

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 3359

Heard in Edmonton, Thursday, 10 July 2003

concerning

**CANADIAN NATIONAL RAILWAY COMPANY**

and

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

**EX PARTE**

**DISPUTE:**

Dismissal of Edmonton Labourer Moving Unit Lance Blackley.

**UNION'S STATEMENT OF ISSUE:**

On July 18, 2002 an investigative statement was taken from LMU Lance Blackley in connection with "his absenteeism from June 11, to July 12, 2002."

According to the Company discipline form, on July 24, 2002, [LMU Lance Blackley] was dismissed from service account for: (1.) failure to request a leave of absence; (2.) unauthorized leave of absence; (3.) failure to fulfill employee obligation. According to the Company discipline form dated July 24, 2002, at the time of his discharge LMU Lance Blackley's discipline record stood at 20 demerits.

It is the contention of the Union that: (1.) the Company did not establish wrong-doing by LMU Lance Blackley sufficient to give the Company cause to dismiss him. (2.) LMU Lance Blackley was treated in an arbitrary, discriminatory and excessive manner in regard to his dismissal. Therefore, with regard to the foregoing, it is the position of the Union that LMU Lance Blackley should be returned to duty forthwith without loss of seniority, with full redress for all lost wages, benefits and losses incurred as a result of his dismissal, including, but not limited to, interest on any monies owing.

The Company denies the Union's contentions and claim

**FOR THE UNION:**

**(SGD.) B. MCDONAGH**

**FOR: PRESIDENT, COUNCIL 4000**

There appeared on behalf of the Company:

M. J. Morrison	– Human Resources Manager, Edmonton
R. Reny	– Senior Manager, Human Resources, Vancouver
L. Rea	– General Supervisor
R. Hargreaves	– Operations Supervisor
B. Calc	– General Supervisor

And on behalf of the Union:

B. McDonagh	– National Representative, Vancouver
R. Johnston	– President, Council 4000, Montreal
L. Blackley	– Grievor

At the request of the parties the hearing was adjourned *sine die*.

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**OUTLINE OF UNDERSTANDING**

- 1.) Hearing to be adjourned *sine die*, without prejudice to the position of either party.
- 2.) The parties agree to obtain a full medical/psychological/psychiatric assessment of Mr. Blackley, to be performed by a physician or physicians agreed to by the parties. Both parties to receive the resulting medical report(s) with the grievor to execute all necessary releases.
- 3.) The parties to discuss the treatment of the grievor in light of the resulting medical report.
- 4.) Failing agreement, the matter to be rescheduled for continuance of hearing upon the request of either party.
- 5.) The physician(s) agreed within paragraph 2 shall be provided all medical records of the grievor, by his release.