

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2180

Heard at Montreal, Wednesday, 11 September 1991

concerning

CANPAR
(CP EXPRESS & TRANSPORT)

and

TRANSPORTATION COMMUNICATIONS UNION

EX PARTE

DISPUTE:

On or about July 20, 1990, the Company issued 15 demerits to employee T. Taylor for "falsification of time cards, loss of service to customers and failure to follow hour lunch break directives."

EX PARTE STATEMENT OF ISSUE:

The Company contends that Mr. Taylor purposely falsified his work records, whereas the Union maintains that the Company violated the employee's rights under Article 6.2 "to include the reason the interview is being held ..."

There is no dispute that Mr. Taylor accumulated his two coffee breaks and subsequently took these breaks with his normal hour lunch break. The Company indicates that employees were not to "roll in" the coffee breaks with their meal period. The Union, to date, has seen no evidence of a written policy or rule supporting the Company's position.

The Union, taking into consideration the circumstances relevant to this incident, maintains that the employee was off his assigned route area while taking his meal period, and therein realizes that this action may well be to the detriment of the Company's ability to operate efficiently. Recognizing this, the Union sought to have the 15 demerits reduced to that of 5 demerits.

The Union maintains the Company has "window dressed" the charges against to (sic) the employee in order to justify a harsher penalty. To date, the Company has offered to reduce the demerits from the initial 15 to that of 10.

FOR THE UNION:

(SGD.) J. J. BOYCE
SYSTEM GENERAL CHAIRMAN

There appeared on behalf of the Company:

A. Hamilton	- Counsel, Toronto
P. D. MacLeod	- Director, Linehaul & Safety, Toronto

And on behalf of the Union:

D. McKee	- Counsel, Toronto
J. Crabb	- General Chairman, Toronto

AWARD OF THE ARBITRATOR

At the hearing the Arbitrator was informed by both parties that the instant grievance had been settled and therefore withdrawn.

September 13, 1991

(Sgd.) MICHEL G. PICHER
ARBITRATOR