

**CANADIAN RAILWAY OFFICE OF ARBITRATION  
& DISPUTE RESOLUTION**

**CASE NO. 3672**

Heard in Montreal, Tuesday, 13 May 2008

Concerning

**CANADIAN NATIONAL RAILWAY COMPANY**

and

**UNITED TRANSPORTATION UNION**

**EX PARTE**

**DISPUTE:**

The assessment of a thirty (30) day suspension and restriction as an Assistant Conductor to Janice M. Storla of Saskatoon, Saskatchewan for violation of GOI Section 8, Item 12.1; GOI Section 4, Item 4.1(a)(ii); CROR General Rule A (iii) & (iv); CROR General Rule C(i); CROR General Rule D; CROR 106(d); and CROR 101(b), causing damage to Kayway Industries fall arrest protection structure, while working as the Assistant Conductor on the 22:55 work assignment YSK63 of March 7, 2005.

**UNION'S STATEMENT OF ISSUE:**

Janice Storla was working as Assistant Conductor (Yard) on assignment YSK63 on March 7th 2005. During this tour of duty Ms. Storla and her crew picked up an intermodal car that had been set off by a train as "bad order". Ms. Storla's crew continued their required duties switching and spotting in the "A" Zone. While spotting Kayway Industries the intermodal car struck the overhead fall arrest support, damaging it.

Following an investigation Janice Storla was assessed a thirty (30) day suspension and restricted as an Assistant Conductor for six months.

The Union requests that the discipline assessed to Ms. Storla be substantially reduced given her limited role in the incident and previous discipline record, as well as citing several mitigating factors.

The Company has denied the Union's request, without discussing the matter and without providing a substantive response to the Union's grievance.

**FOR THE UNION:**

**(SGD.) R. S. THOMPSON**  
**GENERAL CHAIRPERSON**

There appeared on behalf of the Company:

K. Morris	– Manager, Labour Relations, Edmonton
J. Newton	– Superintendent, Operations, Saskatoon
B. Laidlaw	– Manager, Labour Relations, Winnipeg
D. Crossnan	– Manager, Labour Relations, Prince George
P. Payne	– Manager, Labour Relations, Edmonton
A. Daigle	– Manager, Labour Relations, Montreal

And on behalf of the Union:

D. Ellickson	– Counsel, Toronto
R. S. Thompson	– General Chairperson, Edmonton
G. Ethier	– General Chairperson, Sault Ste. Marie



in part. The thirty day suspension will be substituted with a three day suspension. The grievor shall otherwise be compensated for all lost wages and benefits and have her seniority credits restored.

May 20, 2008

**(signed) JOHN M. MOREAU, Q.C.**  
**ARBITRATOR**