CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2968

Heard in Montreal, Wednesday, 15 July 1998

concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

CANADIAN COUNCIL OF RAILWAY OPERATING UNIONS
(UNITED TRANSPORTATION UNION)

DISPUTE:

Appeal of discipline, 30 day suspension, assessed to Conductor G.S. Waters of Vancouver, British Columbia effective February 20, 1996.

JOINT STATEMENT OF ISSUE:

On February 19, 1996 Mr. G.S. Waters and a number of other employees were travelling from Vancouver and Kamloops to Gimli, Manitoba for Conductor Locomotive Operator (CLO) Training.

On February 20, 1996 the grievor failed to report to his classroom training at 0800. Subsequent to a discussion between Manager B. Sears and Mr. Waters, the grievor was advised he would be returned to his home terminal of Vancouver. On March 15, 1996 the Company issued a thirty (30) day suspension effective February 20 to March 20, 1996, inclusive, for his conduct on February 19 and 20, 1996 while travelling to the CLO Program in Gimli, Manitoba.

The Union's position is that, although Mr. Waters missed his transportation from Winnipeg and Gimli and failed to report to his classroom training at 0800, the incident did not warrant a thirty day suspension. Therefore the Union requests the grievor be fully compensated, without loss of seniority or benefits.

The Company disagrees.

FOR THE COUNCIL:	FOR THE COMPANY:
(SGD.) M. G. ELDRIDGE	**(SGD.) K. MORRIS**
FOR: GENERAL CHAIRPERSON	**FOR: ASSISTANT VICE-PRESIDENT, LABOUR RELATIONS**

There appeared on behalf of the Company:
  K. Morris – Labour Relations Officer, Edmonton
  S. Blackmore – Labour Relations Officer, Edmonton

And on behalf of the Council:
  M. G. Eldridge – Vice-General Chairperson, Edmonton

AWARD OF THE ARBITRATOR

The material before the Arbitrator establishes, beyond any doubt, that the grievor was in an unfit condition to attend the Conductor Locomotive Operator (CLO) program at Gimli, Manitoba on the morning of February 20, 1996. By his own admission he was engaged in a drinking party the night before, which involved the consumption of alcohol in the Winnipeg airport, in a limousine enroute to Gimli, and in Mr. Waters' own room during the early morning hours of February 20, 1996. I am satisfied on the evidence before me that Mr. Waters failed to attend the orientation class that morning, and that he was in an inebriated or hung over state when course supervisors encountered him in the dormitory at 09:15, some hour and a quarter after the commencement of the orientation class.

The record before the Arbitrator further discloses that a group of employees partied loudly in Mr. Waters' rooms, until approximately 03:00 on the morning of February 20, 1996. It appears that Mr. Waters was compelled to sleep in another room, and that when they attempted to locate him, the supervisors found Mr. Waters' room to contain a number of empty or partly empty liquor bottles.

The transportation of employees to Gimli for locomotive training, from various parts of Canada, involves a substantial undertaking of expense on the part of the Company, as does their board and lodging at the Gimli facility. The rules of the facility allow the discreet consumption of alcoholic beverages within an employee's dormitory room only. It is plainly contrary to the interests of the Company to have employees engaging in conduct in respect of the consumption of alcohol which is clearly unbecoming employees of the Company, which disturbs other employees and which results in individuals missing the courses for which they are to be in attendance, by reason of inebriation and/or hangover. Such conduct is plainly deserving of a serious degree of discipline.

On all of the evidence the Arbitrator is satisfied that the Company had ample grounds to assess such a degree of discipline against Mr. Waters. I do not believe that the suspension of thirty days was inappropriate, or that it should be disturbed. For these reasons the grievance is dismissed.

July 17, 1998
(signed) MICHEL G. PICHER
ARBITRATOR