

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2013

Heard at Montreal, Thursday, 15 March 1990

Concerning

CP EXPRESS & TRANSPORT

And

TRANSPORTATION COMMUNICATIONS UNION

DISPUTE:

Notification of termination due to accumulation of demerits to employee Ed Pokonzie, Spareboard Driver, Obico.

JOINT STATEMENT OF ISSUE:

The grievor filed a grievance with respect to the above.

The Union asserts that the dismissal is without cause and unjust (contrary to Article 8) and in the alternative that this penalty is too severe.

The Union request that the grievor be reinstated with full pay and benefits or such other remedy as the arbitrator feels appropriate.

The Company has denied the Union's request.

FOR THE UNION:

(SGD) J. J. BOYCE
GENERAL CHAIRMAN
SYSTEM BOARD OF ADJUSTMENT NO. 517

FOR THE COMPANY:

(SGD) B. F. WEINERT
MANAGER, LABOUR RELATIONS

There appeared on behalf of the Company:

M. D. Failes - Counsel, Toronto
B.F. Weinert - Manager, Labour Relations, Toronto

And on behalf of the Union:

M. Church - Counsel, Toronto
J. Crabb - Secretary/Treasurer, Toronto
E. Pokonzie - Grievor

AWARD OF THE ARBITRATOR

For the reasons related in CROA 2012 the Arbitrator deems that the grievor should be reinstated on the terms therein described.

March 16, 1990

(Sgd.) MICHEL G. PICHER
ARBITRATOR