



March 2014

OUR UNION MATTERS

Information Newsletter for members of the Teamsters Canada Rail Conference

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Sisters and Brothers,

For anyone within the TCRC working at CP, 2013 was a particularly difficult year. The American railway method of management at CP has implemented the US style of Labour Relations and has systematically advanced an attack on their employees, mostly our members.

We have now entered 2014 and the attack on the CP workers rights, the Collective Agreements, and the working conditions has continued and in many respects escalated. The Union membership is alarmed, concerned and is expressing significant interest about what is happening, what is being done, and to know a level of facts about the numerous disputes that exist.

This Information Newsletter is being distributed electronically for the first time, hopefully becoming a meaningful method of periodic updates for the TCRC membership. There are many open issues and open disputes at CP such as, Industrial Relations Board complaints, grievances, ongoing Arbitration and Material Changes to the working conditions. This initial Information Newsletter does not cover all subjects; however we will cover more issues and have more up to date information within the next Newsletter.

Even though we are under attack, it is critical to believe we are not victims! We are Teamsters members, we are Unionized Canadian workers who deserve and insist to be treated with respect and dignity and insist that our contracts and our labour rights are respected. We will fight for our rights, and to preserve our working conditions. We will never surrender and fall back into a victimized position.

Stay United

Sincerely and in Solidarity,

Douglas Finnon
Vice President TCRC

Arbitration – The TCRC record at CP

The US style of Labour Relations has resulted in many discharges, serious discipline and violations of the Collective Agreements. Hundreds of grievances are flowing through the system, and many of them end up at arbitration. It can take a long time for the grievance procedure to run its course and there are limitations on how many cases can be arbitrated. The present capacity of our Arbitration system has a limit to how many cases can be scheduled each month, and we largely share that capacity with each of the other Rail Unions and Rail Companies.

Each of the five TCRC General Committees at CP representing Rail Traffic Controllers, Locomotive Engineers, Trainmen and Yardmen, has been working as hard as possible handling the massive increase in grievances, discipline and discharges. Many cases have worked themselves through the system and the Union has been as successful in the majority of cases.

The Division Officers have done a fantastic job representing the membership at the Division level. Local Chairs, Vice Local Chairs, Legislative Reps, and all the other Division Officers are facing adversity and continue to work hard. Their hard work is not taken for granted, and is one of the primary reasons for the TCRC success at arbitration. Cases cannot be won without facts and evidence. It's usually the Division Officers that are called on to provide that information. We all need to continue supporting our Division Officers, as they are a very important aspect of the Union solidarity and the strength of the Union. The ultimate strength lies with the Union membership. Unity and solidarity will eventually prevail over bullying, harassment, and dirty management tricks. But it all takes time and a lot of effort by a lot of people all pulling in the same direction.

In 2013 the 5 - TCRC General Committees at CP went to final and binding arbitration being

successful in 24 of the 29 cases presented before the arbitrator.

Discharges: The TCRC was successful in achieving reinstatement in 19 of the 22 arbitrated discharge cases.

Collective Agreement violations: The TCRC was successful in 5 of the 7 arbitration cases which dealt with Collective Agreement violations.

Continued Violations: In some cases CP continues to violate the very same clause and issue previously won in arbitration by the Union. This forces the Union to take the same case back to the Arbitrator again. We view this as a US style Labour Relations delay tactic and if the actions of the Company cross any legal lines, we will escalate to the proper legal forum.

The TCRC General Committees continue to schedule cases for arbitration, with the discharge cases taking priority. Some Collective Agreement violations must wait for an open spot in the arbitration schedule which may be frustrating to some members; however the arbitration system is not the problem. The problem is an employer who follows a US style of Labour Relations by trying every possible trick to overload the system and frustrate the Union membership.

Employees are leaving CP Rail

Hundreds of Unionized employees from all regions of the country have quit and moved on, so have many non union workers.

Managers are resigning as they witness the disintegration of their working conditions and the transformation of their careers become unbearable. Managers have resigned as soon as they received their annual bonus cheque in February. We have heard reports about confrontations between managers themselves. Surveillance seems to be on the rise. Respect and dignity at work seems to be on the decrease.

Fatigue Management – CanAlert Time Pools

The few locations with successful Fatigue Management countermeasures in place have also been attacked. For example, Calgary Terminal has worked with an internationally recognized CanAlert Time Pool system in place for 17 years. CP has arbitrarily altered the terms for the CanAlert Pool system and recently CP Management has indicated they will arbitrarily eliminate it in early April. This unacceptable destruction of such a good system, with proven benefits to our members and the

company, is already advanced to the grievance system. The changes and eventual abolition of CanAlert demonstrates the backward steps CP is taking to affect our members, as fatigue in the rail industry is one of the most dangerous situations there is and should not be taken lightly. There will be more information forthcoming as this matter proceeds.

