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Minister of Transport Tables Report of Railway Safety Act Review Panel

**Workers Are Determined to Hold Rail Monopolies
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The report of the 2018 *Rail Safety Act Review Panel Enhancing Rail Safety in Canada: Working Together for Safer Communities* was tabled in the House of Commons on May 31 by Minister of Transport Marc Garneau. The *Railway Safety Act Review Panel* was established on April 26, 2017

by the Minister of Transport. Under the guise of conducting a review of the *Railway Safety Act* (RSA) and, in the words of the panel, "the rail safety framework that governs the federally-regulated rail system," the aim has in fact been revealed to have nothing to do with ensuring rail safety but, on the contrary, it is to take further anti-worker measures as demanded by the rail monopolies.

The RSA is responsible for ensuring the safe operation of railways in Canada. It came into force in 1989 and was reviewed and amended a number of times with the stated aim of addressing the changes that are taking place in the rail transportation industry. For example, the 1999 amendments to the RSA were made under the stated aim of modernizing the legislative and regulatory framework of Canada's rail transportation. A specific stated aim was to "provide the railway industry with greater freedom to act in the area of economic regulation and to simplify, update, and improve safety regulation." In other words, the RSA was amended to introduce Safety Management Systems which are self-serving systems designed by the rail monopolies to cut costs and blame workers for the companies' refusal to put safety in first place. They became the pillar for self-regulation in the rail industry.

On launching the current review, Minister Garneau said: "The Review of the Act will include the entirety of its existing provisions, as well as the suitability, sufficiency, and efficacy of the regulatory framework and programs that exist under its authority, and the degree to which the Act meets its core objective of ensuring rail safety, in the best interests of Canada and Canadians."

On receiving the report Garneau turned truth on its head claiming it contains the views of all interested parties. In fact, he equates the safety of Canadians with the interests of the rail monopolies. He said: "The statutory review was launched to ensure this main piece of legislation governing rail safety in Canada continues to uphold the best interests of Canadians. The review involved extensive consultations, including a broad online consultation as well as targeted roundtables across the country. This gave all interested parties, including industry, communities and the public, the opportunity to share their views."



Garneau said that Transport Canada is reviewing the Panel's recommendations and "I will also host a roundtable on the Report's findings to seek the views of stakeholders who participated in the review process in order to support the implementation of recommendations stemming from the *Railway Safety Act* Review."

It is a 130-page report, whose outlook is unacceptable. How it identifies and analyzes the problems of rail safety, the recommendations it makes, the lack of the perspective of the railway workers on what it means to defend the safety of the workers and of the public, are all major matters of concern. To include the workers as part of "industry" stakeholders is unacceptable because when they protest unsafe working conditions, they are then portrayed as not being interested in the fate of the industry which then, through sleight of hand, becomes a national security problem.

Rail workers' safety and the safety of communities are being put more and more at risk by the reckless activities of the rail monopolies and by the government itself through its deregulation and other schemes. In this regard, Garneau, with typical liberal hypocrisy, starts with what he considers to be a truism. He says that the review was launched to ensure this piece of legislation "continues to

uphold the best interests of Canadians." The panel echoes the Minister's words when it refers to "the rail safety framework that governs the federally-regulated rail system." It is precisely the "rail safety framework" that railway workers and the public in communities throughout the country are concerned about because the present regime provides the rail monopolies with carte blanche to do as they please. They think that the railway companies and the government do not have to render account to the people.

Railway workers have repeatedly shown that the federally-regulated rail system is not governed by a rail safety framework expressed in prescriptive legislation and regulations and inspections. The federal government is not fulfilling its obligation to rail workers and the public to guarantee their safety. The high-sounding words of the Minister and the panel do not bode well. Even an initial review of the main sections of the report shows that the approach is very problematic and must be dealt with before anything else can be settled.

For example, Section C, "Five key areas for change," begins with:

1) Three Elements of an Effective and Sustainable Rail Safety Regime

- 1.1 Compliance with Technical Regulations and Standards
- 1.2 Safety Management Systems
- 1.3 Safety Culture: The Next Step for Safety

2) Human and Organizational Performance -- Ensuring the Right Resources for the Safety Challenge

- 2.1 Fitness for Duty
- 2.2 Training Within the Industry
- 2.3 Impairment and Random Drug Testing
- 2.4 Fatigue

All of it is worded in a manner which shows that the preoccupations are not those that pertain to rail safety but have to do with justifying measures the rail industry wants taken. Safety Management Systems (SMS) are a mainstay of self-regulation whereby the rail monopolies establish their own safety systems while Transport Canada is reduced to auditing reports which are in fact designed to cover up the reality. The information that is contained in a rail monopoly's SMS is confidential and workers are not allowed to know the SMS under which they are forced to work if they are to keep their jobs.

