

**CANADIAN RAILWAY OFFICE OF ARBITRATION  
& DISPUTE RESOLUTION**

**CASE NO. 3565**

Heard in Montreal, Thursday, June 15, 2006

Concerning

**CANADIAN PACIFIC RAILWAY COMPANY**

and

**TEAMSTERS CANADA RAIL CONFERENCE**

**DISPUTE:**

Involves the Company's refusal to expunge 45 demerit marks assessed to the work record of Mr. J.V. Seberras of Toronto, Ontario

**JOINT STATEMENT OF ISSUE:**

On December 21, 2004, Mr. Seberras received a CP Rail form 104 assessing his work record with 45 demerit marks for:

"Conduct unbecoming an employee of Canadian Pacific Railway, and for gross insubordination, and deliberately frustrating the formal investigation process, as evidenced by your conduct on December 19, 2003, resulting in you deliberately soiling yourself during a formal investigation, and subsequently causing undue delay to your formal investigation, at Toronto, Ont. (GYO) on December 19, 2003."

The Union appealed the decision of the Company requesting that the 45 demerit marks assessed to Mr. Seberras be expunged and that he be paid for lost wages, which he has incurred.

With letter dated April 25, 2005 the Company declined the Union's request.

**FOR THE UNION:**

**(SGD.) D. GÉNÉREUX**  
GENERAL CHAIRMAN

**FOR THE COMPANY:**

**(SGD.) D. E. FREEBORN**  
FOR: DISTRICT GENERAL MANAGER

There appeared on behalf of the Company:

A. Azim	– Labour Relations Officer, Calgary
J. Romaine	– Labour Relations Officer, Calgary
D. Freeborn	– Labour Relations Officer, Calgary
N. Richards	– Yard Manager, Toronto
D. Purdon	– Road Manager, Toronto
D. Duquette	– Yard Manager, Oshawa

D. Hoppenreys – Service Area Manager  
I. Galioto – Yard Manager, Toronto

And on behalf of the Union:

D. Genereux – General Chairman, Oka  
B. Hiller – Vice-General Chairman,  
R. Gallop – Local Chairman, Toronto  
T. Beaver – General Chairman, Oshawa  
J. V. Seberras – Grievor

**AWARD OF THE ARBITRATOR**

For the reasons related in **CROA&DR 3567**, the grievance is dismissed.

June 16, 2006

**(signed) M. BRIAN KELLER**  
ARBITRATOR