

c/o Mr. Allan Brown
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Represented by:

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FACTS

1. On Thursday, June 3, 2010, another incident occurred between Mr. Keshav Chumber and myself. I was in the kitchen at 1:00 p.m., which is my designated lunch, warming up my food in the microwave. I stopped the microwave to stir my food as indicated on the packaging. The paper towel is located directly above the microwave in our kitchen at FXG. Mr. Keshav Chumber came up behind me in a very swift manner and motioned his right hand over my face, nudging me off the top left of my shoulder which his upper right arm grabbing the paper towel located just above my head and pulling it down. Mr. Keshav Chumber's elbow narrowly missed the top of my forehead as he pulled the paper towel down from the ledge located directly above the microwave;
2. I was very startled by the abruptness of Mr. Keshav Chumber's motions due to the physical assault I faced back in January from Mr. Keshav Chumber. I turned to Mr. Keshav Chumber and said "please don't ever come up behind me like that again" in a stern manner. Mr. Keshav Chumber responded by saying "what? Shut up and leave me alone". I responded by saying again "don't ever come up behind me like this again. I've already filed a case with the courts about you, stay away from me please". Mr. Keshav Chumber started yelling at me but I couldn't really understand what he was saying as I was very startled by the whole situation, and my mind was more consumed with the fact

that Mr. Keshav Chumber was brazen enough to approach me like this having already filed a report against him;

3. I would like to add that the time in which I was on lunch is not Mr. Keshav Chumber's lunch. I believe Mr. Keshav Chumber's lunch is from 12:00 noon to 1:00 p.m. This would indicate that Mr. Keshav Chumber should not have been in the kitchen when I was in there, in fact, Mr. Keshav Chumber should have been at his desk working. At no point did Mr. Keshav Chumber indicate to me that he wanted access to the paper towel. In an office environment, gestures such as "excuse me", or "pardon me" or even "can you pass the paper towel please" are used by the other employees;
4. I proceeded to the kitchen and picked up my lunch. I went back to my desk and ate my food. After this, I went outside with a colleague Mr. Duane Clark. Upon coming back into the warehouse, Mr. Jim McWilliams (hub manager) was at the security desk waiting for me. Mr. Jim McWilliams asked to speak to me and I informed Mr. Jim McWilliams that if this was about Mr. Keshav Chumber, I've already contacted the police and I've been advised what to do. Mr. Jim McWilliams said "that's fine, would you be willing to step aside and speak to me". I stepped aside with Mr. Jim McWilliams in the warehouse where he proceeded to ask me to come to his office to discuss what had happened. I at that point advised Mr. Jim McWilliams that if we were going to his office I would like a witness of my choice present. Mr. Jim McWilliams stated "okay, I'll call Tara". I stated "no, not a witness of your choice, a witness of my choice. I'm sorry Jim, every time I provide a statement to FXG, my words are manipulated and turned around. I would like to have an unbiased witness present for this meeting". Jim said "it's not gonna happen. Are you refusing to meet with me?" I then said "well, if I'm not allowed a neutral witness, then I'm not going into your office to discuss this". Mr. Jim McWilliams stated "okay, at this point I'd like you to go back to your desk and gather your belongings, I'm suspending you until further notice. I'll escort you back";
5. Friday, June 4, 2010 at around 11:00 a.m., I received a phone call from Ms. Tara Darby (Human Resources Manager), advising that she was investigating three different situations involving me which took place on Thursday, June 3, 2010:
 - a. An incident with Mr. Keshav Chumber in the kitchen;
 - b. An incident outside of Ms. Sabrina Suite's office. Ms. Tara Darby asked me if I remember saying "I want to F---g talk to you now", or something of the sort;
 - c. An incident with Mr. Jim McWilliams in the warehouse.
6. I at this point realized what FXG was attempting to do. First of all, at no point in time during or after the situation did I swear to a manager or another employee not even Mr. Keshav Chumber. Secondly, I attempted to take the measures set out by FXG when an incident occurs with another employee, which is to report the incident immediately to a manager. Thirdly, there was no incident with Mr. Jim McWilliams. Mr. Jim McWilliams suspended me because I was not willing to give up my right to have an unbiased witness present for our meeting;

7. Ms. Tara Darby requested to know if I would be willing to speak to her regarding her investigation. I asked Ms. Tara Darby if I could record the conversation, to which she said no. I informed Ms. Tara Darby that I don't feel comfortable speaking to her, as I feel that I cannot trust her to provide an accurate statement on my behalf. I explained that every time I've issued a statement to Ms. Tara Darby, my words were manipulated by FXG and I no longer had any trust in their system. I also took the time to remind Ms. Tara Darby that I am not the only employee that has this concern at FXG regarding the trust level of our managers. I declined to speak to Tara about this situation.
8. Moreover, Mr. Keshav Chumber has since been going around the office during work hours to try to collect signatures on a petition directed against me;
9. This conduct has continued even though I asked Mr. Jim McWilliams to put an end to it;
10. I believe that all these discriminatory actions and the suspension are in reprisal of my union activities;
11. FXG's actions are in violation of sub-paragraphs 94(3)(a) and 94(3)(a)(c) of the *Canada Labour Code*.

I ASK THE BOARD TO:

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| Uphold | this complaint; |
| Declare | that FedEx Ground Package System Ltd. violated sub-paragraphs 94(3)(a) and 94(3)(a)(c) of the <i>Canada Labour Code</i> ; |
| Order | FedEx Ground Package System Ltd. and anyone acting on its behalf to cease and desist from these and other violations of my rights; |
| Order | FedEx Ground Package System Ltd. and anyone acting on its behalf, to destroy all documents relating to the investigation on my activities; |
| Declare | Null and void the suspension; |
| Order | FedEx Ground Package System Ltd. to re-instate me into my position; |
| Order | FedEx Ground Package System Ltd. to pay me all lost pay and advantages with interest; |

Issue any other order necessary.

All respectfully submitted.

I want to be represented by the Canada Council of Teamsters and its representative.

SIGNED: RESHMA MAHABIR

DATE: June 14, 2010