Unifor's Submission and Recommendations for the Rail Safety Act Review Panel

September 22, 2017

WHO WE ARE

Unifor is Canada's largest Labour Union in the private sector, representing more than 315,000 workers nationwide in every major industry. Built by its members, Unifor represents more than 9,000 Canadians in the rail transportation industry of which most of our membership are involved in performing safety and maintenance inspections and repairs on Passenger and Freight cars as well as Locomotives in the class 1 railways at CN Rail, CP Rail, VIA Rail, and a number of regional carriers. In addition we also have members who service passengers on Passenger trains, build Locomotive Consists, Crew Calling, Customer Services Agents, Locomotives Engineers and Conductors. In fact Unifor has some 46,000 in the wider transportation sector. The industries where Unifor members work, transportation included, are essential to the success of the Canadian economy and serve as the nation's leading centres of advanced technology and innovation. They are also Canada's top exporters and a source of increasingly scarce good jobs. Unifor members have the highest interest in the success of their industries and have a long track record of partnering with Employers and Governments to enhance workplace health and safety and as a result, we bring a wealth of experience and expertise on the subject transportation and more importantly on of rail safety.

On behalf of these members, we welcome the opportunity to share Unifor's views on the review of the Rail Safety Act.

BACKGROUND

During the last decade Canada's rail industry has undertaken exponential changes to improve profitability. Massive reductions in staff, consolidations of infrastructure, joint trackage, equipment agreements and an ever increasing emphasis on increasing production through speedup and overtime.

In concert we have witnessed a shift in Canada's regulatory regime, both in rail and in the wider transportation sector in favour of so-called 'self-regulation'. Unifor believes that while Railway Companies and Labour Unions have a collective responsibility to preserve rail safely. That Government regulation and oversight is the key proponent to ensure compliance in regulating commercial rail activity, protecting the interests of rail workers, the public and our environment.

The Lac-Megantic tragedy (and other fatal railway accidents, including the VIA Rail incident in Burlington) revealed the folly of self-regulation in rail transportation. The omnipresent financial imperative to reduce costs and maintain and improve train velocity presents in Unifor's view, a trade-off between safety and profitability.

That is why Unifor supports a vigorous regulatory regime, with the appropriate government funding for inspections and with levies and penalties attached to non-compliance. Our organization will continue to call for stronger oversight of the rail industry. This will be a consistent theme throughout this paper.

RSA REVIEW:

COMMENTS ON KEY ISSUES:

It is our intent to respond to each question outlined in the Review Panel's Guidelines.

Overall Provisions of the *Railway Safety Act* including Roles and Responsibilities

1.1. *Q) Are the roles, responsibilities and authorities for rail safety in Canada clear? Is the current structure appropriate? To what extent should the responsibilities of railways be reflected in the Act? Are all the participants fulfilling their roles and responsibilities?*

No.

The roles, responsibilities and authorities for Railway Safety still appear to lay with the Employers. We believe the Act and regulatory rules need updating with clear roles, responsibilities, authority and accountability for both Transport Canada, the Railway's and the Labour Organizations. Further we take the position that Labour Organizations should also have the right to apply to the Minster for a change to rules. (1) & (2)

1.2. *Q) How effective is the rule-making process? Are there particular aspects of this process that might benefit from a closer examination?*

While the Governor in Council or the Minister may establish rules as per section (19) (OPERATION AND MAINTENANCE OF RAILWAY WORKS AND EQUIPMENT) many, if not all rules are submitted by the railways under the umbrella of the Railway Association of Canada to the Minister for acceptance. The RAC in our view is nothing more than a lobby group intent on eroding the rules governing the maintenance of railway cars and locomotive, which drives increases to Railway Companies' profits at the risk of safety. We believe the consultation process must include a review and with recommendations by the Advisory Council on Railway Safety (ACRS). (3)

2. Adoption of Safety Management Systems and Safety Culture

2.1 *Q) Since the last Review have there been advances with integrating safety into day-to- day railway operations?*

In response it is Unifor's position that SMS continues to develop as an integral part of the railway safety culture. On the class A roads, CP, CN and VIA, have all authored and submitted processes establishing measurable activities, their evaluation, verification, and improvement initiatives. These policies have the promise of improving the safety record and accountability of roads.

Proficiency tests are now a regular process. A worker can rely on being tested a few times a month, and reevaluated on the particular process if there is a failure within a week. As these observations are at times subjective (ergonomic failures), or carried out by managers for retaliation, or from other departments with different rules, we do not consider them dependable.

Also while SMS processes are coming online, we have seen the corresponding diminishing of *Canada Labour Code* Part 2 provisions. Workplace Health and Safety Committee membership on CP as example, has been reduced from virtually a 24/7 coverage on all shifts to only one representative from each area or craft. This affects the ability to procure sufficient time for Labour representatives to perform their safety roles governed by the code requirements and is now a constant struggle to ensure safety in the workplace. There has been a shift from Labour involvement to a reliance on an internal responsibility system which is company centric to the SMS process.

Our concern is the increase of Behavioral Safety Techniques which puts greater emphasis and responsibility on the employee for safety and for addressing safety issues while at the same time driving on time train performance. This has resulted in less employees and random or in some cases retaliation audits that has resulted in egregious discipline. Our members do not see compliance to the rules being equally enforced or monitored.

Front line managers, who are responsible for both maintaining train velocity and their safety record, are under constant stress. Employees for the most part, believe that companies are more concerned for production and velocity then for safety. As workers on the ground, we are more apt to see failures in real time as they occur, irrespective of published policy.

Safety culture change especially driving change to the front line employees requires time. While considerable gains have been made in the administrative process under SMS, there remains much to be accomplished at the shop floor level, both with employees and front line managers.

Upper management at the administrative level, are adept at knowing the SMS methodology, but more education must be delivered to the employees and front line managers in order to obtain consistent adherence to safety practices. In our opinion a safety culture where safety is the primary value of all involved, without fear of reprisal still remains elusive.

At the same time the emphasis on SMS responsibility has diminished the expectations and in large part, the participation of the H&S committees in the daily oversight of safety.

To address these issues we encourage increasing the number of Safety Officers to enable more oversight including periodic auditing of H&S Committee and Policy Committee meetings and Transport Canada should adopt a regime of robust and regular auditing of SMS by dedicated SMS auditors in the interest of focus familiarity and not as another responsibility of Safety Inspectors. (4)

SMS policies in their entirety must be added to mandated H&S training as per the code. (5)

2.2 *Q) Is the current SMS approach to managing risks working - for the owners and employees of railway companies? For their customers (shippers and travelers)? For those who live near railway lines? For Canadians?*

The Risk Assessment requirement under section 15 of the SMS regulations can be a valid tool in identifying hazards and mitigating risk.

