

Public Service Staff
Relations Act



Before the Public Service
Staff Relations Board

BETWEEN

ROBERT BEST

Grievor

and

TREASURY BOARD
(Fisheries and Oceans)

Employer

**EXPEDITED ADJUDICATION
DECISION**

Before: P. Chodos, Deputy Chairperson

For the Grievor: Cécile La Bissonnière, Public Service Alliance of Canada

For the Employer: R.C. Temple



Heard at Ottawa, Ontario,
September 17, 1997.

REASONS FOR DECISION

The grievor is employed as a crew member (SC-ERD-2) on a Coast Guard vessel. He had received a five-day financial penalty as a result of an incident which occurred on February 15, 1995. On that date a group of coast guard employees, including the grievor, were travelling by chartered bus en route from Gander to St. John's as part of a crew change. The night before, the grievor and other crew members had been partying aboard a coast guard vessel. According to the bus driver and Mr. Coles, the Acting Commanding Officer of another coast guard vessel, several crew members appeared to be under the influence of alcohol and were acting in a loud and boisterous manner during the course of the bus trip, particularly Mr. Best. In addition, both the driver and Mr. Coles observed that during a stop Mr. Best had brought on board bottles of beer and proceeded to consume the beer during the balance of the trip. The bus driver complained that the actions of Mr. Best posed a potential safety hazard, and that large quantities of beer was spilled throughout the bus requiring an extensive cleaning effort on his part.

Mr. Best acknowledged that he and others were being noisy during the trip, however he denied having consumed any alcohol on the bus. Mr. Best has a fairly extensive disciplinary record, including a written reprimand for abusive language dated August 2, 1992, a three-day financial penalty for abusive and discourteous behaviour on August 22, 1992, and a four-day financial penalty for disorderly conduct on August 2, 1993. Some of these incidents were apparently alcohol related. The Coast Guard Regional Fleet Standing Orders specifically prohibit the consumption of alcohol on chartered buses.

I have concluded that Mr. Best did engage in inappropriate conduct prejudicial to the safety of the passengers and driver of the bus, and that he did consume alcohol while on the bus. His previous disciplinary record, as well as his failure to admit to consuming alcohol on the bus, are exacerbating circumstances. I do not believe that the evidence supports the contention that by not intervening at the time Mr. Coles, as a senior officer, was in effect condoning the grievor's actions; it should be noted that there is no such suggestion put forward by the grievor or other witnesses in any of the statements. In light of these considerations, I do not think it is appropriate to interfere with the penalty imposed on the grievor.

Accordingly, this grievance is denied.

**P. Chodos,
Deputy Chairperson.**

OTTAWA, September 24, 1997.