

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 902

Heard at Montreal, Tuesday, January 12th, 1982

Concerning

VIA RAIL CANADA INC.

and

**CANADIAN BROTHERHOOD OF RAILWAY, TRANSPORT
AND GENERAL WORKERS**

DISPUTE:

Assessment of discipline to Counter Sales Agent 2, W. Hasiuk for improper handling of a customer, while on duty at Oshawa Station March 22, 1981.

JOINT STATEMENT OF ISSUE:

On March 22, 1981, W. Hasiuk Counter Sales Agent 2 was on duty at Oshawa Station. A customer submitted a written complaint on March 24, 1981 criticizing VIA for the manner in which she was treated when she arrived at the station to purchase 2 tickets. The complaint was investigated, and on March 30, 1981 an investigation was held. Mr. Hasiuk was assessed 10 demerit marks.

The CBRT&GW appealed the discipline assessed, and the Company refused to remove the discipline.

FOR THE EMPLOYEE:

(SGD.) J. D. HUNTER
NATIONAL VICE-PRESIDENT

FOR THE CORPORATION:

(SGD.) ANDRÉ LEGER
LABOUR RELATIONS OFFICER

There appeared on behalf of the Company:

A. Leger – Labour Relations Officer, Montreal
C. A. B. Henery – Human Resources Officer, Toronto
C. O. White – Labour Relations Assistant, Montreal

And on behalf of the Employee:

R. Gee – Staff Representative, Toronto

AWARD OF THE ARBITRATOR

The only evidence on which reliance may properly be put, in the matter before me, is that of the grievor himself. There was a complaint made by a customer with respect to his behaviour in selling tickets, and it is clear that the passenger had become quite upset. If the customer's account of the matter were all of the evidence, and if it were supported by admissible evidence, then the grievor would indeed have been subject to discipline.

As it is, however, the material properly before me allows only the conclusion that a customer who (whether or not by any fault) arrived just as a train was about to leave, became irate when the grievor, taking the fastest procedure possible, sold her one-way rather than return tickets. The grievor, who was alone in the station and had been taking baggage to the train, returned to serve the customer. It does appear that he did not handle the situation with the greatest diplomacy and tact, and perhaps some counselling, or at most a reprimand, would be called for, but I do not consider that just cause for the imposition of ten demerits has been established.

Accordingly, the grievance is allowed. It is my award that the ten demerits be removed from the grievor's record.

(signed) J. F. W. WEATHERILL
ARBITRATOR