However in our opinion in practice the Risk Assessment process has become a "magic bullet" for increasing and institutionalizing subjective measurements of risk rather than as an effective tool for eliminating hazards. It is our experience that very few risk assessments are turned down due to high measurements of risk.

By far the majority of risk assessments we participate in are prompted by a change affecting personnel, specifically a change to accepted processes or rule changes. The rule change proposed usually involves greater risk, through its elimination, or a faster or cheaper way of performing the work.

The risk assessments requirement is similar in process and intent to the pre-existing Hazard Prevention Program in Section 19 of the *Canadian Occupational Health and Safety regulations.*

However Section 19.5 of the regulation requires all identified and assessed hazards to be mitigated by the hierarchy of controls in order of priority; elimination, reduction, Personnel Protective Equipment (PPE) and administrative measures. No such obligation is required in the SMS regulations which infer all risk is acceptable if remediated in some manner. This must change; hazard elimination must remain the goal of occupational Health and Safety in the Federal workplace, not merely identifying a subjective quantum of risk.

We urge including the existing preventative measures in COSH section 19 in the regulations concerning risk assessments in SMS. (6)

Further a fatal flaw in the risk assessment process is in participation. Although involvements by unions are required, there is no requirement for recording comments from the bargaining agents.

It is our experience that risk assessments are facilitated by experienced risk assessment management, who document the majority of opinions in the form of subjective risk value numbers, frequencies and mitigation. Opinions which do not conform to the majority are not recorded, and are more often than not from the bargaining agent representative.

The appearance is always that of consensus, whether or not there is. We propose the SMS regulations be amended to require comments from the bargaining agents or if none, the employees for the record. (7)

In the case of risk assessments accompanying all rule change and exemption requests, this appearance of consensus is misleading. The rule change itself must by regulation invite comments, and we believe the RA process itself should require comments, if any, when they are performed.

The SMS in its present state is an administrative measure that is not designed to protect workers. It is designed to allow corporations to maximize their profits in light of the workplace risks. It is merely a lens that corporations are forced to look through when they are contemplating changes to their operations.

A recent SMS Audit of a Class 1 railroad confirmed that deficiencies in regards to consultation with bargaining agents, evaluating any remedial actions, measurement of control effectiveness or notifying the Minister of proposed changes in operations. Improvements in this regard, have been noted by our organisation but we remain skeptical such improvements would occur without an audit oversight.

2.3 *Q) What role should Transport Canada and railway Companies play in reinforcing Safety Management Systems?*

Education is an essential piece of SMS being understood and applied correctly in the rail industry. Companies should provide their employee's with training and education on the SMS and how it applies to them. If asked, most employees would not be able to identify the components of SMS.

H&S committee members must be mandated to have more in depth training in order to carry out their mandate as per the code. Without vigorous oversight by the Ministry, Company recommended SMS procedures are tantamount to self-regulation. Effective

and robust auditing we believe should be performed by dedicated SMS auditors and not as yet another responsibility of Health and Safety Inspectors.

With current staffing of Federal Health and Safety officers and Transport Canada inspectors, we believe this will not be possible.

2.4 *Q) Do railway employees have the training and support they need to properly implement SMS and integrate safety culture into their day-to-day activities? Do Transport Canada employees have the training they need to evaluate whether a Company's SMS is effective? What kind of training would be helpful?*

As stated in the previous questions response, education on SMS and how it applies to employees is insufficient. For example in the mining industry, all employees receive some level of training on risk assessment. This way, they can all contribute knowledgeably.

Rail company's must train to the same level and allow for employee and Local Union Health and Safety members the opportunity to engage and be heard, after all this is a partnership in safety. (8)

3. Quality and Use of Performance Data for Risk Management

3.1 *Q) Does the current risk management framework adequately address safety issues relating to current and future traffic volumes and types of goods being carried?*

No.
The high numbers of main-track and non-main track accidents which occur every year (hundreds and hundreds) are evidence that the current framework does not work. Accident and injury statistics showed a rise in 2015 as the rail industry was moving record amounts of goods across the country, and have fallen with lower traffic volumes that occurred because of the economic downturn. As traffic volumes increase so do the pressures of ensuring on time performance, as railway resources are stretched thin. The current risk management framework is based on the thought that risk is acceptable as long as it is mitigated, whereas the idea that risks should be eliminated rather than controlled is what is truly needed.

3.2 *Q) Does Transport Canada have sufficient data to carry out robust risk analysis in order to address the challenges of the railway safety mandate?*

Transport Canada is not a transparent agency. We are unaware of what extent TC collects data.

3.3 *Q) What is the current quality and availability of performance information? Is it contributing to establishing key performance indicators regarding the state of rail safety?*

The current amount of data available is very high, however being able to tie all the data together has been a challenge for the rail industry and the quality of the information has not been very good.

As an example CN Rail has recently undertaken the project of changing its Performance Monitoring Rules Compliance (PMRC) because they had thousands and thousands of performance tests completed, the gained information did not translate into programs which lowered incidents and accidents. Supervisors were mandated to do "x" amount of performance monitoring rules compliance tests per month. This has led to Supervisors rushing to get their tests done in time to meet their quota. As a result, in locations where there are very few employee's working, a single employee could be tested one hundred plus times in a year. The focus has been on the quantity and not the quality. This means that due to a low quality of performance testing, the information gained has been steering policies and programs in the wrong direction. Investigations all too often do not get to the true root cause of an incident, and the information gathered in these investigations also lowers the overall quality of data that is available.

At CP Rail we have seen the same program employed specifically Proficiency Testing Reviews, (PTR). When testing was introduced we found that there were cases of employees off on vacation or that the employee was unaware of documented failures. These failures are at the discretion of the individual Supervisor which we assert does not get to the root cause of an incident or failure; rather we maintain that this program is quota driven where hundreds of tests are in question and has resulted in fear, intimidation and discipline all of which has shattered morale and safety consciousness.

Conversely there is no joint testing program of management who oversee employees; instead employees are placed in the unenviable position where they have observed Supervisors ignore safety as it applies to the Act, but can take no action without the fear of reprisal. This lends itself to the inference that all safety issues are caused by employees, and managers are not responsible for non-compliance. Peer-to-peer observations are equally directed at employees and not managers. (9)

3.4 *Q) Is performance information being analyzed and disseminated? To what extent is it contributing to a feedback loop regarding risk management and learning?*

The information is being gathered and analyzed however due to the low quality of data, the information is not contributing to a feedback loop as intended. Dissemination of data is not always done with stakeholders although it is readily available to company officers. The company uses this data to set its priority's, and because the data is of low

quality, the directions the company takes with its policies and programs does not always line up with the needs of the rail industry.

