

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 908

Heard at Montreal, Tuesday, February 9, 1982

Concerning

VIA RAIL CANADA INC.

and

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

DISPUTE:

Duties assigned to Porters, VIA West.

JOINT STATEMENT OF ISSUE:

In order to relieve the heavy demand for service in the meal service and lounge facilities on the Western Transcontinental trains #1-2 and #3-4 during the peak summer traffic period, commencing June 1, 1981, a Supplement No. 2 to existing System Circular No. 44 was introduced. Among other directives, this Supplement No. 2 provided for breakfast and snack service to be served by Porters to sleeping car passengers in their accommodations.

The Brotherhood contends that these new directives go beyond the duties expected of Porters and are more in line with Steward/Waiter' duties. Therefore, the Porters should be compensated in accordance with the provisions of Article 21.1 of Collective Agreement No. 2 and their position should be reclassified.

The Corporation has declined the grievance through all steps of the grievance procedures.

FOR THE EMPLOYEE:

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

FOR THE CORPORATION:

(SGD.) A. D. ANDREW
SYSTEM MANAGER, LABOUR RELATIONS

There appeared on behalf of the Company:

A. Leger – Labour Relations Officer, Montreal
A. W. Hallonquist – On-Board Services Manager, Winnipeg
C. O. White – Labour Relations Assistant, Montreal

And on behalf of the Employee:

W. H. Matthew – Regional Vice President, Prairie Region, Winnipeg
A. Cerilli – Representative, Prairie Region, Winnipeg

AWARD OF THE ARBITRATOR

The duties which have been added (during the peak summer traffic period) to the regular duties of Porters are as follows: **1.)** Porters are to place dodgers advertising continental breakfast and afternoon snack service in all units (these are part of a Standard "Literature Pack".) **2.)** Prior to passengers retiring, Porters solicit all occupied space for the service of continental breakfasts, recording order on tally forms. **3.)** Tally forms for each order are submitted to the Dining Car Steward. **4.)** Porters serve the breakfast in disposable plastic trays with hinged lids. (It may be noted that this is not at all comparable with regular meal service). **5.)** Porters, having delivered breakfasts, must then return promptly with coffee and (on request) tea or milk. **6.)** Containers and refuse are to be picked up as soon as possible after continuation of service. **7.)** Porters collect the cost of the meal from passengers at the time of service, on the basis of the tally form, completed by the Steward. Porters do not carry change, but obtain it where necessary from the Steward and return it to the passenger. **8.)** Porters do, however, account for thermo cups issued for breakfast service. **9.)** The soliciting and delivering of orders, serving beverages, accepting payment and cleaning up are similar, in the case of the afternoon snack service, to the procedures followed for the continental breakfast service.

Duties of this sort are, in my view, an addition to a Porter's usual duties which relate to the setting up of a sleeping car, proper control of the lighting, heating, air conditioning and water systems, reception of and assistance to passengers. While it would seem that Porters must provide beverages and snacks at certain times when required, it does not appear that this requirement went as far as the orderly and (on busy trains) obviously time-consuming process instituted for the continental breakfast and afternoon snack procedure.

While, as I find, there has been a significant addition to Porters' duties when the above tasks are required, it does not follow that the job has become the equivalent of that of a Steward/Waiter. The nature of the food-service task described is less complex, and involves less responsibility than is involved in the work of a Steward/Waiter. Thus, while it has been shown that there have been changes in the classification of Porter (at least for the periods when these extra duties are assigned), it has not been shown that Porters have been assigned to the higher-rated position of Steward/Waiter. There has, therefore, been no violation of Article 21, and the grievance as posed must be dismissed.

(signed) J. F. W. WEATHERILL
ARBITRATOR