

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1454

Heard at Montreal, Wednesday, January 15, 1986

Concerning

CP EXPRESS AND TRANSPORT LIMITED

and

**BROTHERHOOD OF RAILWAY, AIRLINE AND STEAMSHIP CLERKS,
FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES**

EX PARTE

DISPUTE:

The assessing of 55 demerits to employee, R. Goldberg for failing to have vehicle under control resulting in DS 131 colliding with Company fence on or about January 25, 1985, resulting in damage to DS 131, Company fence and parked truck. Also, for failing to report the accident, and failing to answer questions truthfully.

BROTHERHOOD'S STATEMENT OF ISSUE:

Maintenance employee, R. Goldberg serviced Company vehicle DS 131 on January 25, 1985, and after servicing said vehicle, he moved and parked Company vehicle DS 131. The Company alleges that at this time while operating unit DS 131 this employee did collide with Company and private property and thereby damaged said. Further that this employee did lie during his investigations. The Union contends that employee, R. Goldberg was not operating unit DS 131 when damaged to Company and private property occurred; and that he did not lie during his investigations. The Company's position was to remove 35 demerits from the total issued discipline; but continued to maintain that this employee was responsible for this accident and therefore 20 demerits would remain on this employee's work record. The Brotherhood is seeking relief in the form of having all of the remaining 20 demerits fully removed from this employee's personal work record.

FOR THE BROTHERHOOD:

(SGD.) J. J. BOYCE

SYSTEM GENERAL CHAIRMAN

There appeared on behalf of the Company:

N. W. Fosbery – Director Labour Relations, Toronto

And on behalf of the Brotherhood:

J. J. Boyce – General Chairman, Toronto

Prior to the hearing, both parties discussed the above dispute in this office. The Arbitrator was advised that this dispute would be presented for hearing on its merits at a later date. The case will be scheduled for hearing at the March 1986 sitting.

(signed) DAVID H. KATES
ARBITRATOR

In March 1986, this office was advised that a satisfactory settlement was reached between the parties. Case closed.

(signed) DAVID H. KATES
ARBITRATOR