

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

CASE NO. 4748

Heard in Montreal with Video Conferencing, July 14, 2020

Concerning

CANPAR COURRIER

And

UNITED STEELWORKERS - LOCAL 1976

DISPUTE:

The employer's refusal to reinstate Mr. Milton Primus on the progressive return to work provided by his doctor.

JOINT STATEMENT OF ISSUE:

On September 13, 2019, Mr. Primus submitted a progressive return to work starting September 17, 2019 to his employer.

The Company refused to reinstate the employee in his position on September 17, 2019.

The employee was met on September 18, 2019 and September 20, 2019.

On September 20, 2019, following the interview, the employee was suspended for investigation.

The Company sent a follow-up letter of suspension for investigation dated October 2, 2019.

The Union put in a grievance, claiming the days the employee would have worked according to the doctor's note, up to the date he was suspended.

The employer denied the grievance.

FOR THE UNION:
(SGD.) N. Lapointe
Staff Representative

FOR THE COMPANY:
(SGD.) L. Fuaco
Vice President Operations

There appeared on behalf of the Company:

C.S. Perron – Human Resources Business Partner, Montreal

And on behalf of the Union:

N. Lapointe – Staff Representative, Montreal

G. Rankine – Business Agent, Vancouver

M. Primus – Grievor, Montreal

AWARD OF THE ARBITRATOR

1. Having regard to my award in CROA & DR case 4749, I find the Company's refusal to accept the progressive return to work plan proposed by Mr. Primus' physician to be legitimate. Mr. Primus was relieved from duties pending the investigation regarding infractions of a serious nature: his level of activity did not correspond to the alleged medical condition preventing him from working.

2. The grievance is therefore denied.



**AMAL GARZOUZI
ARBITRATOR**

August 7, 2020