

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1875

Heard at Montreal, Thursday, 12 January 1989

Concerning

CANADIAN PARCEL DELIVERY  
(CP EXPRESS & TRANSPORT)

And

TRANSPORTATION COMMUNICATIONS UNION

DISPUTE:

Two separate assessments of 15 demerits each, for a total assessment of 30 demerits to CanPar employee B. Murray, Prescott, Ontario.

JOINT STATEMENT OF ISSUE:

The employee was advised on April 7, 1988, by way of the usual demerit forms, that a total of 30 demerits were being assessed for allegedly failing to follow instructions of authorized personnel on March 29 and 31, 1988.

It is the contention of the Union the Company has treated this employee unfairly and in a different manner than the other employees at Prescott. The Union also contends the action taken against this employee was of a direct result of the Company Policy on zero attempts, which this Union advised the Company, by way of letter dated February 19, 1988, that we do not agree with this Policy as it affects the rights of employees under the terms of the Collective Agreement. The Union further contends, and the facts are evident, the employee did work overtime on the dates in question and still could not complete his deliveries, and to order the employee to stay out until his run was completed is in violation of Article 8.6 of the Collective Agreement and contrary to CROA Award 816.

The Union requested the 30 demerits be removed from the employee's record.

The Company declined the Union's request.

FOR THE UNION:

(SGD) J. J. BOYCE  
General Chairman  
System Board  
of Adjustment 517

FOR THE COMPANY:

(SGD) D. J. BENNETT  
Labour Relations Officer

There appeared on behalf of the Company:

D. D. Francis - Counsel, Toronto  
F. McMullen - Director, Labour Relations  
R. Musch - Regional Director, Toronto  
G. Code - Supervisor, Prescott

And on behalf of the Union:

D. Wray - Counsel, Toronto  
J. J. Boyce - General Chairman, Toronto  
M. Gauthier - Vice-General Chairman, Toronto  
J. McCaw - Witness  
M. Baynham - Witness  
B. Murray - Grievor

#### AWARD OF THE ARBITRATOR

For the reasons related in CROA 1877, this grievance is allowed, in part.

13 January 1989

(Sgd.) MICHEL G. PICHER  
ARBITRATOR