

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1876

Heard at Montreal, Thursday, 12 January 1989

Concerning

CANADIAN PARCEL DELIVERY  
(CP EXPRESS & TRANSPORT)

And

TRANSPORTATION COMMUNICATIONS UNION

EX PARTE

DISPUTE:

The assessment of 15 demerits and dismissal of CanPar employee B. Murray, Prescott, Ontario.

UNION'S STATEMENT OF ISSUE:

This employee was assessed 15 demerits for allegedly falsifying company documents, and dismissed for accumulation of demerits.

The Union contends the employee completed the Delivery Record Sheet and Work Summary Card in the same manner he was instructed to at the time of his training, when hired.

The employee was off work ill for a number of months, and completed the forms in the same manner, not knowing instructions had been changed.

The Union requested the demerits be removed from the employee's record, and he be reinstated with full seniority, benefits and wages lost.

The Company declined the Union's request stating "... he was so flabbergasted by his own actions that he was left speechless and could not answer any questions ..." when in fact he was exercising the rights afforded him by the Collective Agreement, Article 6.2.

FOR THE UNION:

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

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