY:

(SGD.) S. GROU
FOR: DIRECTOR, LABOUR RELATIONS

There appeared on behalf of the Company:

J. Coleman	– Counsel, Montreal
S. Grou	– Manager, Employment Legislation, Montreal
D. Gagné	– Terminal Manager, Monterm, Montreal
G. Chartrand	– Terminal Coordinator, Monterm, Montreal

And on behalf of the Union:

A. Rosner	– National Representative, Montreal
J. Savard	– Bargaining Representative, Montreal
D. Boiteau	– Local President, Montreal
G. Verdi	– Grievor
Y. Surducan	– Grievor

AWARD OF THE ARBITRATOR

For the reasons related in **CROA 3105**, the grievance is allowed in part, with the same remedy to apply.

April 14, 2000

(signed) MICHEL G. PICHER
ARBITRATOR