



TCRC NATIONAL NEWSLETTER

T E A M S T E R S C A N A D A R A I L C O N F E R E N C E

130 Albert Street, Suite 1510, Ottawa, Ontario, K1P 5G4 www.teamstersrail.ca

A message from the President

The past five months have been a tremendous challenge dealing with both the accomplishments and tragedies our Union has experienced.

Our VP Dave McCulloch and myself attended the funeral services for our Brothers who perished in the Field British Columbia accident. A short update on the Field catastrophe is contained in the body of this newsletter.

On a positive note, we have some new members who elected to join our Union. Please join me in welcoming our new TCRC members from Huron Central Railway and Bombardier Edmonton. I also wish to acknowledge the organizing efforts of Sister Hasulo and Brother Lowe.



I had the opportunity to attend the 100th anniversary of the Winnipeg General Strike on May 15th along with many members of Teamsters Canada including President Laporte. The event commemorated the struggles of Trade Unions and labourers at the end of World War I. Many Trade Unions as well as Labour organizations along with local, regional and national politicians were present.

Over 2000 members participated in the work/rest rules survey. I wish to thank all of those who took the time to voice their opinion. I would also like to acknowledge our NLD, Don Ashley, who was responsible for sorting through the carrier's submissions for the work/rest rules and addressing the concerns of the membership in our submission to Transport Canada. I would also like to thank the Provincial Legislative Boards and General Committees for their valuable input in our submission.

The National office has established an account with Simply Voting, an electronic balloting system that Divisions, PLBs and GCAs can utilize if they

choose. Anyone interested in electronic voting can contact Brother Friesen (cfriesen@teamstersrail.ca) for details.

Lastly, this is a request for your help and input. We need to find a way to engage the members of our Union, to vote, to understand that their opinions matter and that the TCRC works for them.

The TCRC is all of us, I am simply your collectively elected voice and act on your behalf. The direction and future of OUR UNION is dictated by YOU, the members.

In Solidarity,

Lyndon Isaak President – TCRC

TCRC Executive Board

Lyndon Isaak: President
 Dave McCulloch: Vice-President
 Christopher Friesen: Secretary-Treasurer
 Paul Boucher: Recording Secretary
 Harvey Makoski: Trustee
 Jean-Michel Hallé: Trustee
 Ryan Finnon: Trustee

The TCRC Executive Board met in Saskatoon on April 30 – May 02, 2019. The following is a summary of the decisions and actions that affect the entire TCRC membership.

- The Executive Board approved the 2018 version of the TCRC bylaws as revised at the Quadrennial convention. The PDF version of the 2018 TCRC bylaws is available on our National website, hard copies will be available upon request.

- We received three nominations for the Teamsters Canada Youth Committee. The candidate will be selected in July.
- The Executive Board decided that the Vice President transition between Brother Hackl and Brother McCulloch is complete. That being said, contract negotiations remain ongoing with Bombardier and CN RTCs; As Brother Hackl has been the lead negotiator with these bargaining committees, and given the fact that the affected General Chairs did not want to delay or jeopardize the progress made, the Executive Board elected to retain Brother Hackl's services and reassess at the next Executive Board meeting.
- The next Executive Board meeting will be held in Ottawa in July.

News

Locomotive Voice and Video Recorders

Transport Canada is currently working on draft regulations for the implementation of LVVR subsequent to the passing of Bill C-49. They have set a target to have the draft regulations published in Gazette 1 sometime in June. Once published in Gazette 1 this will open the consultation period for comments on the proposed regulations. The standard comment period is 30 days, but it can vary based on legislative requirements, international obligations, and other considerations. In addition to the requirement to include a regulatory impact analysis statement we have also requested Transport Canada include a privacy impact analysis statement in consultation with the Privacy Commissioner.

Field Hill Tragedy and Ministerial Order

February 4, 2019, a runaway train and subsequent derailment near Field, BC claimed the lives of Brother Andrew Dockrell, Brother Dylan Paradis and Brother Daniel Robert Waldenberger-Bulmer.

All investigations into this incident are still ongoing.

On February 8th, 2019, Transport Canada issued a ministerial order directing railways to apply the procedures for securing unattended equipment when a train is stopped with by an emergency brake application on a mountain grade (1.8%).

On April 19th, 2019 the TSB released rail safety advisories to Transport Canada regarding the Field Hill investigation.

- First, requesting Transport Canada expand their order to include heavy grades (0.8% to 1.8%)
- Second, requesting Transport Canada to review the efficacy of the inspection and maintenance procedures for grain hopper cars used in CP's unit grain train operations (and for other railways as applicable), and ensure that these cars can be operated safely at all times.

Hudson Bay Railway – Ponton, MB accident – Occupational Health and Safety Tribunal

On September 15th, 2018, a train derailment near Ponton, Manitoba took the life of Brother Kevin Anderson and critically injured the locomotive engineer.



Transport Canada issued four directions to the Hudson Bay Railway as a result of this accident

1. The employer failed to inform operating employees of a known hazard in the workplace.
2. The employer has failed to establish a Hazard Prevention Program that complies with each of the components prescribed by subsection 19.1(1) of the Canada Occupational Health and Safety Regulations.
3. The employer has failed to prepare, in consultation with the work place committee or the health and safety representative, emergency procedures to be implemented in the event of an accident involving a train, including accidents that occur in a remote location with limited or intermittent radio service or in cases where the train fails to arrive at an identifiable location within the agreed upon time period.
4. The employer failed to ensure that there is an ambulance service or other suitable means of transporting operating employees in remote locations who have an injury, occupational disease or illness to a hospital, medical clinic or physician's office, and failed to provide that work place a means of quickly summoning the ambulance service or other suitable means of transportation.

