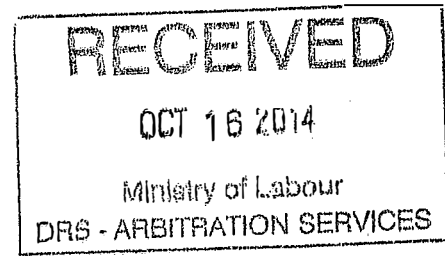


IN THE MATTER OF AN ARBITRATION

BETWEEN:



GRAHAM PACKAGING CANADA COMPANY

(hereinafter called the "Company")

and

UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY,
ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION,
LOCAL 243G

(hereinafter called the "Union")

GRIEVANCE OF SALEEM ABDUL

ARBITRATOR:

DAVID R. WILLIAMSON

File ID: 832960

REPRESENTING THE EMPLOYER:

BRIAN P. MACDONALD

File Folder: 10360RP-14

REPRESENTING THE UNION:

DENNIS WILLIAMSON

Relid: 37250

A HEARING WAS HELD IN RELATION TO THIS MATTER IN MISSISSAUGA,
ONTARIO, ON OCTOBER 3, 2014.

AWARD

This grievance challenges the termination of the grievor, Mr. Saleem Abdul, after a safety violation on August 7, 2014. The union does not dispute that discipline was warranted but argues that the termination was excessive.

Background Facts

The company's plant in Mississauga, one of many it operates around the world, produces blow-molded plastic packaging such as containers for yogurt and motor oil. The United Steelworkers represents about fifty-five employees at the plant. The grievor, Mr. Abdul, has approximately four years seniority under the collective agreement. Mr. Abdul had no disciplinary record within the sixteen month period covered by the "sunset clause" in the collective agreement.

The company has a "Cardinal Rule Safety Policy", made effective in 2008, which states as follows:

Willful or negligent violations of established safety rules, or behaviour so serious that could result in major injury (i.e. fatality, loss of limb, etc.), will result in immediate suspension, pending corporate review, prior to termination.

Some examples of "serious acts" would be reaching into a running piece of equipment without following proper procedures, not following established energy control procedures, or bypassing or defeating a safety switch or guard. (This list is not all inclusive).

It is agreed that the grievor was aware of this policy, that he understood it, and that the company takes safety violations seriously.

The company's safety rules include a lock-out/tag-out policy requiring employees to lock-out machines prior to entering them.

The parties agree that the plant manager, Morgan Shaw, who started at the plant in the spring of 2013, noticed that this policy was not being followed consistently and decided to re-emphasize its importance, an initiative that included retraining of employees and random safety audits. A manager was terminated in the fall of 2013 for failure to follow the lock-out/tag-out policy. A technical specialist received a five month suspension in March 2014 for the same offence. An electrician received a six month suspension in June 2014 for the same offence. The grievor attended a presentation in September, 2013 that detailed how to lock-out various machines and other aspects of the policy.

On August 7, 2014, the grievor failed to lock-out Line 2G prior to entering into it.

Decision

The company cannot be faulted for taking safety rules seriously, nor does the union disagree with this approach. The company makes a valid point that substantial disciplinary consequences for those who violate safety policies can have an important deterrent effect on other employees who might be tempted to use short cuts, as the grievor evidently did in this case.

In my view, the company's goals of upholding safety rules and deterring future violations can be accomplished without the termination of this employee. I therefore order the company to reinstate Mr. Abdul to his position, effective seven calendar months after the date of the offence (August 7th), with no loss of seniority but with no compensation.

I will remain seized in the event of any dispute over the implementation of this award.

DATED AT LONDON, ONTARIO, THIS EIGHTH DAY OF OCTOBER, 2014.

David R. Williamson

DAVID R. WILLIAMSON

ARBITRATOR