"Fitness for Duty" is a euphemism for blaming workers for incidents, asserting that it is inappropriate behaviour of workers that causes problems in rail safety. It is done to justify the introduction of measures such as random alcohol and drug tests. From this it appears that the government is following the path of companies like

Suncor and the Toronto Transit Commission which imposed random tests under the hoax of safety, while doing nothing to actually ensure the conditions exist for the workers to be fit for work. Oil workers and transit workers are currently fighting such demands which sound righteous but have another aim.



Minister Garneau and Transport Canada are also currently following this path with airline pilots who are also fighting for safe working conditions. Self-regulation by private interests whether railways, airlines or industrial concerns to criminalize behaviour must be discarded. They go hand in hand with providing all power to the rail monopolies already involved in reckless drives to increase private profits no matter what the consequences.

This matter concerns the polity as a whole, not just railway workers. *Workers' Forum* calls on Canadians and the people of Quebec to take an active part in opposing the self-regulation by private interests. Inform your MPs of your stand. This is especially important given that what the Liberal government calls consultations and on-line surveys are fraudulent mechanisms to get the answers they want and are not serious public inquiries or consultations. Hold the railway monopolies and government to account. Clearly tell them, Not in My Name!

Serious study and discussion and organized defence of the rights of workers and the rights of all is needed so as to face the situation.



Workers' Fight for Working Conditions that Uphold Their Dignity

Iron Ore Company Workers in Labrador and Sept-Îles Ratify New Collective Agreements



Contingent of workers from Iron Ore Canada in Sept-Îles visit picket lines at IOC in Labrador City, March 26, 2018.

Workers at the Iron Ore Company of Canada (IOC) in Labrador City, Newfoundland and Labrador, and in Sept-Îles, Quebec, have ratified new collective agreements.

Labrador City IOC Workers

One thousand three hundred IOC workers in Labrador organized in United Steelworkers Local 5795, and 30 workers in USW Local 6731, voted on May 28 in favour of tentative agreements. The votes in approval of the agreements brought to a conclusion their nine-week strike. Members of Local 5795 accepted the agreement by 79.01 per cent with a turnout of 87.36 per cent while members of Local 6731 approved their contract by 89 per cent.

The IOC workers in Labrador report they were able to fend off two anti-worker concessions: first, the imposition of a defined contribution pension plan for new hires in place of the defined benefit plan that workers currently have; second, the demand of the company to incorporate into the

collective agreement a category called "temporary workforce." These concessions were part of the downward pressure on working conditions generating instability in their remote community. The workers are determined to continue to defend the dignity and unity of all working people.

The workers achieved certain demands including the lifting of current caps on drugs and therapy. Lifting of these caps is important because many workers become sick or are injured due to the hazardous work environment. With caps they are sometimes forced to pay thousands of dollars for drugs and therapy from their own pockets.

In addition to dropping the unjust demand for a two-tier pension plan, IOC agreed to increase the company's contributions towards the existing defined-benefit pension plan.

Regarding the temporary workforce, IOC wants the category to become an official section of workers with drastically inferior terms of employment. Temporary workers work side-by-side with permanent workers and engage in similar work but without the terms of employment of permanent workers. To make this category official would create a two-tier workforce. Workers considered this an assault on their dignity, unity and rights especially affecting Labrador's young workers in their remote community. Once the company withdrew its demand to enshrine this category in the collective agreement, it insisted on drastic changes to how new hires are treated during their first two years at the plant in terms of layoff and recall notices, probation, vacation time, etc. Workers report they were able to fend off some of these demands such as a 90 day probation for new hires as opposed to the current 45 days, settling on 60 days.

Throughout the strike and negotiations the determination of the workers to defend the dignity of all workers and their community was front and centre. Likewise, the support of the community at large for the IOC workers, including mining workers in Quebec's North Shore, was important throughout the struggle.

Sept-Îles IOC Workers



Demonstration by Iron Ore Canada workers in Sept-Îles, April 20, 2018.

Three hundred IOC workers in Sept-Îles voted 80 per cent in favour of the proposed contract on May 29, with a turnout of 81 per cent. The Sept-Îles workers had been in a legal strike position since April 10 but were prevented from walking out because IOC owners refused to reach an agreement with the union on the provision of essential services. Labour law requires railway workers negotiate an essential services agreement with IOC because, officially, the rail line workers use to move ore from Labrador to Sept-Îles is also used for passenger trains.

