

CANADIAN RAILWAY OFFICE OF ARBITRATION

CASE NO. 158

Heard at Montreal, Tuesday, July 8th, 1969

Concerning

CANADIAN NATIONAL RAILWAY COMPANY

and

CANADIAN BROTHERHOOD OF RAILWAY, TRANSPORT AND GENERAL WORKERS

DISPUTE:

The Brotherhood claims that the Steward-Waiter's position on "Bistro" cars operating between Toronto and Montreal is improperly classified.

JOINT STATEMENT OF ISSUE:

On May 17, 1968, the Company placed in service on trains 64-65 between Toronto and Montreal a "Bistro" car on a daily except Sunday basis. The S.D. and P.C. crew complement of this car was established at one Steward-Waiter and two Waiters. The Brotherhood claims that the in-charge position of Steward-Waiter should be classified as Steward.

Before taking the issue to arbitration, the Company and the Brotherhood agreed to study the duties and responsibilities of the Steward-Waiter's position under the Significant Differences concept of the Company's Wage and Classification Plan in relation to other Steward-Waiter's and Steward's positions in S.D. and P.C. Services. The issue was not resolved as a result of this study.

FOR THE EMPLOYEES:

(SGD.) J. A. PELLETIER
EXECUTIVE VICE-PRESIDENT

FOR THE COMPANY:

(SGD.) K. L. CRUMP
ASSISTANT VICE-PRESIDENT
LABOUR RELATIONS

There appeared on behalf of the Company:

O. W. McNamara	- Labour Relations Assistant - CNR, Montreal
P. A. McDiarmid	- Labour Relations Assistant - CNR, Montreal
C. C. Bright	- Manager, Customs & Catering Services, CNR, Montreal
W. W. Fitz-Gerald	- Asst. Supt., S.D. & P.C. Services, CNR, Toronto

And on behalf of the Brotherhood:

J. A. Pelletier	- Executive Vice-President, CBRT&GW, Montreal
A. Cerilli	- Representative, CBRT&GW, Winnipeg
F. C. Johnston	- Regional Vice-President, CBRT&GW, Toronto

M. Bennett

- Local Chairman, CBRT&GW, Toronto

AWARD OF THE ARBITRATOR

Article 23.2 of the collective agreement sets out the minimum number of employees to be used in certain types of service unit, as follows:

"As long as the present standards of services and equipment are maintained, the minimum number of employees will be as follows:

30 chair Dining Car	5 employees
36-40 chair Dining Car	7 employees
48 chair Dining Car	8 employees
Dinette Cars	5 employees
Cafeteria Cars	3 employees
Cafe Parlor Cars	3 employees
Sleeper Grill Cars	2 employees
Parlor and Buffet Parlor Car	1 employee
Coach and Club Lounge Car	1 employee

The classifications of employees covered by the agreement are the following:

"5.1 The Classifications for positions and basic rates of pay shall be:

	Weekly Rate Jan.1, 1968 ~~~~~	Hourly Rate Jan.1, 1968 ~~~~~
Sleeping of Parlor Car Conductor	\$130.23	\$3.2558
Steward	130.23	3.2558
Steward-Waiter	101.97	2.5493
Chef	125.96	3.1490
Cook	107.97	2.6993
Cook Assistant	97.97	2.4493
Buffet Lounge Porter	98.98	2.4745
Porter-in-Charge	101.97	2.5493
Porter	95.97	2.3993
Waiter	94.97	2.3743
Pantryman	90.77	2.2693"

The Bistro service Unit is a new unit, in service since May, 1968. It requires a three-man crew, including two waiters, who serve beverages and a limited range of light refreshments to the passengers, and a steward-waiter, who is in charge. It is the Union's contention that this job calls for the classification of steward, rather than that of steward-waiter.

Stewards are employed in dining cars and other in which meals and beverages are prepared and served. Having regard to the types of cars listed in Article 23.2, it would appear that the employee in charge has been a steward in those cars with a complement of three or more employees. Article 23.2, however, merely sets out the minimum numbers of employees, and does not specify their classifications. While the number of persons to be supervised by the employee in

charge may be a factor to be considered, in determining his proper classification, it is my opinion that that is only one of the factors to be considered, and that the question of his classification is to be determined having regard to the whole range of his duties, as well as those of others in related positions.

The job of a steward is clearly a more onerous one than that of a steward-waiter, and a substantially higher rate is paid for it. He may be in charge of a staff of 8 or more persons, including a kitchen staff as well as table waiters. He is himself usually in direct contact with the passengers, being responsible for pricing and the receipt of cash. The ordering of stock is his responsibility. A steward-waiter may receive passengers, collect transportation, sell liquor, prepared snacks or other simple items. In some cases he may order stock. In the Bistro car, the steward-waiter receives a standardized stock from the Catering Distribution Centre. He keeps records with respect to the stock, but does no ordering. He sells items from stock to the waiters who in turn sell them to the passengers. His own contact with the passengers is limited. He does supervise the two waiters and is responsible for the service functions of the car. He maintains detailed records and accounts for revenues, but this would appear to be a function common to most stewards and steward-waiters.

The particular duties required to be performed by stewards or steward-waiters vary with the characteristics of the cars to which they are assigned, and the difference between the two classifications is to a large extent one of degree rather than one of exclusive functions. A clear distinction however is to be seen between the work performed by the employee in charge of the Bistro car and that of a steward on any of the diners, cafe cars or the like on which that classification is used. On the other hand, the work, both in its degree of complexity as well as responsibility, is quite comparable to that of a steward-waiter on the club cars, snack counters, club lounges and other cars where they are employed. Indeed, there are some types of cars where steward-waiters may perform somewhat more onerous duties than are required of the steward-waiter on the Bistro car, including the ordering of stock, the collection of transportation and the selling of space.

For the foregoing reasons, it is my view that the employee in charge of the Bistro car services is properly classified as a steward-waiter, and that the extent of his responsibility is not such as to call for his classification as a steward.

Accordingly, the grievance is dismissed.

(SGD.) J. F. W. WEATHERILL
ARBITRATOR