



BROTHERHOOD OF LOCOMOTIVE ENGINEERS & TRAINMEN
CN/WCL GENERAL COMMITTEE OF ADJUSTMENT
Including former DM&IR, DWP and EJ&E Railways
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October 24, 2017

RE: CN Discipline Policy – Version 1.2

BLET Members
CN-WC:

This letter concerns the recently distributed *CN Discipline Policy – Version 1.2*. Because this policy was unilaterally implemented by the Carrier, and does not represent any change to our Schedule Agreement, particularly the Discipline Rule, it is important for you, and the membership at large, to understand what this policy does, and does not mean. This is particularly important because many members have a tendency to confuse unilaterally implemented Carrier policies for Agreements, which this is not.

The Policy is explicit from the outset that “...*If this Policy conflicts with...the applicable collective bargaining agreement, that...collective bargaining agreement will take precedence over this Policy...*” This is the Carrier’s admission that they understand that they cannot use the Policy to attain an outcome not otherwise permitted by the Agreement. Put another way, the Policy may serve as an *explanation* of why the Carrier treats with a particular occurrence in a certain manner, but it does not, in and of itself, provide a *justification* for the Carrier’s response, particularly where the Policy dictates an outcome that is out of proportion with a particular set of facts and circumstances. It is our steadfast position that the ultimate judge of the appropriateness of Carrier disciplinary decisions is the arbitrator, applying a traditional just cause standard.

If anyone attempts to portray the Organization’s position regarding the Policy in a manner inconsistent with the above, please contact this office for further clarification.

Fraternally yours,

John Reynolds

John Reynolds
General Chairman, CN-WC BLET