

AWARD OF THE ARBITRATOR

I agree with the Company's assertion that this grievance is not arbitrable.

The grievor objects to the deduction of his pension contributions from his pay cheque during the period he was absent from work while on Workmen's Compensation leave.

It is common ground that the Company's pension plan allows such deductions to be made primarily for the purpose of protecting the grievor's pensionable service while on disability.

While the Trade Union has sought to characterize the grievor's dispute as a pay problem pursuant to the collective agreement, the intrinsic issue raised herein relates to the Company's application of the pension plan.

Since the provisions of the pension plan are not part of the parties' collective agreement, I have no jurisdiction under the CROA rules to interpret its terms. Surely, once the grievor authorized the Company to make such deductions as an employee member of the pension plan he cannot later complain with respect to the Company's adherence to the commitments that were made.

For all the foregoing reasons the grievance is denied.

(signed) DAVID H. KATES
ARBITRATOR