

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

**CASE NO. 3566**

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, as evidenced by you conduct during the SARS concert on July 30, 2003, specifically the verbal threats and subsequent verbal abuse delivered by you towards Yard Manager I. Galioto, on July 30, 2003."

The Union appealed the decision of the Company with the opinion that the verbal threats and verbal abuse as mentioned in the Company form 104 had never occurred and that he be paid 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