

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 522

Heard at Montreal, Wednesday, September 10, 1975

Concerning

CANADIAN PACIFIC TRANSPORT COMPANY LIMITED
(C.P. TRANSPORT - WESTERN DIVISION)

and

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS, FREIGHT
HANDLERS,
EXPRESS AND STATION EMPLOYEES

DISPUTE:

Claim by the Union that discipline issued to J. Corsi for an incident occurring February 5, 1975, is too severe and should be reduced.

JOINT STATEMENT OF ISSUE:

J. Corsi was awarded a two-day suspension for an incident that occurred February 5, 1975.

The Union appealed the discipline, requesting that in view of the record of J. Corsi, the discipline was too severe.

The Company declined the request.

FOR THE EMPLOYEE:

(SGD.) R. WELCH
SENIOR GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD.) C. C. BAKER
DIRECTOR, LABOUR RELATIONS
AND PERSONNEL

There appeared on behalf of the Company:

C. C. Baker - Director, Labour Relations & Personnel, CP
Transport, Van.

And on behalf of the Brotherhood:

R. Welch - Senior General Chairman, B.R.A.C., Vancouver
M. Johnson - Local Chairman, Lo.2315, B.R.A.C., Vancouver

AWARD OF THE ARBITRATOR

The grievor was given a two-day suspension for failure to secure freight properly. The grievor's classification was that of warehouseman-driver (tractor), and there can be no doubt as an experienced employee he ought to have secured the load properly. He was properly subject to discipline.

The issue is as to the severity of the penalty imposed. The

grievor was hired in 1965. He was reprimanded once in 1967, for a driving error, and twice in 1970, once for a driving error and once for failing to obtain the number of pieces signed for. He was not disciplined again until February 6, 1975, when he was given a "severe reprimand" for a driving error. The discipline here in question was imposed on February 17, 1975.

Having regard to the five-year period in which no discipline was imposed on the grievor, the reprimands imposed in 1967 and 1970 must be considered, in this case, as having no significance. In assessing the penalty imposed here, it is however, significant that, less than two weeks previously, the grievor had been guilty of carelessness. Following the issue of a severe reprimand, the imposition of a two-day suspension may well be appropriate, although the offence involved will also have to be considered. Here, it seems to me the offence was sufficiently serious to merit something more than a mere reprimand, particularly coming as it did such a short time after the previous offence. While this penalty might be considered on the severe side, it did not go beyond the range of reasonable disciplinary responses to the situation. Accordingly, the grievance is dismissed.

J. F. WEATHERHILL
ARBITRATOR