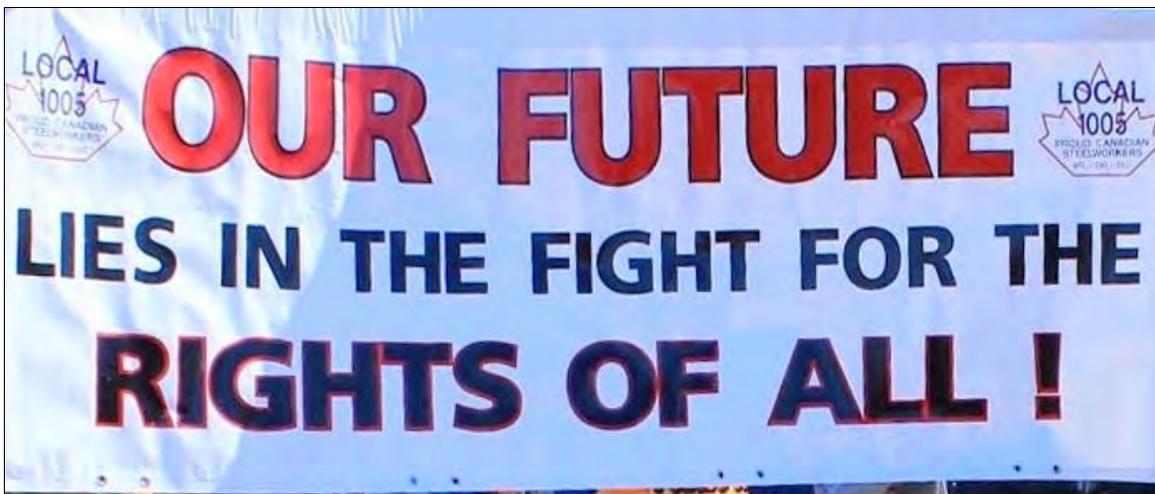


April 27, 2021 - No. 34

April 28 -- National Day of Mourning
**Join Railway Workers in Demanding Safe
Human-Centred Working Conditions**



- Lyndon Isaak, President, Teamsters Canada Rail Conference
- Demand an Inquiry into Rail Policing
- Protect Transportation Safety Board Whistleblowers

Join Railway Workers in Demanding Safe Human-Centred Working Conditions

**Lyndon Isaak, President, Teamsters
Canada Rail Conference**

Our biggest problems are, number one, deregulation of the rail industry, and number two, the mandate of Transport Canada.

Deregulation has been going on since the mid-'80s, the idea being that the railways write the rules, and the railways can have their own police forces investigate accidents or incidents in situations where the actions of the railways themselves may be the cause. The whole system is rigged in their favour.

The problem with Transport Canada is that their mandate has been the protection of the economic viability of the railways, not safety. Their focus on safety is a distant second.

In a day and age when railways are making record profits, the focus is still on economic viability. For example, Transport Canada approved the Duty and Rest Period Rules a few months ago. The process that led to those rules is the following: The railways were ordered by the Minister of Transport to draft a new set of work/rest rules. They were given a list of subjects that they were to address. They made a draft set of rules. We commented on it, and then Transport Canada had the option of altering what had been drafted or scrapping it and going with something else. Transport Canada completely ignored what we submitted. The railways had drafted their wish list of what they wanted and Transport Canada fully adopted the railways' rules.



We had hired a sleep and fatigue expert to help us with our submissions and we actually made multiple submissions on those rules. Basing ourselves on science about fatigue, we are trying to reduce the hours that our members can be forced to work. The companies proposed something that is a bare minimum in terms of the safety of our members. For example, we addressed rest facilities in our submissions but the companies do not want any standard. They do not want any type of reduction in the hours of work. In fact, they are trying to increase the hours our people can be made to work.

One of the subjects the Ministerial Order demanded the railways address was operating hours over the night shift. Night shift is the worst shift. We gave them multiple suggestions on reducing hours or ways to mitigate the problems of working at night. They completely ignored our suggestions and did not address them at all. In the rules that Transport Canada approved this issue was still not addressed. That was one of the most obvious ones. They were not even willing to consider curtailing the hours overnight. And yet, our members regularly transport thousands and thousands of tons of chemicals, sulphur, propane, etc. when they have been awake for 30 to 40 hours straight. A lot of our work is 'on call' so you are up all day, and then things change and they end up needing you at midnight that night. You have not slept at all and you have to work 12 hours.

