

**CANADIAN RAILWAY OFFICE OF ARBITRATION
& DISPUTE RESOLUTION
SUPPLEMENTARY AWARD TO
CASE NO. 4092**

Concerning

CANADIAN PACIFIC RAILWAY COMPANY

And

**TEAMSTERS CANADA RAIL CONFERENCE
MAINTENANCE OF WAY EMPLOYEES DIVISION**

Based on the parties' written submissions and a conference call

There appeared on behalf of the Company:

M. Shannon – Counsel, Calgary
M. Moran – Manager, Labour Relations, Calgary

There appeared on behalf of the Union:

Wm. Brehl – President, Ottawa
D. Brown – Legal Counsel, Ottawa

SUPPLEMENTARY AWARD OF THE ARBITRATOR

The Union seeks interim relief in respect of the treatment of grievor Kulwat Bal. The parties' agreement, dated October 7, 2011, required the grievor to be medically examined as a condition of his return to service. The medical examination, conducted

by Addiction Medicine Specialist Dr. Paul W. Sobey, resulted in the opinion, supported by laboratory results, that the grievor has an alcohol use or addiction problem which he has not himself recognized. Dr. Sobey has established as a condition of the grievor returning to service that he complete a 30 day residential treatment program. The Union requests the Arbitrator to effectively direct the grievor's return to work, without loss of income and without compliance with the condition established by Dr. Sobey.

I am satisfied that the opinion of Dr. Sobey must be respected. Bearing in mind that the grievor seeks an eventual return to safety sensitive duties, he was diagnosed by Dr. Sobey as having alcohol addiction for which a 30 day residential treatment program is directed as a precondition to his return to work. While I appreciate that that might cause some hardship to the grievor, I am satisfied that it is not unreasonable based on the medical report finally produced as a result of the parties' own agreement.

For these reasons the Union's request for relief is declined.

May 16, 2012

(Signed) MICHEL G. PICHER
ARBITRATOR