

# CANADIAN RAILWAY OFFICE OF ARBITRATION

## CASE NO. 2930

Heard in Montreal, Thursday, 11 December 1997

concerning

**CANPAR**

and

**TRANSPORTATION COMMUNICATIONS UNION**

### **DISPUTE:**

Payment for the time spent at an investigative interview, by CanPar employee Mr. Eglon Gordon on April 22, 1997.

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

CanPar employee, Mr. Eglon Gordon attended an investigative interview on April 22, 1997 at the CanPar Concord Terminal, regarding an alleged infraction at the workplace.

The said interview took a total of six and one-half hours to complete.

It is the Union's contention that the time spent to hold said interview is extreme in comparison to the majority of interviews held on any matter between the Company and its employees.

The Union requested payment from the Company for the six and one-half hours spent at the interview of Mr. Gordon.

The Union further requested payment of ten dollars per day for each day this payment had not been paid until such time that it is under article 12.1 of the collective agreement.

The Company has denied the Union's request.

The Union's position remains the same.

### **FOR THE UNION:**

**(SGD.) D. NEALE**  
DIVISION VICE-PRESIDENT

### **FOR THE COMPANY:**

**(SGD.) P. D. MACLEOD**  
VICE-PRESIDENT, OPERATIONS

There appeared on behalf of the Company:

M. D. Failes	– Counsel, Toronto
P. D. MacLeod	– Vice-President, Operations, Toronto
R. Weight	– Regional Manager, Toronto
A. Darbo	– Lead Hand, Concord Terminal, Toronto
D. Eliopoulos	– Terminal Supervisor, Concord Terminal, Toronto

And on behalf of the Union:

P. Sadik	– Counsel, Toronto
D. Neale	– Assistant Vice-President, Trucking Division, Toronto
D. Byfield	– Local Chairman, Toronto
E. Gordon	– Grievor

The hearing was adjourned to Tuesday, 10 February 1998.

On Tuesday, 10 February 1998, there appeared on behalf of the Company:

- M. D. Failes – Counsel, Toronto
- P. D. MacLeod – Vice-President, Operations, Toronto
- R. Weight – Regional Manager, Toronto
- A. Darbo – Lead Hand, Concord Terminal, Toronto
- D. Eliopolous – Terminal Supervisor, Concord Terminal, Toronto

And on behalf of the Union:

- P. Sadik – Counsel, Toronto
- D. Neale – Assistant Vice-President, Trucking Division, Toronto
- D. Byfield – Local Chairman, Toronto
- E. Gordon – Grievor

### **AWARD OF THE ARBITRATOR**

The grievor claims payment for time spent in an investigative interview. The collective agreement makes no provision for such payment, when an interview is scheduled outside an employee's regular working hours. As reflected in **CROA 1422**, there is simply no basis for the claim made. The grievance is therefore dismissed.

February 16, 1998

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