

Train Engineer Gets to Keep His Job Despite Safety Inspection Violation



Failing to do a proper Rule 110 pull-by train inspection was the final straw for an engineer with previous safety violations and attendance issues. The engineer denied the allegation but the arbitrator found the witnesses who said he did violate Rule 110 more credible. However, it said that termination was too harsh. Under the Brown System (which the employer didn't use but still counted as an industry standard), a Rule 110 violation rates 15 to 20 demerit points, way below the 60-point threshold justifying termination'even when accounting for the extra points the engineer would have earned for his lack of candour in owning up to the offence. So the arbitrator knocked the penalty down to a 30-day suspension, *not* counting the time he had already served for his earlier offences [*Canadian Pacific Railway v Teamsters Canada Rail Conference*, 2018 CanLII 3924 (CA LA), Jan. 31, 2018].