

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1484

Heard at Montreal, Tuesday, March 11, 1986

Concerning

CANADIAN PACIFIC LIMITED (CP RAIL)

and

BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES
BOARD OF ADJUSTMENT #14

DISPUTE:

Dismissal of employee R. Huot on February 22, 1985.

JOINT STATEMENT OF ISSUE:

On January 21, 1985 the employee was summoned to a disciplinary investigation concerning errors made at the receiving and inventory section since October 2, 1984.

On January 25, 1985 the employee was summoned to a disciplinary investigation for having transgressed Rule #2 and Rule #13, Article 23.

On January 28, 1985 the employee was summoned to a disciplinary investigation concerning a poor productivity for the week ending January 11, 1985.

Following these investigations, the employee was advised of his dismissal.

The Brotherhood maintains that the dismissal was unjustified and claims all loss of wages incurred from the date of the dismissal also claiming that the employee be reinstated immediately.

The Company denied the claim.

FOR THE BROTHERHOOD:

(SGD. P. VERMETTE
FOR: J. Manchip
General Chairman,
Board of Adjustment #14

FOR THE COMPANY:

(SGD.) R. L. BENNER
Manager of Materials

There appeared on behalf of the Company:

R. L. Benner	- Director of Materials, CPR, Montreal
A. Bourassa	- General Stores Supervisor, CPR! Montreal
P. P. Macarone	- Supervisor of Training and Accrdent Prevention, CPR, Montreal
R. Brunet	- Production Coordinator, CPR, Montreal

P. E. Timpson - Labour Relations Officer, CPR, Montreal
D. J. David - Labour Relations Officer, CPR, Montreal

And on behalf of the Brotherhood:

D. J. Bujold - Vice-General Chairman, BRAC, Toronto
C. Pinard - Local Chairman, Lodge 1267, BRAC, Montreal
R. Huot - Grievor
J. Marien - Local Chairman, Lodge 1290, BRAC, Montreal
J. Germain - Local Chairman, Lodge 1221, BRAC, Montreal

AWARD OF THE ARBITRATOR

As the company pointed out in its brief this Arbitrator in CROA Cases #1277 and #1279 extended the grievor "one last chance" to demonstrate that he is attitudinally prepared to perform the duties and responsibilities of the assignments that may be given him by the company.

On February 22, 1985 the grievor was issued a Form 104 advising of his dismissal.....

"... for your demonstrated failure to work at acceptable levels of productivity based upon both quality and quantity which reflects your negative attitude toward working under company direction within the Materials Department at Angus Shops".

The company's brief contained a litany of episodes that supported its conclusions in Form 104. These incidents do not merely reflect an isolated error or foregivable aberration that might be overlooked. Rather, they reflected an attitudinal difficulty that suggests that the grievor has not the slightest appreciation of the duty owed to his employer to perform the fundamental functions of his position.

And, of greater importance, nothing in the grievor's brief suggested a reason that might explain his blatant disregard in satisfying his job responsibilities.

In short, at no time did the grievor show, upon his return to work, that he merited the one last chance that was given him.

As a result his dismissal is sustained, and his grievance is denied.

DAVID H. KATES,
ARBITRATOR.