4. Ability to Respond to Industry Trends

4.1 Economic

4.1.1 *Q) Will trade patterns and population growth affect route planning and traffic through major urban centers, and further exacerbate proximity issues?*

Yes we see a trend developing in the expansion of urban growth which we believe will have an effect on the proximity to rail expansion.

4.1.2 *Q) Will there be an increase in congestion due to passenger and freight trains operating on shared tracks? What would be the safety impact should alternative routes or trade corridors be implemented?*

Shared tracks are and will continue to be a tradeoff between freight train velocity, profits, and passenger train service. Freight trains have priority and passenger trains must defer and take a siding to allow freight trains to continue on schedule.

VIA's transcontinental Canadian has lengthened its schedule from three to four days. They have added a disclaimer to their ticket itinerary, "While VIA endeavors to operate on time, the realities of increased freight traffic on tracks that we do not own may give rise to significant delays. We suggest that you do not arrange connecting transportation on the day of arrival ".

Kudos to VIA for their transparency, but it is hardly an endorsement of our National passenger train system.

Canada is lagging far behind Europe and China in both high speed and regular passenger rail. Dedicated track for passenger service either regular or high speed track between major high traffic corridors remains the best solution for safety, improving schedule targets, customer convenience and infrastructure dependability. If implemented, Rail Companies would also benefit by a larger traffic capacity and increased train velocity.

This of course will require the Government of Canada to adopt a National Rail Transportation policy that addresses the needs of passengers rather than freight. Until such time, rail travel in Canada will continue to deteriorate and increase congestion. (10)

4.2 Infrastructure

4.2.1 *Q) How can Canada ensure the required investments in infrastructure to accommodate future traffic patterns, train lengths, and train volumes?*

The Federal Government, Provincial Government and Municipal Governments must work together to ensure investment in infrastructure, that will offset proximity issues.

4.2.2 *Q) Can infrastructure funds and programs (beyond the existing Rail Safety Improvement Program) be leveraged to fund projects that would increase safety around rail lines (e.g., grade crossings)?*

Yes, the Federal Government can increase taxation on Rail Companies or direct more funding from the taxes collected from Rail Companies to improve safety around rail lines.

4.3 Technological

4.3.1 *Q) Is the RSA framework properly positioned to address Industry* advances in technology and innovation?

No.

We believe the act needs to clearly outline that advances in technology must support the augmentation of Rail Safety and must not be used to reduce or replace inspections performed by qualified and certified Car and Locomotive Inspectors.

Presently Railway Companies are in control of which trains and locomotives get inspected, where and how often.

Wheel impact detectors, hotbox and dragging equipment detectors, hunting detectors are only effective, generally after equipment becomes defective, this reactive approach must not be encouraged, rather we endorse a proactive increase of rail cars and locomotives inspections conducted by qualified and certified inspectors.

Qualified inspectors know when equipment is starting to be defective; they are trained to identify these defects and they must be the ones mandated in the Act, not company officers, to have the responsibility of removing the car or locomotive from service.

Today in Canada trains are longer and carry more dangerous goods than has ever seen in the past, air tests and inspections are less often, more run-through trains carrying un-inspected interchange traffic stopping only for fuel at terminals are all in our opinion a disaster waiting to happen.

We believe inspection and inspection locations should be mandatory and regulated, not left to the railway company. We believe automated detection equipment should be used as intended to augment and not replace qualified tradesperson inspections.

We believe mandatory qualified tradesperson air testing at 1,000 km should be regulated. (11)

4.3.2 Q) There is potential that new technology will increase safety, for example through assisting with the identification of risks or the causes of accidents. Are there any barriers preventing the rail industry from investing in these technologies? Can the Government of Canada assist in their adoption?

Bill C-49 is proposed under Canada Transport Act, and its consequence warrants mention in our presentation.

In June 2016, the Standing Committee on Transport, Infrastructure and Communities released its report on rail safety, “An Update on Rail Safety”. The report recommended the use of voice and video recorders in the locomotive cab.

It is unclear how the use of LVVR technology will further enhance safety. Current technology such as the “ Black Box “ already records train speed, air brake use, and every other operative action taken by the locomotive engineer. Locomotives are equipped with safety control systems which will stop the train in the event that the person operating the locomotive becomes inattentive or incapacitated. Radio transmissions are recorded as well. Similar, non-video technology is currently used in the aircraft and trucking industries to augment post-accident investigations.

Given that this information is already available, we fail to see how the use of LVVR technology will prevent or reduce railway incidents or improve the accuracy of the post-accident investigation.

Notwithstanding, in the interest of safety we note that In order to balance privacy concerns, the committee initially recommended that the data gathered by the LVVRs ought to only be used by ‘the appropriate government authorities during Transportation Safety Board accident investigations or in subsequent

criminal investigations to which they directly relate' and not be routinely accessible by the Railway Companies. In its current form, however, the bill has been changed to allow Railway Companies and Governmental agencies to access and make use of the data gathered using LVVRs. Railway Companies would be permitted to monitor randomly selected LVVR data on an ongoing basis, and garner information not intrinsic to safety.

Our privacy concerns are well founded. One road has installed cameras in shops, lunch rooms, hallways, wheel pits, and yards, ostensibly for safety and/or security reasons. These cameras are accessible by senior company officers. Our organization believes this goes beyond safety concerns and safety can be more appropriately addressed effectively through less intrusive means.

The bill does not address the security of LVVR data. When the locomotive leaves Canada's borders, the American subsidiaries of CN Rail and CP Rail have access to the data once the trains have entered U.S. territory. There are simply not enough controls on the Companies' access to, and potential usage of LVVR information.

Our concerns:

- We do not believe that Bill C-49, in its current form, will improve railway safety;
- We do believe that Bill C-49 will violate the privacy rights of our membership and, by increasing the stress-level experienced by those in the cab of the locomotive, may even reduce safety;
- We also believe that Employers will use this technology as a disciplinary tool for
- It is unclear about how the TSB plans to maintain the integrity of the LVVR data once the locomotive leaves Canada and enters U.S. territory.
- Furthermore, Bill C-49 will open the door to other transportation Employers (namely those in air transport, road transport and marine transport, for example) to adopt LVVR technology, making privacy violations the government-sanctioned standard in the wider transportation sector.

