

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 870

Heard at Montreal, Wednesday, October 14, 1981

Concerning

CANADIAN PACIFIC TRANSPORT COMPANY LIMITED  
(CP TRANSPORT - WESTERN DIVISION)

and

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

EX PARTE

DISPUTE:

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Mr. H. Rawdon, a C.P. Transport Calgary - based driver, was assessed sixty demerit marks which resulted in his dismissal for falsification of trip reports claiming work and delay time not worked.

EMPLOYEES' STATEMENT OF ISSUE:

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Article 35.3 (d) of the Collective Agreement provides for each driver to be paid for terminal delay. The Union's contention is that the Company did not show just cause for the dismissal of Mr. Rawdon, and request that the sixty demerit marks assessed be removed from his record and Mr. Rawdon be reinstated and reimbursed for all loss of earnings.

The Company declined the request.

FOR THE EMPLOYEES:

(SGD.) R. WELCH  
SYSTEM GENERAL CHAIRMAN

There appeared on behalf of the Company:

N. W. Fosbery - Director Labour Relations, CP Transport,  
Willowdale, Ont.

And on behalf of the Brotherhood:

R. Welch - System General Chairman, BRAC, Vancouver  
P. L. Rouillard - Vice General Chairman, BRAC, Vancouver  
M. Krystofiak - General Secretary-Treasurer, BRAC, Calgary

AWARD OF THE ARBITRATOR

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The facts in this case, insofar as they relate to the preliminary objection, are identical to those of Case No. 869. What is said in

that case applies equally here. For the reasons there set out, the grievance is dismissed.

J. F. W. WEATHERILL,  
ARBITRATOR.