

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2367

Heard at Montreal, 12 May 1993

concerning

CANPAR

and

TRANSPORTATION COMMUNICATIONS UNION

EX PARTE

DISPUTE:

The assessment of sixty (60) demerits and dismissal of employee G. Coulombe, CanPar, Montreal, Quebec.

UNION'S STATEMENT OF ISSUE:

By notice dated December 15th, 1992, employee G. Coulombe was advised to be present for an interview on Thursday, December 17, 1992 at 5:00 p.m. for allegedly falsifying time card on December 9th, 1992, violation of Rule 10E of the Drivers Manual.

Notice dated December 23rd, 1992, this employee was advised sixty (60) demerits have been assessed to his personal file. On the same date a letter signed by J. Poirier, Manager P&D address to employee G. Coulombe advising he was being dismissed effective upon receipt of this letter.

The Union asserts the statement signed by Mr. Raymond Muir, given to the Union along with all other documents is not the same as the one shown to the employee or his representative at the interview.

The Union also asserts the charges of falsification of time card on December 9th, 1992 were not sustained at the interview held on December 17th, 1992.

The Union also asserts the Company visited the customers at Carrefour Laval on December 18th, and again on December 21st, 1992 in order to sustain the charges.

The Union also asserts the Company did not hold a further interview or reopen the original interview to present the information from the customers of Carrefour Laval.

The Union further asserts the Company used the information received by visiting the customers on December 18th, and 21st, 1992 to assess the sixty (60) demerits and dismiss employee G. Coulombe.

The Union grieved the assessment of sixty (60) demerits and the dismissal requesting the removal of the sixty (60) demerits and reinstated with full compensation with interest, and full seniority and benefits.

The Company declined to remove the demerits and reinstate the employee.

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, Montreal

J. Poirier - P&D Manager, Montreal

J. Bordeleau - P&D Supervisor, Montreal

R. Muir - Witness

And on behalf of the Union:

M. Church - Counsel, Toronto

J. J. Boyce - National Vice-President, Ottawa

J. Marr - Vice-President, Saint John

R. Pichette - Local Chairman, Montreal

G. Coulombe - Grievor

The hearing was adjourned to June 1993.