If Bill C-49 is destined to proceed Unifor calls for a mandate that only the TSB should have access to the LVVR data, and only then for the purposes of rail safety, namely, as part of an investigation into a railway accident, injury or fatality. While the TSB should have exclusive access to the LVVR data, and provide access to the company only for addressing those occurrences. (12)

Furthermore, under no circumstances should the Companies be allowed to use the data for disciplinary purposes. It must be stated, that surveillance, even

constant surveillance of workers is being touted as a factor in increasing safety, and Bill C49 appears to indicate government is buying into the argument. On the other hand, repeated calls for increased oversight, more safety auditors, inspectors and regular unannounced checks on rail operations by our Unions and others are ignored. This is a troubling dichotomy. Who is watching the watchers?

For example one of the class A roads has installed hundreds of cameras in shops, yards and buildings under the auspices of "safety ". In our opinion, these cameras which are accessible by all company officers, are being used to manage by sight and illustrates how surveillance has become ingrained in the corporate culture.

Unifor does not advocate continuous video surveillance of employees however we affirm there is a clear need for increased resources in order to address compliance.

4.3.3 *Q) Does the adoption of new technologies impact the skill set required of railway employees?*

Training Mechanical Trades

For the last two decades Unifor and formerly CAW, have attempted to establish Rail Car Mechanics and Diesel Mechanics as a red seal trade with provincially mandated curriculums and certification. We have had only partial success in a few Provinces with little to no assistance from certain Class 1 roads. Appended in the Appendix 1.

As a result of extensive layoffs and attrition, the railways mechanical departments have experienced a critical loss of skilled mechanics. New hires are tasked to perform work previously performed by seasoned repair and inspection employees and apprentices are performing tasks that they are unqualified to perform. This is just one of many examples of where the lack of training, scheduling, structure and apprentice rotations that could have an effect on rail safety as well as employee safety.

Currently some of the railways determine the qualification standards for curriculum, training, testing and in some cases certification. This has led to a system where one only has to be "qualified"in the eyes of the company. Moreover in remote rail terminals where staffing is an issue, adequate training in all aspects of the craft is becoming increasingly difficult and although training is administered through a central department, actual training oversight is controlled by Terminal Managers who suffer from a shortage of resources and

are pressed to meet transportation and mechanical production demands. The result is uneven training standards across the system.

In order to address these issues eLearning courses are becoming increasingly relied upon rather than interpersonal training and hands on experience. In our view, the skill set of our trade's people is suffering from insufficient training. This "learn as you work" culture has been increasingly ingrained within the industry that is fundamentally opposed to maintaining a sustainable classroom regime that allows for proper training within the Trade Classifications.

For example at CP Rail the current structure implemented by the company has the Training Department in charge of the theory portion of training apprentices, with the specific location Mechanical Manager being responsible for the practical portion of the apprenticeship training. This allows for an increase to "work productivity" which continually discourages and outweighs on the job training and has resulted in irregular rotations being implemented and maintained all of which is necessary to ensure each apprentice is trained in all aspects of their trade, moreover testing is completely in house.

CN has a training facility in Winnipeg and the theory portion of the apprenticeship is delivered with classroom training, whether it is delivered on campus or in classrooms set up on CN property it is delivered by an instructor from a college. Our issues rise from certain Provinces not recognizing Diesel Engine Mechanic or Rail Car Technician thus the trade training is not available and inconsistent. Production still remains the focus and takes precedence over training. The company does not send apprentices to school in a timely fashion due to "operational requirements" which results in apprenticeships lasting years longer than they should. Apprentices are not properly rotated through on the Job Training and therefore they only receive partial practical training in their trade.

The Act currently provides for minimum training standards through the Railway Employee Qualification Standards Regulations for positions critical to railway safety, Locomotive Engineers, Transfer Hostlers, Conductors and Yard Foremen and although mechanical positions are properly not considered critical to safe railway operations, the Act must adopt provisions for minimum standards for the people who inspect test and repair rail equipment.

It is obvious that leaving training and certification to the roads and Unions through the collective bargaining process has resulted in a patchwork of training and trade designations that all perform the same work on railcars and locomotives. Clearly the absence of minimum regulatory standards has resulted in inadequate levels of proficiency which could have catastrophic consequences.

Important to distinguished is railway mechanical employees remain the only transport trades who do not have a standardized training/apprenticeship, curriculum, certification, assessments, testing and documentation even among railways. In comparison the aircraft industry oversees the licensing of mechanics, which have the ultimate responsibility of signing off on proper repairs.

Operating Employees

At CN Rail, the initial training that a transportation employee receives at the CN training centre is extensive and quite good. However, continuing training is lacking.

All transportation employees are required to carry while on duty and regularly update three main manuals, The Canadian Railway Operating Rules, (CROR) General Operating Instructions, (GOI) and the Locomotive Engineers Manual (Form 8960). All three of these parts were rewritten with many major changes between October 2015 and May 1 2016.

Despite these major changes to the way we work to date, there was no update in education to accompany these changes. Our Unifor Transportation employees have pushed for continued education as changes occur, however as of yet there has been no change to present practice. Instead of training, the company has increased their PMRC (Performance Monitoring Rules Compliance) oversight, which resulted in excessive amounts of discipline. The front line managers who perform the PMRC testing barely have a grasp of the operating rules themselves.

Rules cards recertification was required every three years but has been reduced to doing a day of online training at home and then a write an exam with a rules instructor after a half day of crammed rules instruction.

Due to impossible time constraints, the rules instructors know our members have little time to prepare and as a result they only go over the rules that will be on the tests. As well if our member has a problem with the test the instructor will give you the answer. Safety has been largely taken out of the process and the rules training that is badly needed have been trimmed to save costs for the company, and even though CN has a phone number to call for our members to ask for rules clarification, our members are reluctant to use it because the first question that is asked is what is your employee pin. Since the call is not anonymous our members believe that the call will trigger unwanted attention including discipline. We need to see more investment in the training process. Rules training and on the job training must be improved and lengthened to ensure all employees know how to work safely and not just through the threat of

discipline. We cannot wait for tragedies like Lac Megantic to force the Act to recognize standard training regimes.

Training Conclusion

For all these reasons, a minimum standard of qualifications and training for all railway employees must be established, regulated and maintained.

In support we see that in 2018, the Federal Railroad Administration is implementing 49 CFR Part 243 Training, Qualification, and Oversight for Safety-Related Railroad Employees, mandating standards for Operating, Engineering, (MOW), Mechanical personnel and supervisors. Employers must submit all training programs to the FRA, designate employees by category and requisite training, must train to those standards and audit training effectiveness. On the Job Training is an integral component. Labour may comment on the proposals. These training programs may also be shared with smaller roads.

