

**CANADIAN RAILWAY OFFICE OF ARBITRATION  
& DISPUTE RESOLUTION  
CASE NO. 4379**

Heard in Calgary, March 11, 2015

Concerning

**CANADIAN NATIONAL RAILWAY COMPANY**

And

**UNIFOR COUNCIL 4000**

**DISPUTE:**

Discharge assessed to Mr. Weston for violation of CN's Policy to Prevent Workplace Alcohol and Drug Problems as a result of his refusal to participate in post-accident/incident drug and alcohol testing on April 4, 2014.

**JOINT STATEMENT OF ISSUE:**

The Union alleges that Mr. Weston showed no signs of impairment and was not directly involved in the accident to require him to participate in the post-accident/incident testing.

The Company disagrees with the Union's allegations.

**FOR THE UNION:**  
**(SGD.) B. Kennedy**  
President

**FOR THE COMPANY:**  
**(SGD.) R. Campbell**  
Labour Relations

There appeared on behalf of the Company:

R. Campbell	– Manager Labour Relations, Winnipeg
R. Bateman	– Director Labour Relations, Toronto
R. Emond	– Manager LRC, Edmonton
D. King	– Mechanical Supervisor, Edmonton

There appeared on behalf of the Union:

R. Fitzgerald	– National Representative, Toronto
R. Shore	– Regional Representative Council 4000, Vancouver
J. Dowell	– President Local 4001, Edmonton
P. Weston	– Grievor, Edmonton

**AWARD OF THE ARBITRATOR**

The facts, merits and disposition of this grievance were dealt with in **CROA&DR 4378**. The analysis and determination in that case are adopted as part of this Award.

April 1, 2015



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MARILYN SILVERMAN  
ARBITRATOR