That whole process is mandated through the *Railway Safety Act*. We have been fighting on workers' sleep and fatigue for decades. It is one of our biggest concerns.

Society is progressing but the workforce is being pushed backward in time.



The *Railway Safety Act* and the process through which rules are adopted has to be changed. The union must have an input, not just consultation, but an actual say, not just opinions that can be ignored, an actual say that must be considered. Right now, the system is rigged.

On Field Hill in BC, three of our members died in 2019. There was a brake issue which caused the freight train to move on its own at high speed and derail. The negligence investigation was done by CP's own corporate police force. We can say that usually people do not assign blame to their employer because it usually costs them their jobs.

We are circulating two petitions to bring these matters to the public and this is also one of our most

pressing concerns.[1]

Safety has to be regulated and the railways cannot be the ones to regulate themselves. Corporate police forces and self-investigation have to come to an end.

Note

1. The two petitions are reproduced below. Please sign and circulate widely.

(Photos: WF, TCRC)

Demand an Inquiry into Rail Policing

Petition to the Government of Canada (e-3235)

Whereas:

- Sections 44 and 44.1 of the *Railway Safety Act* effectively authorize Canada's private railway corporations to own and control police forces that exercise full criminal law enforcement powers;
- These railway corporations' police officers are both public servants and private corporate employees who report and answer to company management in operational matters and criminal investigations;



- Apart from one ad hoc criminal investigation that the RCMP launched in December 2020, private railway police forces have invariably asserted exclusive criminal jurisdiction over railway disasters, including cases where the railway police forces' corporate owners were implicated;
 - In a democratic Canada, criminal investigations of fatalities and serious injuries must be entrusted to independent police forces, not the private corporations that may be responsible;
 - Systematically enabling private corporations to criminally investigate themselves violates the rule of law, police independence, and the integrity of Canada's criminal justice system;
- The Government of Canada has the duty to determine why, for over a century, and despite the primacy of police independence, the RCMP and Canada's public police forces have invariably allowed private railway corporations to criminally investigate themselves through their company police forces; and
 - Private railway companies' self-investigation model has deprived thousands of Canadians of their right to independent and accountable criminal investigations of railway tragedies.

We, the undersigned, **Canadian citizens**, call upon the **Government of Canada** to establish a national inquiry under the *Inquiries Act* to determine the causes and consequences of Canada's private railway self-investigation model on the criminal investigation of thousands of railway fatalities, serious injuries, explosions, and environmental disasters.

To sign the petition, [click here](#).

(Photo: TCRC)

Protect Transportation Safety Board Whistleblowers

Petition to the Government of Canada (e-3240)

Whereas:

- All Canadians must be free to report any wrongdoing they discover in the course of their work without fear of retaliation;

- Confidence in public institutions is enhanced by establishing effective procedures for the disclosure of wrongdoing and the protection of public servants who make such disclosures;



- The *Canadian Transportation Accident Investigation and Safety Board Act* (CTAISBA) prohibits the Transport Safety Board of Canada's (TSB) investigators from finding fault and making criminal referrals to law enforcement, including cases where the TSB investigators find evidence of potential criminal conduct by the transport companies they are investigating;

- The TSB demoted its incident investigator, Mr. Don Crawford, for disclosing potential criminality to the media regarding the fatal derailment of the Canadian Pacific Railway's train 301 near Field, British Columbia, on February 4, 2019;

- To date, TSB has effectively deprived TSB investigators of whistleblower protections and a

safe environment to report potential criminal wrongdoing that the investigators have uncovered during their investigations; and

- Public servants, such as Mr. Crawford, should be lauded, rather than punished, for directing public attention to potential criminal conduct that endangers workers and the public.

We, the undersigned, **Canadian citizens**, call upon the **Government of Canada** to:

1. Add a section 33.1 to the CTAISBA that authorizes TSB investigators to make referrals of potential criminal violations to the RCMP, independent police of jurisdiction, and Canada's attorneys general; and

2. Amend the CTAISBA to expressly include TSB investigators and personnel as "public servants" who are eligible for whistleblower protection under the *Public Servants Disclosure Protection Act*.

To sign the petition, [click here](#).

(Photo: TCRC)