

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 2423

Heard in Montreal, Thursday, 11 November 1993

concerning

CANADIAN PACIFIC EXPRESS & TRANSPORT

and

TRANSPORTATION COMMUNICATIONS UNION

EX PARTE

DISPUTE:

The assessment of a warning letter to CPET employee William Barker, Belleville, Ontario.

UNION'S STATEMENT OF ISSUE:

Employee William Barker was advised in writing dated March 16, 1993 that a warning letter for a verbal exchange between employee Gary Beebe was being placed in his file.

The Union asserts that this was just a heated exchange between two (2) employees who later settled it and did not warrant the discipline assessed.

The Union requested this warning letter be removed from his record.

The Company declined the Union's request.

FOR THE UNION:

(SGD.) D. J. DUNSTER
EXECUTIVE VICE-PRESIDENT

There appeared on behalf of the Company:

M. D. Failes – Counsel, Toronto
B. F. Weinert – Director, Labour Relations, Toronto
W. Sharpe – Terminal Manager, Belleville
W. Snider – Witness

And on behalf of the Union:

D. W. Ellickson – Counsel, Toronto
D. J. Dunster – Executive Vice-President, Toronto
G. Rendell – Divisional Vice-President, Ottawa
A. Dubois – Divisional Vice-President, Quebec
Wm. Barker – Grievor

AWARD OF THE ARBITRATOR

The Arbitrator is satisfied that the warning letter issued to Mr. Barker, in respect of his verbal confrontation with Mr. Beebe on or about February 25, 1993, the circumstances of which are related in part in **CROA 2422**, was fully justified. The grievance is therefore dismissed.

12 November 1993

(Sgd.) MICHEL G. PICHER
ARBITRATOR