

CANADIAN RAILWAY OFFICE OF ARBITRATION
& DISPUTE RESOLUTION
CASE NO. 4318

Heard in Edmonton, June 12, 2014

Concerning

CANADIAN PACIFIC RAILWAY COMPANY

And

TEAMSTERS CANADA RAIL CONFERENCE

DISPUTE:

Appeal of the dismissal of Locomotive Engineer Mike Hanson.

UNION'S EXPARTE STATEMENT OF ISSUE:

Following an investigation, Engineer Hanson was dismissed from Company service on June 13, 2013 for the following reasons:

For your failure to ensure that your train was operated in a safe and controlled manner and in compliance with fixed signal indications governing its movement, resulting in your train's failure to stop at signal 1387N at Dunmore which was displaying a Stop indication and subsequent collision with eastbound train 100- 17, and for your failure to ensure that your personal cellular telephone was properly powered-off and stored while on duty, violations of CROR General Notice, CROR General Rule A (i), (iii), (vi), CROR rule 34 (b), (c), CROR rule 106, CROR rule 114 (a), (b), CROR rule 421, CROR rule 439, and CROR General Rule A (xii) System Special Instruction (Alberta Summary Bulletin) while employed as Locomotive Engineer on train 351-424 at Dunmore on the Maple Creek Subdivision on May 18,2013.

The Union contends that Engineer Hanson's dismissal is unwarranted and excessive in all of the circumstances, including mitigating factors evident in this matter.

The Union requests that Engineer Hanson be fully reinstated into the position of Locomotive Engineer without loss of seniority. In the alternative, the Union requests that the penalty be mitigated as the Arbitrator sees fit.

FOR THE UNION:
(SGD.) D. Able
General Chairperson

FOR THE COMPANY:
(SGD.)

There appeared on behalf of the Company:

D. Guerin – Director Labour Relations, Calgary

There appeared on behalf of the Union:

D. Ellickson – Counsel, Caley Wray, Toronto
D. Fulton – Vice General Chairman CTY, Calgary

AWARD OF THE ARBITRATOR

I have reviewed the submissions of the parties with respect to the incident which took place on May 18, 2013.

Notwithstanding the seriousness of the Rule violations which led the Company to dismiss the grievor and reflected in the Form 104, I am satisfied, considering the mitigating factors in this case, and in particular his 26 year discipline free years of service that this is an appropriate case for the grievor's reinstatement, without compensation and without loss of seniority.

June 27, 2014



CHRISTINE SCHMIDT
ARBITRATOR