

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1431

Heard at Montreal, Wednesday, November 13, 1985

Concerning

VIA RAIL CANADA INC.

and

**CANADIAN BROTHERHOOD OF RAILWAY,
TRANSPORT AND GENERAL WORKERS**

DISPUTE:

Discipline assessed to Mr. R. Massé, Telephone Sales Agent, for his absences and lateness during the month of April 1984.

JOINT STATEMENT OF ISSUE:

Following an investigation held on May 28, 1984, Mr. Massé was given a written reprimand for his absences and lateness during the month of April 1984.

The Brotherhood contends that the discipline assessed was not justified on the basis that employees in the Telephone Sales Offices should have been forewarned that late arrivals and absences would not be tolerated in the future.

The Company maintains the position that the discipline assessed was appropriate to the situation.

FOR THE BROTHERHOOD:

(SGD.) TOM MCGRATH
NATIONAL VICE-PRESIDENT

FOR THE CORPORATION:

(SGD.) A. GAGNÉ
DIRECTOR, LABOUR RELATIONS

There appeared on behalf of the Corporation:

M. St-Jules	– Manager, Labour Relations, Montreal
C. O. White	– Officer, Labour Relations, Montreal
J. Letellier	– Officer, Human Resources, VIA Quebec
D. Lynch	– Assistant Manager, Telephone Sales Office, VIA Quebec
D. Depelteau	– Human Resources, VIA Quebec

And on behalf of the Brotherhood:

G. Côté	– Regional Vice-President, Montreal
L. St-Louis	– Representative, Montreal
A. Baillargeon	– Local Chairperson, Montreal
M. Dagenais	– Witness
P. Valcourt	– Witness
R. Massé	– Grievor

AWARD OF THE ARBITRATOR

The grievor, Mr. R. Massé, is employed as a Telephone Sales Agent in the employ of VIA Rail Canada Inc. His hours of work are between 08:00 to 16:00 hours with Thursday and Friday his regular rest days

During the month of April 1984 the grievor reported late for work approximately eleven times. The Company's policy is to permit three incidents of lateness per month without requiring an explanation.

After his third incident the grievor was verbally warned about his lateness. Notwithstanding that warning the grievor continued to be late.

Reporting for work at the designated start time is a fundamental responsibility of an employee. It goes to the root of his reliability. If late, the employee at the minimum owes his employer a reasonable explanation and an undertaking to improve his punctuality.

The grievor submits he was not properly warned and that the Corporation should be required to issue a policy directive with respect to employee absences and lateness.

In that regard, I am satisfied that no such policy directive should be required. And in any event the grievor was properly warned of his poor reporting habits.

In any event, if not warned, I am satisfied a written reprimand for his continued lateness is designed to serve that very purpose and was therefore justified.

Accordingly the grievance is denied.

(signed) DAVID H. KATES
ARBITRATOR