

**CANADIAN RAILWAY OFFICE OF ARBITRATION**  
**& DISPUTE RESOLUTION**  
**CASE NO. 4254**

Heard in Calgary, November 12, 2013

Concerning

**CANADIAN NATIONAL RAILWAY COMPANY**

And

**TEAMSTERS CANADA RAIL CONFERENCE**

**DISPUTE:**

The assessment of twenty (20) demerits to Conductor Cory Sibley of Edmonton, Alberta, for reporting late for assignment 601 on January 3, 2013 by an hour and a half.

**COMPANY'S EXPARTE STATEMENT OF ISSUE:**

On January 3, 2013, Conductor Cory Sibley was called as the Conductor for Road Switcher assignment 601 at Scotford. The assignment was ordered for 06:00, and the grievor did not arrive at Scotford until approximately 07:30. The grievor was required to provide an employee statement with respect to arriving late at work, following which he was assessed twenty (20) demerits.

While the Union acknowledges that the grievor did, in fact, arrive late for work, the Union contends the discipline assessed is not warranted and should be reduced to a much lesser degree.

The Company disagrees with the Union's contentions

**FOR THE UNION:**  
**(SGD.)**

**FOR THE COMPANY:**  
**(SGD.) D. VanCauwenbergh**  
**Director Labour Relations**

There appeared on behalf of the Company:

P. Payne	– Manager Labour Relations, Edmonton
K. Morris	– Senior Manager Labour Relations, Edmonton
D. Crossan	– Manager Labour Relations, Prince George
D. Brodie	– Manager Labour Relations, Edmonton

There appeared on behalf of the Union:

D. Ellickson	– Counsel, Caley Wray, Toronto
R. Hackl	– General Chairman, Saskatoon
R. Thompson	– Vice General Chairman, Saskatoon
J. Robbins	– General Chairman East, Sarnia
J. Lenny	– Vice General Chairman East, Port Robinson

**AWARD OF THE ARBITRATOR**

It is not disputed that the grievor was one and a half hours late for work at Scotford on January 3, 2013. This was the fourth occasion for the assessment of discipline against him for failure to meet attendance management standards. The assessment of twenty demerits in the case at hand resulted in the grievor's disciplinary record standing at fifty-five active demerits.

On a review of the file the Arbitrator can see no basis to reduce the discipline assessed. The twenty demerits assessed against Conductor Sibley are consistent with the level of demerits assessed against him on two prior occasions, in 2011 and 2012, for similar misconduct I am satisfied that in the circumstances the Company followed principles of progressive discipline in the application of the Brown system, and that its decision to assess twenty demerits should not be disturbed.

For the foregoing reasons the grievance is dismissed.

November 18, 2013

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MICHEL G. PICHER  
ARBITRATOR