

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1467

Heard at Montreal, Tuesday, February 11, 1986

Concerning

CP EXPRESS AND TRANSPORT LIMITED

and

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

DISPUTE:

The dismissal of employee Richard Brunette, Lachine Terminal, Montreal, Quebec.

JOINT STATEMENT OF ISSUE:

Employee R. Brunette, was dismissed from service for allegedly being in possession of stolen goods.

The Brotherhood requested he be reinstated with full seniority and reimbursed all monies lost while he was suspended.

The Company refused to adhere to the Brotherhood's request.

FOR THE BROTHERHOOD:

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

FOR THE COMPANY:

(SGD.) N. W. FOSBERY
DIRECTOR, LABOUR RELATIONS

There appeared on behalf of the Company:

N. W. Fosbery	– Director Labour Relations, CPET, Toronto
B. D. Neill	– Director Human Resources, CPET, Toronto
B. Bennett	– Human Resources Officer, CanPar, Toronto

And on behalf of the Brotherhood:

G. Moore	– Vice-General Chairman, Moose Jaw
M. Gauthier	– Vice-General Chairman, Montreal
J. Bechtel	– Vice-General Chairman, Cambridge
M. Flynn	– Vice-General Chairman, Vancouver

AWARD OF THE ARBITRATOR

Where an employee is charged and is found to have engaged in theft of his Employer's property or the property of his Employer's customers then the consequences of discharge are always tragic with respect to that employee and his family.

In this case the grievor, upon investigation by CP Police, was found to have had in his possession numerous pieces of property belonging to the Company's customer, CP Rail, that he was not authorized to have. The grievor was convicted of theft and was appropriately penalized.

Nothing adduced in evidence has convinced me that the grievor, on a balance of probabilities, has not engaged in theft.

Accordingly, despite his long service with the Employer and the unhappy consequences that his termination has caused his family, I have not had presented any basis for disturbing the disciplinary result that was imposed.

The grievance is therefore denied.

(signed) DAVID H. KATES
ARBITRATOR