We have also requested a coroner's inquest into this accident. MP Niki Ashton is assisting with this request.

Work Rest Rules

Hours of work for Canadians that work under federal jurisdiction, as is the case for most railroad employees, are regulated by provisions of Part III of the *Canada Labour Code*, however, a regulation made under the *CLC* entitled *Railway Running-Trades Employees Hours of Work Regulations (C.R.C., c. 991)* exempts yardmasters, assistant yardmasters, locomotive engineers, locomotive firemen (helpers), hostlers, train conductors, train baggagemen, brakemen, yard foremen, yardmen, switch tenders and car retarder operators from the provision of the *Act* dealing with hours of work. To address this exemption, the *Railway Safety Act* empowers the Governor in Council or the Minister to make regulations or rules regarding hours of work and rest periods to be observed by persons occupying those positions and this is why we are governed currently by the application of the Work/Rest Rules for Railway Operating Employees.

On November 11, 2017, the Minister of Transport published a Notice of Intent to amend the rail safety regulatory framework to address fatigue-related issues which may result in amendments to the *Work/Rest Rules for Railway Operating Employees* and the *Railway Safety Management System Regulations, 2015* or the development of new regulations to address fatigue in the rail industry. The proposed regulatory amendments will provide a more robust fatigue management regime in the rail industry, comprising of amendments and additions to the current prescriptive limits for operating employees, as well as fatigue management and fitness for duty requirements.

A more comprehensive set of science-based prescriptive requirements for rail employees in safety-critical positions is under consideration. The new requirements will integrate the latest fatigue science and will review limits relating to;

- Daily work periods;
- Minimum rest periods;
- Cumulative time on duty (weekly, monthly, annually);
- Daily split work periods; and
- The number of consecutive night duties available.

Consideration will also be given to;

- The start time of the duty period (night versus day);
- A process for the advanced notice of schedules;
- Disruptive schedules (night to day and day to night);

- Weekly and monthly long break duration;
- Fatigue risk management framework;
- Fatigue management strategies; and
- Fit for duty requirements.

To action the Notice of Intent issued by the Minister, on December 21, 2018 Transport Canada issued a Ministerial Order pursuant to Section 19(1) of the *Railway Safety Act* instructing railway companies to revise the *Work/Rest Rules for Railway Operating Employees*, to ensure that they reflect the latest science and fatigue management practices, and at a minimum, address the following eight elements;

1. the maximum length of a duty period (in hours), that considers increases or decreases based on the time of day the duty period starts;
2. when employees are assigned split shifts, the maximum combined duty period;
3. the minimum rest periods, both at the home terminal and away from the home terminal;
4. the impact of deadheading on the maximum duty period, both when deadheading occurs at the beginning and at the end of a shift;
5. the maximum cumulative time on duty, for periods of 7 consecutive days (1 week), 28 consecutive days (4 weeks), and annually;
6. the minimum time free from work on a weekly and monthly basis;
7. advance notice to employees of their planned work schedule; and
8. a fatigue management plan that reflects current best practices in the management of fatigue.

Pursuant to the provisions of paragraph 19(1)(b) of the *RSA*, railway companies must file their revised rules with the Minister for approval by May 19, 2019. Subsection 19(2) of the *RSA* requires railway companies provide relevant associations or organizations that are likely to be affected by the implementation of the proposed rules a period of 60 days to review and provide comment.

The first week of March, my office received two separate proposed rules from the Railway Association of Canada, one entitled *Rules Governing Hours of Work for Freight Railway Operating Employees* and the other entitled *Rules Governing Hours of Work for Passenger Railway Operating Employees*. In addition to the RAC submissions we also received a separate submission from Canadian Pacific entitled *Rules Governing Standard Hours for Canadian Pacific (CP) Railway Operating Employees*.

In consultation with our fatigue specialist and legal counsel, draft submissions were prepared and sent to the Executive Board, Provincial Chairs, and General Chairs for comment and review. Final submissions were prepared and sent to the RAC and CP last week in keeping with the time limits contained in the *Act*.

Sometime on or before May 19, 2019 industry will file their proposals with the Minister along with our comments for consideration. The normal period for assessment of the proposals is 60 days but the Minister can extend that at his discretion. The Minister will either decide to accept the proposed rules with or without terms and conditions or refuse the proposed rules. If the Minister decides to refuse the proposed rules subsection 19(7) of the *RSA* gives the Minister authority to establish rules in respect to this matter. This process would involve another 60-day consultation with industry and the relevant associations and organizations to comment on the Minister's proposed rules. As is the case

with any new rule under section 19 of the *RSA* that is approved by the Minister, the rule will come into force on a date determined by the Minister.

Hopefully this addresses some of the inquiries we have received regarding this process; further updates will be provided when they become available.

CTY NEGOTIATION UPDATE #2

Sisters and Brothers;

On April 30, 2019, the Bargaining Committee met with the Company to exchange demands for the upcoming round of negotiations.

The Union's demands are designed to improve quality of life and protect and improve the existing provisions of the Collective Agreements. We have proposed changes that will make the grievance process more effective and address the backlog of grievances waiting for arbitration, improve the protection of assigned time off and rest periods, increase rates of pay for certain crafts and assignments that are underpaid, improve pay and conditions for members enrolled in training courses, general increases to wages and benefits, and numerous changes to work rules based on submissions from the membership.

Predictably, the Company seeks significant concessions, including relaxation of the restrictions on conductor-only crews, elimination of the road/yard distinction, and weakening of various rest and time off provisions. At a time when the Company is posting billion-dollar quarterly profits, we do not intend to grant any concessions. Our aim is to strengthen, protect, and improve our hard-won rights.

Our next meetings are scheduled from May 21 to 24. Another update will be out in the near future.



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