

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 1874

Heard at Montreal, Thursday, 12 January 1989

Concerning

CANADIAN PARCEL DELIVERY

And

TRANSPORTATION COMMUNICATIONS UNION

DISPUTE:

The assessment of 15 demerits to CanPar employee B. Murray, Prescott, Ontario.

JOINT STATEMENT OF ISSUE:

This employee was assessed 19 demerits on April 15, 1988, for allegedly failing to follow instructions of authorized personnel on April 7, 1988. The 19 demerits were reduced to 15 at Step 3 of grievance procedures.

The Union contends the Company has treated this employee unfairly and in a different manner than the other employees at Prescott. The Union also contends the action taken against the employee was of a direct result of the Company's Policy re zero attempts. The Union advised the Company, in writing, on February 19, 1988, that we do not agree with this Policy as it affects the rights of the employees under the terms of the Collective Agreement. The employee advised his supervisor he could not work late on April 7, 1988, and did work hour overtime that night.

The Union further contends the instructions he allegedly failed to follow violate Article 8.6 of the Agreement and are contrary to CROA Award 816.

The Union requested the complete removal of the 19 demerits.

The Company responded by reducing the demerits to 15.

FOR THE UNION:

(SGD.) J. J. BOYCE
GENERAL CHAIRMAN

FOR THE COMPANY:

(SGD.) D. J. BENNETT
LABOUR RELATIONS OFFICER

There appeared on behalf of the Company:

D .D. Francis	– Counsel, Toronto
F. McMullen	– Director, Labour Relations
R. Musch	– Regional Director, Toronto
G. Code	– Supervisor, Prescott

And on behalf of the Union:

D. Wray	– Counsel, Toronto
J. J. Boyce	– General Chairman, Toronto
M. Gauthier	– Vice-General Chairman, Toronto
J. McCaw	– Witness
M. Baynham	– Witness
B. Murray	– Grievor

AWARD OF THE ARBITRATOR

For the reasons related in **CROA 1877**, this grievance is allowed, in part.

13 January 1989

(Sgd.) MICHEL G. PICHER
ARBITRATOR