Of course this initiative will affect CN and CP employees in the USA.

The track record of self-regulated training has shown demands that regulatory oversight is required for consistent and competent training in Canada, and indeed North America where we have an interconnected rail network.

Unifor urges the Minister to amend the Railway Employee Qualification Standards Regulations, that it be amended to include non-critical railway personnel such as Diesel Mechanics and Rail Car Mechanics. (13)

4.4 Labour

4.4.1 Q) Does employee fatigue, hours of service, and overtime remain concerns for railway safety?

The answer to this question is an unequivocal YES.

This issue serves as the casebook example of the need for greater regulation oversight. Despite ongoing discussions and stakeholder panels addressing the issue since 1995, little relief from chronic fatigue has been realized.

Rather than actively improving the situation through regulation, the Ministry has left it to the Railroads and Unions to correct the situation through internal means, the latest impetus being the SMS requirement to apply the principles of fatigue science in scheduling work.

Of note the Teamsters Canada Rail Conference has reached a tentative agreement with CP which reportedly holds promise in addressing fatigue issues at CP, however internal agreements are subject to good will and bargaining constraints.

When talking with railroaders from coast to coast through the use of online forums one of the first complaints about the job is always fatigue. We recognize that railroading is a twenty four hour a day seven day a week industry that never sleeps.

Unfortunately the Railway Companies in Canada expect their employees to be available, ready, and alert at all times with very few exceptions. In the last decade the industry has experienced drastic reductions in staff across the board, intensifying the demand for available personnel.

Simply, the Railway Companies continue to push their employees to the absolute limit the law allows in the name of maximizing profit. The *Railway Safety Act* needs to take steps to protect the lives of all Canadians by ensuring that all reasonable measures are used to prevent rail accidents due to fatigue.

In recent years reports have been regularly surfacing about rail accidents that have occurred due to at least in part to suspected employee fatigue issues.

A new Industry Standard which provides tangible and improved requirements for periods of rest must be addressed by the Ministry by regulation. The *Rail Safety Act* must take this opportunity to take action on this issue and provide employees a template platform for real fatigue management so they have the muscle to enforce what they know is right.

Although this issue largely effects railway transportation employees it does affect to all railway workers especially ones who work shift work or on an on call style of work.

To show how fatigue is an issue for Unifor Transportation Employees under the current Work/Rest Rules for Railway Operating Employees we have provided actual examples of unacceptable practices, appended in the Appendix 1.

The railways often refer to this work as spareboard work or on call (24/7) work. This style of work in particular needs the most protection.

All Railway workers who move trains or help facilitate the moving of trains through our Cities, Towns, National Parks, and alongside our lakes and rivers need to be well rested and alert at all times to ensure safe train operations.

Despite this when employees try to book off due to high levels of fatigue or being “unfit” the Railway Companies tend to react with threats of disciplinary investigations resulting in heavy handed discipline. Often it is due to fear that employees come to work tired instead of booking off when not properly rested.

In addition to operating employees, in many cases our mechanical department members and intermodal members are expected to work most if not all General Holidays, work mandatory overtime and “ double over “ on shifts with no prior warning, again under threat of discipline if not accepting.

The reported findings from Transport Canada's own analysis of CN and CP’s employee scheduling records from six different rail terminals across Canada concluded that, based on the timing and length of each shift, assigned through an unpredictable on-call system, that “extreme fatigue” was rampant:

- In four per cent of cases, employees were already “extremely fatigued” at the start of their shifts;
- 45 per cent of employees became extremely exhausted during work;
- And nearly all, or 99 per cent, were fatigued at least once during the month.”

Some of the key issues that need to be considered in no particular order are:

- A minimum of 48 consecutive hours off per week for every railway worker enshrined by law (to help replenish “sleep debt”)
- More stringent mandatory rest policies
- Consideration for circadian rhythm when creating schedules or if necessary pools
- Better maintained train lineups
- The majority of jobs need to be scheduled (start and finish time) and schedules need to be adhered to.
- Overtime must be limited – kept to a minimum
- Minimum of two person crews (transportation), More crew members for heavier workloads i.e. switching intensive operations
- Companies need to maintain sufficient staffing levels to help avoid forced overtime
- Consistent start times for all workers

- FMP's for all locations tailored to the local jobs – Not just one general plan
- Napping facilities and policies that allow for naps when appropriate
- More education on how to prevent fatigue for employees
- More access to healthy lifestyle opportunities for all employees (gyms and nutritionists)

  If these issues were to be addressed the number of fatigue related incidents would be greatly reduced we believe it will take strong Government leadership to stand up and fight for these rights to help protect all Canadians.

4.4.2 *Q) Are there best practices to be gained from work-rest requirements in other modes of transportation or employment sectors?*

Best practices from other of transportation sectors must be examined by the Advisory Council for Rail safety along with recommendations to the Minister.

4.4.3 *Q) Is there a need to regulate testing for use of substances like alcohol and drugs?*

There is not a drug culture on the railways and not a need to regulate drug and alcohol testing. Current medical requirements for employees critical to train operations "Safety Sensitive" are adequate.

In our opinion over the last four years, Rail Companies have embarked on an aggressive testing regimen for the most insubstantial reasons, such as failing to back up a truck without a spotter resulting in everyone in the truck drug being tested, including passengers in the back seat. Rather there must be regulations in the act that established reasonable cause for testing.

The railways lack joint, Un-punitive Employee and Family Assistance Programs (EFAP), which when developed properly accomplish the goal of controlling substance abuse and at the same time assisting those in need. In general the present programs are just a process to eliminate those with a genuine addiction and do not perform to the standards expected. It is definitely not a helping hand program, as in other Industries.

With new legislation on the horizon regarding marijuana use, the act must define what impairment is. There must be advanced regulations regarding the use and determination of impairment parameters for the use of marijuana for rail employees consistent with accepted norms for alcohol.

5. Relationship Building and Coordination

5.1 Federal – Provincial Interface

5.1.1 *Q) Are the roles and responsibilities of the Provinces and Municipalities clear and adequate?*

No.
The Act needs greater clarity on engagement and participation.

5.1.2 *Q) Should the Provinces be consulted on the drafting of rules and regulations? To what extent?*

Transport Canada is responsible for the regulatory framework required for the safe operation of Federal Railways in Canada and in order to maintain uniformity with Provincial Railways as well as with Municipal Railways, these stake holders must be consulted on all amendments to the Act.

