CANADIAN RAILWAY OFFICE OF ARBITRATION
CASE NO. 2359
Heard at Montreal, Thursday, 15 April 1993
concerning
CANPAR
and
TRANSPORTATION COMMUNICATIONS UNION
EX PARTE
DISPUTE:
The Company unilaterally removing employee K. Crockett, CanPar, Montreal, from the seniority list and terminated his employment dated April 28, 1992.
UNION'S STATEMENT OF ISSUE:
Employee K. Crockett was laid off on January 1992, and placed on call. Between January 14th, 1992 and March 25th, 1992, this employee was not called for work.
On March 25th, 1992 the Company forwarded a letter by registered mail advising they were calling him back to work.
Employee Crockett reported for work on April 2nd, 1992 and he was advised by the Company he was still on call and was not being returned to work on a permanent basis.
Employee Crockett did not work again until April 20th, 1992, when he received a call to report to work.
The Union asserts this employee reported for work whenever he received a call.
The Union also asserts by the Company advising this employee by registered letter to report for work in accordance with article 5.3.7 and 5.3.8, he was recalled on a permanent basis and could not be laid off again until a proper lay off notice in accordance with article 5.3.6 of the collective agreement was issued.
The Union further asserts this employee was terminated with no interview taking place, as per article 6 of the collective agreement.
The Union requested employee Crockett be reinstated with full seniority and benefits and paid for all time lost.
The Company declined the Union's request.
FOR THE UNION:
(SGD.) J. CRABB
EXECUTIVE VICE-PRESIDENT
There appeared on behalf of the Company:
G. Gagnon
Counsel
P. D. MacLeod
Director of Terminal, Toronto
R. Dupuis
Regional Manager, Quebec
And on behalf of the Union:
M. Church
Counsel
J. Crabb
Executive Vice-President, Toronto
J. J. Boyce
National Vice-President, Ottawa
R. Pichette
Local Chairman
K. Crockett
Grievor

The matter was resolved between the parties at the hearing and therefore no award was issued.