

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2181

Heard at Montreal, Wednesday, 11 September 1991

Concerning

**CANPAR**

and

**TRANSPORTATION COMMUNICATIONS UNION**

**EX PARTE**

### **DISPUTE:**

On or about October 4, 1990, the Company issued a letter of termination to employee T. Taylor for "unacceptable conduct towards Company officials."

### **EX PARTE STATEMENT OF ISSUE:**

The Company contends that Mr. Taylor made threatening remarks to Company officials through the leaving of a number of recorded messages on the Company's reparte message system.

The Union maintains that the employee, at the time of these calls, was intoxicated. Further, once realizing what he had said on these messages, immediately offered apologies for his actions.

More supportive to the Union's position in this matter is the fact that the Company violated this employee's rights under Article 6.2 of the Collective Agreement, wherein the Company failed "to include the reason the interview is being held ..." and wherein the Company failed to hold the interview "within the 14 calendar days from the date the incident became known to the Company."

The Union is seeking the rightful reinstatement of the employee with full compensation for lost wages since the 26th of September, as well as employee benefits and no loss of seniority.

The Company contends that they have not violated the terms of Article 6.2 and further contends the dismissal was justified.

### **FOR THE UNION:**

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

There appeared on behalf of the Company:

A. Hamilton                   – Counsel, Toronto  
P. D. MacLeod               – Director, Linehaul & Safety, Toronto

And on behalf of the Union:

D. McKee                   – Counsel, Toronto  
J. Crabb                   – General Chairman, Toronto

*At the hearing the Arbitrator was informed by both parties that the instant grievance had been settled and therefore withdrawn.*