Those in control of IOC blocked an essential services agreement using the irrational demand that their commercial contract with the Minerai de fer Québec to transport iron ore from the Bloom Lake mine should be considered an essential service. Meanwhile, using the strike in Labrador as a pretext, IOC locked out 117 Sept-Îles workers even though there was no essential services agreement. These workers returned to work on May 30.



CP Rail Workers to Vote on Tentative Collective Agreements



CP Rail workers on picket line in Revelstoke, BC, May 30, 2018.

The Teamsters Canada Rail Conference (TCRC) announced a tentative agreement with Canadian Pacific (CP) was reached on May 30. The collective agreement, renewing the terms of employment for over 3,000 conductors and locomotive engineers, brought to an end their strike that began the day before. The TCRC also announced that the parties reached a tentative agreement for the Kootenay Valley Railway (KVR), an internal short line owned and operated by CP in the Kootenay region of southeastern BC.

The main agreement is for four years while the KVR agreement has a five-year term. Full operations at CP and KVR resumed on May 31. TCRC writes that issues of concern for the workers have been addressed. CP workers have been fighting for years to address workers' fatigue largely caused by irrational and unsafe schedules and the requirement that workers essentially be on call 24/7. Workers have also strongly opposed the company's tactics of punitive discipline and adversarial relations resulting in continuous unresolved disputes and grievances.

Earlier on May 29, the System Council No. 11 of the International Brotherhood of Electrical Workers (IBEW) representing about 360 CP signals and communications employees announced a tentative three-year agreement with CP thereby avoiding a strike. The IBEW leadership of the System Council believes the tentative agreement addresses the demands of the workers.

The workers' ratification process for the collective agreements is now underway.



York University Administrators Refuse to Budge in Mediation with CUPE 3903



Mass picket at front gate of York University.

The bargaining team representing teaching assistants, contract faculty and graduate assistants at York University in Toronto on May 30 made an offer of settlement to the University central administration in an effort to end the 3 month long strike. The union and the employer agreed to mediation on Saturday, June 2. Both parties proposed Memoranda of Settlement.

The mediation session ran 13 hours and went into the early morning hours of June 3 without any movement by the University administrators. The CUPE 3903 bargaining team made several proposals in a concerted effort to reach a settlement. The union had previously offered to move significant items to arbitration, including every item that the employer had identified as barriers to a settlement. The offer made in mediation moved the union's position to its very bare bones, but central administration still refused to settle the strike.



Job security is a reality that all those involved in the post-secondary sector have to tackle as a significant issue. Central administration refuses to discuss any arrangement on this most important problem. The administrators have even doubled down on their refusal to guarantee protection for union members from reprisals for actions during their strike and other activity including political dissent. Instead, they have outlined disciplinary procedures to be taken that the Canadian Civil Liberties Association has already twice warned the University are heavy-handed and aimed at quashing the rights of employees and political dissent, actions unworthy of a public institution of higher learning.

Essentially, the employer rejected mediation and a deal in the name of taking a punitive approach towards the union and its supporters. No further mediation sessions have been announced. CUPE 3903 subsequently announced that the Bargaining Committee approved a unit-specific ratification vote by one of the three bargaining groups to be held Wednesday, June 13, on the last offer made by the University.

(With files from CUPE 3903 <https://3903.cupe.ca/news/>)



York Professors Call on University to Settle Strike



Striking York University academic workers march to Queen's Park, April 9, 2018.

More than 300 professors (full-time or retired), librarians and archivists at York University have issued an open letter calling on the University central administration to settle with CUPE 3903 now and end the strike. The open letter was released prior to the University's refusal to budge during mediation on the weekend of June 2-3.

The letter expresses deep concern over the unilateral and unproductive approach taken by York's central administration and Board of Governors to the CUPE 3903 strike, saying it has had serious detrimental effects on learning, teaching, academic decision-making, and job security for a range of workers at York University.

The letter says the University central administration, the President and provost are refusing to bargain on major issues like job security. Instead of negotiating with CUPE 3903 and arriving at a mutually acceptable agreement, those in control of the University have dedicated their efforts to ending the strike without meaningful negotiations, forcing a ratification vote on CUPE members, attempting to discredit and blame the union for the disruption, and lobbying for back-to-work legislation.

The councils of five faculties, ten departments, and more than fifteen graduate and undergraduate student associations, passed motions of non-confidence in President Rhonda Lenton and York's Board of Governors chaired by Rick Waugh. The Faculty of Graduate Studies and the York Federation of Students also passed motions of non-confidence, which in sum indicates that an overwhelming majority of graduate and undergraduate students have no confidence in the present Administration.

The University's intransigence at mediation on June 2 tramples on the dignity of striking employees and their rights. The entire York University community stands united with CUPE 3903 in its efforts to reach a just settlement. For the text of the Open Letter [click here](#).



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