“Fatigue is one of the most critical safety issues facing the Railway Industry today.”

And -

“One excellent example of a FMP is demonstrated by the CanAlert project.”

*....Transport Canada..2011
Rail Safety Oversight and
Expertise*

Common Pools

In many terminals CP has arbitrarily changed the unassigned pools and combined the directional pools into one common pool. Spareboards have also been affected. This is an example of another dispute that is already within the grievance system working to resolve the problem. The Division Officers have done a good job gathering evidence and information that will be essential in advancing this matter through the grievance procedure and arbitration. There is lots of work to do yet.

Managers Performing Bargaining Unit Work

The TCRC General Committees filed charges to the Canada Industrial Relations Board (CIRB) for the actions of CP management performing bargaining unit work, our work, in using managers to operate the trains. The TCRC Lawyers filed the charges and advanced the information and evidence to the Board. Mediation efforts ordered by the CIRB in January and February have been completed with no future hearing date set. The actions of CP Management in mediation demonstrated to us they have no interest in settling this dispute. They seem intent on stretching out the mediation process which the CIRB required us to participate in to try and settle the charges.

Road Switcher Arbitration Case 4259

This arbitration case was heard in November 2013 where the US style of Labour Relations was simply defeated by the truth and the clear terms of the Collective Agreement. The Union evidence was overwhelming, and even included a company authored document that proved without any doubt that the Union was correct. The Company practice of calling employees for adhoc Road Switchers was found, by the Arbitrator, to be in complete violation of the Collective Agreement. However, since that successful decision the Company continues to violate the Collective Agreement, so the General

Committee is forced to go back to the same Arbitrator to have the situation resolved and the award enforced. This is indicative of the US style Labour Relations frustration techniques at work.

“The Arbitrator finds and declares that the Union’s interpretation of the collective agreement is correct, and that the practice instituted by the Company at Medicine Hat with respect to creating extra or ad hoc Road Switcher assignments paid at Road Switcher rates is contrary to the Collective Agreement.”Arbitrator Picher CROA 4259

Teamster Solidarity

While the US style of Labour Relations is designed to frustrate, weaken and discredit the Union in the eyes of the Union members. If we all remain united they cannot beat us. It is going to be a hard and difficult fight, and it will likely take time, but we will outlive them if we remain United.

The following is a very brief and general description of what has been witnessed at CP since the US style of Labour Relations has arrived.

1. Destroy long standing work place practices and understandings.
2. Eliminate local agreements that have been in place for decades in some cases.
3. Willfully and repeatedly violate the Collective Agreements.
4. Excessively discipline workers for minor infractions or for nothing at all.
5. Openly criticize or try to humiliate workers and/or their elected Union officers,
6. Overload the grievance system and the arbitration system, then offer to settle on the eve of arbitration.
7. Arbitrarily remove long standing agreements to extend time limits in grievances and appeals.
8. Interfere with elected Union officers ability to book off work to attend to Union Business.
9. Openly disregard final and binding arbitration cases won by the Union members requiring the Union to return repeatedly to arbitration to settle the same case.
10. Trying to divide and separate the East and West General Committees, and the General Committees by craft. All five TCRC - GCA's are united and working together.

The elected Union officers are working very hard, the dramatic increase in formal investigations, grievances, labour board charges, all take time and it is only through our system of elected Division level Union officers that these matters are initially faced. They need the support of the rank and file membership as they are doing a fantastic job under difficult circumstances.

We cannot forget that it is the Management that violates the agreements, it is Management that confronts workers to rush and to cut corners, it is Management that suspends workers for little or no reason, and it is Management that is purposefully doing everything they can to beat down the workers at CP.

Let us all commit to stand together in solidarity as Canadian Unionized workers, as Teamsters. Let us all commit to stand strong and united. It is all of us working together as Union members and Union officers that is necessary to preserve our rights, our respect, our dignity and our working conditions.

It takes every Union member, every Union Officer from the Division level, to the General Committee, and on to the National Officers all pulling in the same direction and all working together to preserve and expand the rights of all Union members.

It is very important to attend your Division meetings, stay informed, be supportive and get involved in your Division if you aren't already. Be part of the solution if you can.

Every Union member is a part of the overall Union strength, and while management can force certain changes or discipline until the grievance is won, **Management can never take away our Dignity, our Unity and our Solidarity!**

“ In Unity there is strength. We can move mountains when we're united and enjoy life — Without unity we are victims. Stay united.” - Bill Bailey, 1994