5.1.3 *Q) Should smaller railways that mostly operate on Provincial track be subject to the same requirements as larger National Railways?*

Yes.
Trains operating on Provincial tracks are the same as those that operate on Federally regulated railroads. They carry dangerous goods; pass through communities and have the potential to do the same damage as Federally regulated trains. They must be subject to the same regulations to ensure that the same measure of safety is maintained throughout the country. Furthermore as noted in "Stronger Ties" (A Shared Commitment To Railway Safety Review of the *Railway Safety Act*, November 2007) Provincial short lines may choose to adopt Federal regulations and rules with agreement with the Federal Government, or not.

In the interest of consistent safety standards, we urge the Ministry to form a Provincial oversight section, which can monitor and address Provincial requirements not consistent with Federal rules and regulations. (14)

Legislative provisions not in line with Federal rules and regulations would be subject to exemption requests in line with Federal Railway procedures from the RSA.

5.1.4 *Q) Are the current Federal-Provincial agreements an effective approach to safety oversight?*

As noted above, safety oversight is currently a patchwork subject to Provincial adherence to the Federal standards. In order to properly achieve and monitor safety performance in comparison to the industry, a reasonable minimum standard of rules and regulations must be consistent in the industry. There needs to be a mechanism to address discrepancies in the industry. Particular needs of the Provincial railway can be addressed by an ability to apply for rule changes and exemptions as Federally regulated roads do.

5.2 Proximity/Railway – Municipality Interface

5.2.1 *Q) Is there sufficient dialogue between Railway Companies and Communities/Municipalities? What can be done to ensure that Railway Companies and Communities/Municipalities work together to advance rail safety?*

No.
The Act must direct participation and consultation between the Rail Company's, and Communities/Municipalities. (15)

5.2.2 *Q) Are there barriers to collaboration between Companies and Communities/Municipalities? What are they? Can they be addressed?*

Inadequate communication and lack of a formal consultation process are barriers in collaboration. Both of which can be addressed by mandatory participation in the Act.

5.2.3 *Q) What incentives are available at the various levels of Government to reduce or eliminate trespassing?*

The Railways, Operation Lifesaver and other outreach programs are incentives for various levels of Government to reduce or eliminate trespassing. The education of the general public about safety at rail yards, highway-railway crossings and the hazards of trespassing on railroad rights-of-way will help reduce the occurrence of crossing incidents and fatalities, however, programs such as Operation Lifesaver are non-profit and the Act must financially assist these organizations to create a greater incentive for various levels of Government to get involved. (16)

5.2.4 *Q) Are the "Guideline for New Development in Proximity to Railway Operations" a useful tool? Do they go far enough? What more could be done?*

We support in general "Guideline for New Development in Proximity to Railway Operations", however there needs to be more focus on shifting the balance costs

of for proximity issues. In other words, Railway Companies must bear more of the costs rather than shifting this responsibility to the municipalities.

5.3 Consultation with Stakeholders

5.3.1 *Q) Is there adequate information sharing and transparency between Transport Canada,* Railway Companies *and stakeholders? Can this be improved?*

No
In our view there is little to no transparency between our organization Transport Canada and Railway Companies. This must improve and expanded on within the Advisory Council for Rail Safety.

5.3.2 *Q) Are there stakeholders that should be consulted on rail safety matters that are not currently consulted?*

Yes.
We believe the expansion should include municipalities and relevant community based organizations.

5.3.3 *Q) Does the current rule-making process allow for sufficient consultation with stakeholders?*

There has been improvement in the consultation process since the 2007 RSA review.

Typically Transport Canada meets with the Railway Association of Canada on proposals and then reaches out to the Unions for their input. Nonetheless we take the position that a more direct approach must be implemented. That being a review of the proposal by the Advisory Council for Rail Safety prior to the current 60 day written stakeholder response period. (17)

5.4 Canada and USA Coordination

5.4.1 *Q) Is there sufficient harmonization with the USA? To what extent is alignment still required and in what areas?*

We do not support the ongoing harmonization with the USA. The contemplated increase to rail border zones (in which railway equipment and personnel remain subject to the requirements of their home jurisdiction for a given distance of travel into the other jurisdiction) as efficiency enhancing measures, is unacceptable to the preservation of Canadian Rail Safety. It is imperative that trains or Locomotives entering Canada must be stopped, inspected and air

tested to ensure safety as well as compliance to *Transport Canada* and the *Rail Safety Act*.

6. Promoting Railway Security

6.1 *Q) Are the roles, responsibilities and authorities for the security of rail transportation in Canada clear? Should any changes to the authorities be considered to further improve the security of rail transportation in Canada?*

The Act must clearly identify the roles and responsibilities for all authorities and agency's involved in the protection of railways. Nonetheless in our view a central authority should be established. (18)

6.2 *Q) Does the RSA position the Government well to address future threats to the security of rail transportation?*

No.
The RSA needs to be clarified to ensure the Government can react to future threats.

6.3 *Q) Can Transport Canada advance its degree of preparation for rail security threats?*

The ease of access by a terrorist to a train transporting dangerous goods in this country is a security threat to Canada. In response the Act must develop regulations surrounding the uniformed training and licencing of our members who are the first line of defence while inspecting trains so that they can identify signs of tampering or suspicious items. We must adopt the lessons learned from Airport security to mitigate threats in the Rail Industry at stations where there is a high density.

Conclusion

Performance indicators for the Class 1 roads such as increased profits, lower operating ratios, increased train velocity, and the implementation of SMS, all have served the industry well and is reflected in their record profits, nevertheless over the last few years the industry has not seen a marked decrease in accidents and injuries, and in fact accidents and injuries are now trending upwards. The promise of SMS has yet to be realized. Unifor is not satisfied with the status quo of continuing to allow the Railways to self-regulate. Safe guarding Canadians and Canada's environment is our collective responsibility.

Unifor's Recommendations Regarding the *Railway Safety Act* Review.

Recommendations

1. Roles for responsibility should be more clearly defined, employer, TC and Labour.

2. Labour should have ability to apply for changes to rules.

3. Rule change proposals should include a review by the by the Advisory Council on Railway Safety (ACRS).

4. H&S Committee and Policy Committee Audits should be performed as part of a regular audit regime in addition to SMS and Transport Canada should adopt a regime of robust and regular auditing of SMS by dedicated SMS auditors in the interest of focus familiarity and not as another responsibility of Safety Inspectors.

5. SMS must be included in mandated H&S committee training.

6. COSH section 19 control measures must be prescribed in the SMS risk assessment description. We propose the Ministry revise SMS Risk Assessment Process Section 15 (2) (f) to read:

   Identify the remedial action for each of those risks striving to achieve the highest level of safety utilizing the hierarchy of control of hazards in their order of preference; elimination, substitution, engineering controls, administrative controls and PPE.

