

IN THE MATTER OF AN ARBITRATION

B e t w e e n:

TENNECO CANADA (WALKER EXHAUSTS)

(the "Employer")

- and -

UNITED STEELWORKERS, LOCAL 2894

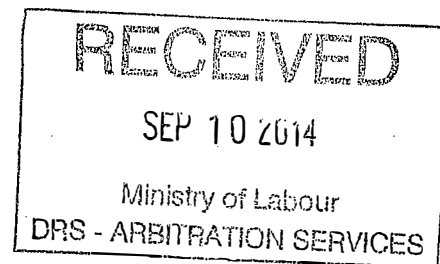
(the "Union")

and in the matter of the discharge grievance of Shane Byrne

Russell Goodfellow — Sole Arbitrator

APPEARANCES FOR THE EMPLOYER:

James Knight, counsel
John LaScala
Bahar Dadfar
Sean Kavanagh



APPEARANCES FOR THE UNION:

Matt McKeever, International Representative
Gary Kennedy
Tony Koski
Pat Duggan
Shane Byrne

*File 10 830060
File Folder 10213-XR-14
Rel id 36359*

A hearing was held in this matter on August 21, 2014

AWARD

The following ruling was delivered orally at the conclusion of the hearing in this discharge grievance:

"I have heard the evidence of the grievor, Mr. Byrne, and reviewed the documents presented to me.

I am satisfied that Mr. Byrne engaged in a very serious form of workplace misconduct – perhaps the most serious form. He committed an act of physical violence towards a co-worker, Mr. Wozney. While the grievor believes that Mr. Wozney provoked the act, he agreed with Employer counsel that any such provocation was minor.

The grievor has accepted full responsibility for his misconduct. He acknowledges – in my view, sincerely – that it was wrong and, he submits, out of character. The grievor has expressed a desire to apologize. He has indicated that such misconduct, or anything like it, will not happen again. The grievor further agreed with counsel that attending an anger management program would be a good idea.

In all of the circumstances, including the grievor's fourteen years of service, the absence of a disciplinary record, and the seemingly isolated nature of the occurrence, I am prepared to give the grievor the benefit of any doubt and reinstate him to employment effective Monday, August 25, 2014, with a suspension for the time served [approximately six weeks, including a period of unpaid suspension that immediately preceded the discharge] thus far. The grievor will also be required to attend anger management training and he must apologize, in a form to be agreed upon between the Union and the Employer, to Mr. Wozney.

Mr. Byrne should understand that if there is any repetition of this form of conduct, or anything resembling it, he will undoubtedly be fired again and that result would not likely be disturbed by any arbitrator."

At the request of the parties I will remain seized not only with respect to the implementation of this award but also of any future grievances involving Mr. Byrne and allegations of any similar form of misconduct.

DATED at Toronto this 8th day of September 2014.

A handwritten signature in black ink, consisting of a stylized 'R' and 'G' intertwined, enclosed within an oval shape.

Russell Goodfellow - Sole Arbitrator