

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2013

Heard at Montreal, Thursday, 15 March 1990

Concerning

### CP EXPRESS & TRANSPORT

And

### TRANSPORTATION COMMUNICATIONS UNION

#### **DISPUTE:**

Notification of termination due to accumulation of demerits to employee Ed Pokonzie, Spareboard Driver, Obico.

#### **JOINT STATEMENT OF ISSUE:**

The grievor filed a grievance with respect to the above.

The Union asserts that the dismissal is without cause and unjust (contrary to Article 8) and in the alternative that this penalty is too severe.

The Union request that the grievor be reinstated with full pay and benefits or such other remedy as the arbitrator feels appropriate.

The Company has denied the Union's request.

#### **FOR THE UNION:**

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

#### **FOR THE COMPANY:**

**(SGD) B. F. WEINERT**  
MANAGER, LABOUR RELATIONS

There appeared on behalf of the Company:

M. D. Failes – Counsel, Toronto  
B.F. Weinert – Manager, Labour Relations, Toronto

And on behalf of the Union:

M. Church – Counsel, Toronto  
J. Crabb – Secretary/Treasurer, Toronto  
E. Pokonzie – Grievor

**AWARD OF THE ARBITRATOR**

For the reasons related in **CROA 2012** the Arbitrator deems that the grievor should be reinstated on the terms therein described.

March 16, 1990

**(Sgd.) MICHEL G. PICHER**  
**ARBITRATOR**