7. Risk assessments must include opportunity for Labour comments.

8. SMS training is required for employees who participate in functions but do not know why.

9. Proficiency testing should include everyone, peer to peer testing should include employees observing management to obtain a rue safety culture.

10. Canada needs a comprehensive Rail Transportation Policy to improve the commuter train transit and national passenger service utilizing new technology, especially between urban corridors.

11. Mandatory air tests by certified car inspectors should be regulated.

12. Only the Transportation Safety Board should have access to LVVR technology for mishap investigations, and may grant access to the roads for investigations into mishaps not performed by TSB.

13. Establish consistent industry training standards for mechanical personnel with participation from the Unions.

14. Institute form a Provincial oversight section, which can monitor and address Provincial requirements not consistent with Federal rules and regulations.

15. Include participation and consultation between the Rail Company's, and Communities/Municipalities.

16. Assist relevant organizations to create a greater incentive for various levels of

17. Government to get involved.

18. Increased consultation with the Advisory Council for Rail Safety prior to the current 60 day written stakeholder response period.

19. Clearly identify the roles and responsibilities for all authorities and agency's involved in the protection of railways.

RECOMMENDATIONS

Regulations and Rules

- Clarify and be specific on roles and responsibilities within the act, regulations and rules.
- Develop regulations, standards and rules that are clear and prescriptive requiring auditing and enforcement.
- Joint participation in the development and implementation, not just consultation under section 19 and 20.
- Identify tradespersons minimum standards, training, recertification, work for all rail car and locomotive repair. Trade should be certified and red sealed.
- Mandatory Air brake testing every 1,000 km.
- Regulate train inspection location by mileage and tonnage.
- Include the AAR and FRA into the minimum freight car and locomotive and airbrake standards.
- Include the definition of qualified as training, knowledge and experience.
- Include a regulated musculoskeletal program.
- Develop a penalty system for non-compliance.
- Process, similar to section 145 of CLC Part II regarding appeal of directives, written orders or fines.
- Baseline rail safety requirements should be established similar to Occupational Health and Safety Regulations that have been established.

- New regulation requiring new Railway Companies to develop and provide a plan on how to meet all regulated safety and maintenance requirements regardless of the size of operation.
- Regulate a tri-parti working groups on rule and regulatory changes.
- Stricter regulation regarding cars and locomotive moving from one railway to another. Mandated and regulated safety inspections by qualified tradespersons conducted by the receiving railway.
- Train length and weight restrictions must be considered.

Transport Canada

- Transport Canada need to meet with workers and representatives, not just railway supervisors.
- Transport Canada safety officers should have the power to monetarily fine railways for non-compliance.
- Transport Canada safety officers should have powers to stop or park non-compliant trains.
- Transport Canada safety officers should have the power to remove from service immediately suspected and proven non-compliant cars and locomotives.
- Transport Canada needs to strengthen its audit process. (However that latest C.N. audits is the most comprehensive audit to date).

Appendix 1

Skilled Trades Certification by Province

Province	Rail Car Technician Provincial Board Recognition	Diesel Mechanic Provincial Board Recognition
Quebec	No	No
Ontario	Yes	No
Manitoba	Yes	Yes
Saskatchewan	No	No
Alberta	No	No
British Columbia	Yes	Yes

Appendix 2

Example of Operating Employees Work schedules

Employee A	Assignment	Scheduled Hours of Assignment	Actual Hours worked
Saturday, August 19, 2017	Switcher	14:00 – 22:00 (8hrs)	14:00 – 01:15 (11hrs 15min)
Sunday, August 20, 2017	Switcher	14:00 – 22:00 (8hrs)	15:30 – 00:45 (9hrs 15 min)
Monday, August 21, 2017	Switcher	14:00 – 22:00 (8hrs)	14:00 – 22:45 (8hr 45 min)
Tuesday, August 22, 2017	Switcher	14:00 – 22:00 (8hrs)	14:00 – 22:00 (8hrs)
Wednesday, August 23, 2017	Switcher	14:00 – 22:00 (8hrs)	14:00 – 22:00 (8hrs)
Saturday, August 26, 2017	Switcher	14:00 – 22:00 (8hrs)	14:00 – 3:45 (13hrs 45min)
Sunday, August 27, 2017	Switcher	14:00 – 22:00 (8hrs)	16:00 – 04:00 (12hrs)
Monday, August 28, 2017	Switcher	14:00 – 22:00 (8hrs)	14:00 – 00:40 (10hrs 40 min)
Tuesday, August 29, 2017	Switcher	14:00 – 22:00 (8hrs)	14:00 – 02:20 (12hrs 20 min)
Wednesday, August 30, 2017	Switcher	14:00 – 22:00 (8hrs)	14:00 – 22:00 (8hrs)

Employee A is scheduled to work 8 hours a day 40 hours a week. Employee A works Saturday to Wednesday with Thursday and Friday as assigned rest days. Employee A is scheduled to work from 14:00 to 22:00. Following this schedule works well for minimizing fatigue, however when examining the above chart it is clear that Employee A is expected to work overtime more often than not. In this sample two week period, Employee A worked beyond the scheduled hours seven out of ten shifts. In fifty percent of the shifts shown Employee A had to work in excess of ten hours and in twenty percent of the shifts Employee A was expected to work beyond the twelve hour mark. Considering Employee A works a safety critical job that requires a high level of vigilance which seems to be an excessive amount of forced overtime.

Employee B	Assignment: Spareboard (Wed/Th Off)	Scheduled Hours of Assignment	Actual Hours worked
Friday, July 28, 2017	Switcher	N/A – on call 24 hours/day	00:01 – 11:01 (11hrs)
Friday, July 28, 2017	Switcher		22:30 – 10:45 (12hrs 15min)
Sunday, July 30, 2017	Switcher		06:00 – 18:20 (12hrs 20 min)
Monday, July 31, 2017	Switcher		11:30 – 22:30 (11hrs)
Friday, August 4, 2017	Deadhead		16:00 – 18:00 (2hrs)
Friday, August 4 , 2017	through freight		18:00 – 05:30 (11hrs 30min)
Saturday, August 5, 2017	Deadhead		22:00 – 00:01(2hrs)
Sunday, August 6, 2017	through freight		00:01 – 08:01(8hrs)
Monday, August 7, 2017	Switcher		01:00 – 09:45 (8hrs 45min)
Tuesday, August 8, 2017	work train		08:00 – 00:01 (16hrs 1 min)

Employee B works a spareboard job that is on call 24 hours a day 5 days a week. Employee B has Wednesday and Thursday as assigned rest days. Employee B only had one call in this two week sample where the call to work resulted in a shift or combination of shifts and deadheads resulting in less than 10 hours. One shift Employee B was called for was a random 16 hour work train. Also a quick examination of Employee B's two week sample shows how inconsistent the start times are. There is very little in the way of a predictable pattern for these on call shifts. In both weeks Employee B was asked to work in excess of 40 hours.

