



TEAMSTERS CANADA RAIL CONFERENCE

CONFÉRENCE FERROVIAIRE DE TEAMSTERS CANADA

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TCRC PRESIDENT'S REPORT

A message from the President

As the predicted second wave of the COVID pandemic is now upon us, I trust that all of you have taken the necessary precautions and continue with the Health Canada recommendations to keep yourselves, your families and your communities safe and healthy. The TCRC continues to work together at all levels of our organization to protect our membership during this time and minimize the spread and impact of the pandemic. We have had some success in working together with the rail carriers, although we may not agree on every point, the common understanding is the importance of protecting our members. Although some of the rail carriers have relaxed the pandemic protocols (to our dismay), we will continue fighting to mitigate the risks to our member's health and safety. Recently, with the input from CN General Chairs, we composed a letter to the CEO of CN expressing our concerns with adding additional crew members in locomotive cabs. Please feel free to read our letter and the response received on the TCRC website.

<http://www.teamstersrail.ca/News.html>

In this report you will find updates on the work/rest rules, Locomotive Video and Voice Recorder regulations which were recently released and more information you should be aware of regarding Section 128 of the Canada Labour Code.

In Solidarity,

Lyndon Isaak
President – TCRC

Executive Board Activities

The TCRC Executive Board met July 20 – July 24, 2020.

- The Executive Board discussed the Education Program. Since the inception of the TCRC Education Program, we have had hundreds of members attending training and various other programs. With the assistance of NARF (North American Railway Foundation) we are proud of the progress that has been made and the future of the program appears very promising. Unfortunately, due to COVID, there have been no courses since February 2020. One of the courses that was to be implemented this year was for all the members, in which trainers would be available at different locations and provide one-hour presentations followed by a question and answer period. Sadly, this and all other courses had to be put on hold. We understand the importance of training our Officers and members, and as such, we are now in the process of developing courses that will be facilitated through different mediums.
- The Executive Board was updated on the status of the CP RTC Collective Agreement bargaining by Brother McCulloch. Negotiations are a challenge due to the pandemic and resulting travel restrictions, but are ongoing via virtual meetings.
- Legislative report by Brother Ashley. The majority of this report is contained in this document with the current updates.
- Discussions regarding International Brotherhood of Teamsters Convention in July 2021. The IBT has approved the election plan that we have submitted including the selection of TCRC delegates. Details to follow in January 2021.
- The next Executive Board meeting is scheduled for October.

NLD Updates

COVID-19

We have seen a recent surge in COVID-19 cases across the country and many experts believe we are entering into the second wave of the virus which was predicted months ago. The recent resurgence is seeing infection rates increasing faster than the first wave due to the relaxation of restrictions, opening of the economy and education systems and to some degree complacency or pandemic fatigue throughout the population. With the cases going up coupled with the beginning of cold and flu season it is important we all stay vigilant and committed to taking the necessary precautions to protect yourself and your loved ones. Hand hygiene, surface cleaning, wearing masks and maintaining social distancing are essential. The wearing of masks is an added layer of protection and when combined with social distancing has proven to increase effectiveness, it is not a substitute for maintaining proper social distancing.

If you believe that an activity you are being directed to perform is placing your safety in danger exercise your right to refuse provided by section 128 of the Canada Labour Code. A recent COVID related work refusal was based on an individual concerned that their safety was being placed in danger by the addition of a third person to the cab of a locomotive thus eliminating the ability to maintain any form of social distancing in a confined space. Transport Canada (acting as an agent for Labour Canada) investigated the complaint and determined that no danger existed. This decision is currently under appeal. However subsequent to this refusal, the employers have been flaunting this decision and misleading employees to believe it was Transport Canada's determination that three people in the cab of the locomotive was safe and they could no longer exercise their right to refuse this activity. These actions taken by the employer are not only incorrect but also in violation of the Code itself. A work refusal and the following determination is based on all the factors that affect that particular moment in time. Since no two circumstances have identical factors influencing the outcome, any previous determinations have no bearing on the outcome of subsequent refusals. Again, if you believe that an activity you are being directed to perform is placing your safety in danger exercise your right to refuse provided by section 128 of the Canada Labour Code.

Work/Rest Rules

Further to the actions reported in the July newsletter, the RAC has now submitted their final version of the rule along with our submissions to the Minister for consideration and approval. We are expecting a decision from the Minister sometime in November.

LVVR

Locomotive Voice and Video Recorder Regulations: SOR/2020-178 were published in Canada Gazette, Part II, Volume 154, Number 18 on August 25, 2020. These regulations define the parameters for use of LVVR data as enacted by Bill C-49 which received Royal Assent on May 23, 2018. These regulations come into force on August 25, 2022 however the sections of Bill C-49 (sections 61 to 67) that allow for the expanded use of LVVR data beyond the Transportation Safety Board and grant employers and Transport Canada access to this data does not come into force until September 2, 2022. We had numerous concerns with what was contained in Bill C-49 but we were awaiting to see if some of those concerns were mitigated by the regulations. Now both the Act and the regulations are finalized, and the intent is defined, we can proceed with our legal challenge on the constitutionality of this legislation. It is our view that this legislation not only infringes on the rights and freedoms of our membership but sets precedents that could diminish the rights of all Canadians.

TCRC Bursaries Awarded in 2020

Landon S.	S.A.I.T.
Logan R.	UBC Okanagan
Kelsie F.	University of Saskatchewan
Brooklyn B.	Boucher Institute of Naturopathic Medicine
Cosimo F.	Laurentian University
Kaitlin S.	University of Alberta
Abby M.	St. Francis Xavier University
Mackenzie K.	University of Manitoba
Grace M.	Queen's University
Nina M.	University of Alberta
Paige D.	University of Saskatchewan
Sarah D.	University of Alberta
Taryn C.	University of Saskatchewan
Jaxson K.	Lethbridge College



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