

IN THE MATTER OF AN ARBITRATION

BETWEEN

**BOMBARDIER TRANSPORTATION CANADA INC
THUNDER BAY PLANT
(hereinafter the “Employer”)**

AND

**UNIFOR LOCAL1075
(hereinafter the “Union”)**

DANA DAHL SUSPENSION GRIEVANCE

ARBITRATOR: Tom Hodges

FOR THE EMPLOYER: George Gasbarrino, Director, Human Resources

FOR THE UNION: Andy Savelle, National Representative
Dominic Pasqualino, Local President
Ron Frost, Bargaining Chairperson

HEARING: April 27, 2015

AWARD: May 8, 2015

AWARD

JURISDICTION

The parties agree that I have jurisdiction in accordance with Article 12 of the collective agreement along with the expedited processes used to adjudicate this dispute.

BACKGROUND

The grievor, Mr. Dana Dahl, is a machinist and union local vice president at the Thunder Bay plant. Roughly 15 minutes prior to shift end on October 24, 2014 he was observed by management leaving early. Mr. James Coley, Supervisor, Machine Shop spoke to the grievor at the start of the following shift and advised Mr. Dahl that he would be issued a verbal warning. The grievor acknowledged what had occurred and accepted the warning. Towards the end of that shift, Mr. Coley asked the grievor to come up to his office and view a picture or tape of him leaving early the previous day. The grievor complied, but he never did enter the office or look at the video. The end of shift buzzer had sounded, and the grievor departed immediately, citing a previously scheduled meeting with his daughter as his reason for having to summarily leave the workplace. In response, the employer imposed a two day suspension for insubordination upon the grievor. The union grieved the matter on November 4, claiming that Mr. Dahl had been unjustly suspended given the prior issuance of a verbal warning and his acceptance of that warning.

UNION POSITION

The union contended that the grievor was issued a verbal warning for his transgression, that he accepted it, and that there was no need for Mr. Coley to have summoned him to his office to subsequently view the video of him leaving work early. The union also maintained that the grievor and the supervisor had a historically difficult relationship related to his role as union representative. The union requested that the arbitrator allow the grievance and reduce the two day suspension to a written warning.

EMPLOYER POSITION

The employer maintained that the grievor disobeyed a direct order from his supervisor and that the suspension levied was as a result completely warranted. The employer requested that the arbitrator dismiss the grievance in its entirety.

DECISION

The arbitrator is satisfied that a verbal warning was issued to the grievor by his supervisor, for admittedly leaving work early, and that the grievor willingly accepted the disciplinary measure. There appears to have been little reason to require the grievor to review the episode video or picture later in that shift. As well, there was no evidence presented at the arbitration hearing of intended insubordination on the part of the grievor, nor any information submitted that might countervail the grievor's assertion that he had to leave the worksite at immediate shift end in order to meet his daughter.

The grievance is therefore allowed in part, and the employer is directed to reduce the two day suspension to a written warning. The grievor will also be compensated for any lost wages and benefits.

I remain seized should there be any dispute with respect to any aspect of the interpretation, enforcement or implementation of this award.

Dated this 8th, day of May, 2015

A handwritten signature in black ink, appearing to read "Tom Hodges", written in a cursive style.

Tom Hodges
Arbitrator