

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

**CASE NO. 4750**

Heard in Montreal and with Video Conferencing, July 14, 2020

Concerning

**CANADIAN NATIONAL RAILWAY COMPANY**

And

**UNITED STEELWORKERS - LOCAL 2004**

**DISPUTE:**

Appeal of the assessment of 45 demerit points effective January 7, 2019, to the discipline record of Extra Gang Foreman – Level III Richard L. Lefebvre for “your responsibility in the collision between the 175205 pickup truck and broom 613-07.” The addition of these 45 demerit points to the grievor’s discipline record resulted in his discharge for accumulation of demerit points.

**JOINT STATEMENT OF ISSUE:**

Extra Gang Forman – Level III Richard L. Lefebvre was required to attend a formal investigation on January 18, 2019, in connection with his alleged responsibility in the collision between pickup truck 175205 and broom 613-07 on January 7, 2019. Following the employee investigation Mr. Lefebvre was assessed 45 demerit points for “your responsibility in the collision between the 175205 pickup truck and broom 613-07.” The addition of these 45 demerit points to his discipline record resulted in his discharge for accumulation of demerit points.

The Union contends that the assessment of 45 demerit points and the subsequent discharge for accumulation are unwarranted and excessive. The Union requests that the grievor be reinstated into his regular position without loss of seniority and that he be made whole for any loss of earnings and cumulative compensated services.

The Company disagrees with the Union contentions and has declined the Union’s grievance.

**FOR THE UNION:**  
**(SGD.) J. F. Migneault**  
President

**FOR THE COMPANY:**  
**(SGD.) A. Borges**  
Manager, Labour Relations

There appeared on behalf of the Company:

V. Paquet	– Manager Labour Relations, Toronto
S. Blackmore	– Senior Manager Labour Relations, Edmonton
S. P. Paquette	– Director, Dispute Resolution and Labour Standards, Montreal
F. Daignault	– Manager, Labour Relations, Montreal

And on behalf of the Union:

T. Lundblad	– Staff Representative, Toronto
J.F. Migneault	– President Local 2004, Montreal
R. Demers	– Chief Stewart, Great Lakes
R. Lefebvre	– Grievor, Toronto

### **AWARD OF THE ARBITRATOR**

1. Having regard to my award in CROA & DR case 4751, and notwithstanding the Union's challenge to the amount of discipline imposed for some of the admitted safety violations concerning the collision at issue, its arguments advanced in support of Mr. Lefebvre's reinstatement need not be addressed. I therefore decline to address them.

August 10, 2020



---

**AMAL GARZOUZI**  
**ARBITRATOR**