

**CANADIAN RAILWAY OFFICE OF ARBITRATION
& DISPUTE RESOLUTION**

CASE NO. 4386

Heard in Calgary, March 12, 2015

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

And

UNIFOR, NATIONAL COUCIL 4000

DISPUTE:

The assessment of thirty demerits to Mr. G. Buchan for conduct unbecoming toward the Manager of Operations, Michelle Rusnak, and discharge for accumulation of demerits greater than sixty.

JOINT STATEMENT OF ISSUE:

In support, the Union alleged Ms. Rusnak mishandled the presentation of a Notice to Appear to the detriment of Mr. Buchan. Ms. Rusnak provided him with this notice in the parking lot at the start of his shift, informing him at the same time that he was held out of service. This information was disturbing to him and caused him to become upset. The Union contends that the assessment of discipline in regard to this matter was excessive.

The Company disagrees with all the Union's allegations. Mr. Buchan engaged in conduct unbecoming when he attempted to grab a letter from Ms. Rusnak's hands while directing threatening and profane language at her. This was a continuation of his flagrant pattern of insolent and insubordinate behavior demonstrating his absolute contempt for management's authority.

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
M Rusnak	– Manager, Crew Management Operations and Audit

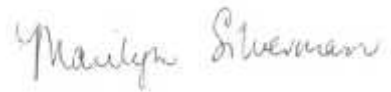
There appeared on behalf of the Union:

B. Kennedy	– President, Edmonton
B. Fitzgerald	– National Representative, Toronto
W. Gajda	– Regional Representative, Toronto
G. Buchan	– Grievor, Edmonton

AWARD OF THE ARBITRATOR

The facts, merits and disposition of this grievance were dealt with in **CROA&DR 4385**. The analysis and determination in that case are adopted as part of this Award.

April 8, 2015



MARILYN SILVERMAN
ARBITRATOR