Employee C	Assignment Spareboard (Fri/Sa Off)	Scheduled Hours of Assignment	Actual Hours worked
Saturday, August 19, 2017	Switcher		03:10 – 16:20 (13hrs 10 min)
Sunday, August 20, 2017	Yard		15:50 – 23:50 (8hrs)
Tuesday, August 22, 2017	Deadhead		06:45 – 08:45 (2hrs)
Tuesday, August 22 , 2017	through freight		08:45 – 21:00 (12hrs 15min)
Wednesday, August 23, 2017	Switcher		09:30 – 21:35 (12hrs 5 min)
Saturday, August 26, 2017	Switcher		18:00 – 03:00 (9hrs)
Sunday, August 27, 2017	Switcher		21:00 – 10:40 (13hrs 40 min)
Tuesday, August 29, 2017	Switcher		01:00 – 14:50 (13hrs 50 min)
Wednesday, August 30, 2017	Switcher		19:30 – 09:00 (13hrs 30 min)

Employee C works a spareboard job that is on call 24 hours a day 5 days a week. Employee C has Friday and Saturday as assigned rest days. Employee C only had 2 shifts or combination of shifts that resulted in being called to work for less than 10 hours. One of the two shorter shifts was on Employee C's rest day. The majority of Employee C's shifts for this 2 week sample were in excess of 12 hours. Like Employee B the start times of employee C's shifts were random and unpredictable.

Employee D	Assignment: Scheduled Train	Scheduled Hours of Assignment	Actual Hours worked
Friday, August 25, 2017	Road Call	18:00 – 02:00 (8hrs)	20:00 – 06:00 (10hrs)
Saturday, August 26, 2017	Road Call	02:00 – 10:00 (8hrs)	06:00 – 14:00 (8hrs)
Saturday, August 26, 2017	Road Call	18:00 – 02:00 (8hrs)	22:30 – 7:30 (9hrs)
Sunday, August 27, 2017	Road Call	02:00 – 10:00 (8hrs)	07:30 – 15:45 (8hrs 15 min)
Thursday, August 31, 2017	Road Call	18:00 – 02:00 (8hrs)	21:00 – 06:30 (9hrs 30 min)
Friday, Sept 1, 2017	Road Call	02:00 – 10:00 (8hrs)	06:30 – 15:30 (9hrs)
Friday, Sept 1, 2017	Road Call	18:00 - 02:00 (8hrs)	23:30 – 08:30 (9hrs)
Saturday, Sep 2, 2017	Road Call	02:00 – 10:00 (8hrs)	08:30 – 17:00 (8hrs 30 min)
Sunday, Sept 3, 2017	Road Call	18:00 – 02:00 (8hrs)	01:30 – 15:45 (14hrs 15min)
Sunday, Sept 3, 2017	Road Call	02:00 – 10:00 (8hrs)	Cancelled 10+ hrs

Employee D works a compressed work week consisting of long work days but more assigned rest days. Employee D is assigned to work on a two week cycle working two 16 hour days one week and three 16 hour days the next week. Employee D is assigned to work two back to back scheduled shifts resulting in a planned start time of 18:00 and a planned finish time of 10:00 the next day. A quick examination shows that Employee D works extremely long hours but is still subjected to a moving start time. In fact the Railway has added flexibility despite the long hours Employee D is subjected to an 8 hour start window. Although Employee D is given many days off to rest a more consistent start time and limiting the combination of the two shifts to 16 hours would help mitigate the fatigue created by this type of shift.

Employee E	Assignment: Scheduled Train	Scheduled Hours of Assignment	Actual Hours worked
Thursday, August 24, 2017	Road Call	03:00 – 11:00 (8hrs)	05:30 – 20:05 (14hrs 35min)
Thursday, August 24, 2017	Road Call	11:00 – 19:00 (8hrs)	Cancelled due to previous shift (10+ hours)
Friday, August 25, 2017	Road Call	03:00 – 11:00 (8hrs)	08:00 – 21:30 (13hrs 30min)
Friday, August 25, 2017	Road Call	11:00 – 19:00 (8hrs)	Cancelled due to previous shift (10+ hours) put to hotel
Saturday, August 26, 2017	Yard	Not scheduled	06:00 – 10:30 (4hrs 30 min)
Sunday, August 27, 2017	Road Call	Not scheduled	10:30 – 21:05(10hrs 35 min)
Wednesday, August 30, 2017	Road Call	03:00 – 11:00 (8hrs)	05:00 – 15:00 (10hrs)
Wednesday, August 30, 2017	Road Call	11:00 – 19:00 (8hrs)	15:00 – 00:10 (9hrs 10 min)
Thursday, August 31, 2017	Road Call	03:00 – 11:00 (8hrs)	09:10 – 19:10 (10hrs)
Thursday, August 31, 2017	Road Call	11:00 – 19:00 (8hrs)	19:10 – 05:00 (9hrs 50min)
Friday, Sept 1, 2017	Road Call	03:00 – 11:00 (8hrs)	Cancelled due to previous shift (went through start window)
Friday, Sept 1, 2017	Road Call	11:00 – 19:00 (8hrs)	Cancelled due to previous shift (went through start window)

Employee E works the same style of compressed work week as Employee D. Employee E is scheduled to start work at 03:00 and finish the combination of shifts at 19:00. During this two week sample Employee E did not start at the planned start time of 03:00. Although the actual start times were far more palatable than the planned start time it makes it very difficult for an employee to properly prepare and rest for the shift. Like Employee D Employee E is subject to an 8 hour call window so the Railway Company can maintain a level of flexibility. Luckily the window is not infinite and closed on the final shift in this two week window and resulted in Employee E being cancelled (and compensated) on Friday September 1. The combination of two shifts should be limited to no more than 16 hours instead of the currently allowable 18 hours. They should also have a more consistent start time with a limited window of 4 hours or less to help mitigate fatigue. These jobs must have adequate napping facilities at the away from home terminals to ensure employees can recharge with a short nap between shifts. Currently this is not the case.

Respectfully Submitted:

On behalf of Unifor

BS:dn/cope343