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:  FOR THE COMPANY:
(SGD.) B. Kennedy  (SGD.) R. Campbell
President  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