

# Medicine Hat Cross-Functional Health & Safety Committee

## May Minutes

May 14, 2020



## Agenda:

**Call to Order**  
**Attendance/Confirm Quorum**  
**Introduce guests**  
**Review of agenda**  
**Review minutes of previous meeting/errors/omissions**  
**Motion to accept previous minutes**  
**Review local stats and identify any possible trends**  
**Review previous month's incidents discussing the cause and recommended corrective actions**  
**Safety Framework Activity Review**  
**SOFA/Planned Peer Observation Review**  
**Workplace/Customer Inspection Review**  
**Safety Hazard Report Review**  
**Old Business**  
**New Business**  
**Miscellaneous/Comments**  
**Confirm minutes and closing comments**  
**Set next meeting Date/Time/Location**

## Meeting Called to Order by: 0915

**Quorum:** Majority of the membership is present, and at least 50% are unionized. Yes (12 members 7 unionized)

**Errors / Omissions Last Month's Minutes: NIL**

**Motion to Accept Minutes as Submitted / Amended: Patrick Nahmiash, Terry Maser**

## Committee Members:

Name:	Email:	Phone Number:	Department:	Committee Position:	# of Meetings:	H&S Trained:	Present at Meeting:
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Jason Inglis	Jason_inglis@cpr.ca	807-620-1127	Mgr, T&E	Alternate	0	Yes	No
Ryan Leblanc	ryan_leblanc@cpr.ca	250-420-1421	Mgr, T&E	Co-Chair	5	Yes	Yes
Jamie Smithson	jamie_smithson@cpr.ca	403-866-1826	Mgr, T&E	Member	1	Yes	No
Patrick Nahmiash	patrick_nahmiash@cpr.ca	403-458-1825	T&E, Engrs	Co-Chair	5	Yes	Yes
Thomas Stehr	thomas_stehr@cpr.ca	403-979-1107	T&E, Cndrs	Alternate	4	Yes	Yes
Colin Sehn	colin_sehn@cpr.ca	403-866-1306	Mgr, T&E	Member	0	Yes	No
Darren Burzminski	darren_burzminski@cpr.ca	403-548-1212	T&E, Engrs	Member	0	Yes	No
Jason E Ross	jasone_ross@cpr.ca	403-581-0752	Mechanical Union	Member	3	Yes	yes
Terry Maser	terry_maser@cpr.ca	403-581-0912	Eng. Track Structure	Member	3	Yes	Yes
Miles Heit	miles_heit@cpr.ca	403-548-4970	Eng. Track Structure	Member	3	Yes	Yes
Colton Moquin	colton_moquin@cpr.ca	306-713-3714	Mgr, Eng. Track Structure	Member	1	Yes	Yes
Serafin Bento	serafin_bento	306-313-4719	Mgr, S&C	Member	5	Yes	Yes
Freeman Hickey	freeman_hickey@cpr.ca	403-594-1455	Mgr, Eng Track / Structure	Member	4	Yes	Yes
Willie Davis	willie_davis@cpr.ca	403-866-9955	Mgr, Eng Track / Structure	Member	2	Yes	No
Ryan Lauzon	ryan_lauzon@cpr.ca	416-885-7066	Mgr, Car	Member	4	Yes	Yes
Jody Barron	jodybarron@hotmail.com		Eng. Track Structure	Member	3	Yes	yes
Kari Elyk	kari_elyk@cpr.ca	306-330-9466	Eng. S&C	Member	1	Yes	No
Derick Edwards	Derick_edwards@cpr.ca	403-878-3345	Mgr, T&E	Member	0	Yes	No
Vicki Martin	vicki_martin@cpr.ca	403-528-5000	Other	Secretary	4	Yes	Yes



Guests: Nil

**Employees & Geographical Region WHSC Represents:**

Department	Craft Employees Represented	Subdivision Miles Represented:	Numbers Represented:	
	WHSC member:	(Include subdivision name and mileage range)	Employees	Buildings
T&E, Engrs	Patrick Nahmiash	Medicine Hat Yard, Brooks and Maple Creek Sub - the number is the total for engs and cndrs	228	2
Mech, Car	Jason E Ross	Medicine Hat	2	1
Eng, Track Structure	Miles Heit, Jody Barron	Medicine Hat, Maple Creek Sub, Brooks Sub	34	6
Eng, S&C	Kari Elyk	Brooks, Maple Creek	14	4

Sub Committee: nil

	T&E		Engineering		Mech.-Car	
	2020	2019	2020	2019	2020	2019
<b>FRA Reportable Injuries</b>	0	4	3	0	0	0
<b>Non FRA Reportable Injuries</b>	0	1	0	0	0	0
<b>FRA Train Accidents</b>	1	2	0	2	0	1
<b>Non FRA Train Accidents</b>	3	2	0	0	0	0
<b>Rule Violations</b>	7	7	0	0	0	0
<b>Motor Vehicle Accidents</b>	0	1	2	3	0	1

Date of Last Local Incidents	T&E	Engineering	Mech.-Car
<b>Number of Days Since:</b>	Date (Days)	Date (Days)	Date (Days)
<b>Personal Injury</b>	Oct-15-19 (210)	May-04-20 (10)	Jan-01-18 (862)
<b>Train Accident</b>	May-08-20(06)	Aug-02-19 (286)	May-08-19 (372)
<b>Rules Violation</b>	April-24-20(21)	Jan-01-18 (862)	Jan-01-18 (862)
<b>Motor Vehicle Accident</b>	Jan-12-19 (488)	Feb-26-20(78)	Aug-07-19 (281)



## Previous Month's Last Incident / Injury Causes:

### Personal Injuries:

Date: FRA Reviewed: Description:

2020/05/04	Yes	Yes	<p>IM#10001228796 – Surfacing crew had cleared in the back track at Gleichen at mile 124.57 on the Brooks sub. The crew had finished fueling their machines. The regulator operator made his way back to the cab and was in the process of closing the door. They reached for the door handle with his left hand and had his right hand near the door hinges for leverage. They closed the door and their right thumb was caught in the pinch point area, this resulted in a crushed thumb. Employee wrapped thumb, and told the foreman who upon seeing the injury took employee to Strathmore hospital. Employee had fractured thumb and received 18 stiches.</p> <p>Action taken; - Foreman on site transported injured employee to hospital.</p> <ul style="list-style-type: none"> <li>- Initial incident report taken by track supervisor Lance Lihaven.</li> <li>- Site inspection and reenactment in process.</li> </ul> <p>Preliminary Cause; Human error.</p>
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### Train Accidents:

Date: FRA Reviewed: Description:

2020-05-08	Yes	Yes	<p>IM#1001232247- at 1135 May 8<sup>th</sup>, while traveling west on the Brooks subdivision train 301-421 made contact with a half ton truck. Upon further investigation the vehicle failed to stop at the crossing protected by cross bucks. There were no injuries suffered by the employees operating the train, however the passenger of the half ton truck was fatally injured and the driver suffered life threatening injuries.</p> <p>Action taken; - T&amp;E, Engineering, CP Police reported on scene.</p> <ul style="list-style-type: none"> <li>- RCMP attended scene.</li> <li>- Locomotive download &amp; lococam secured and reviewed, no exemptions.</li> <li>- Crew initial incident forms completed.</li> <li>- Picture taken.</li> <li>- Crew was offered CIS.</li> </ul> <p>Preliminary cause; M302 highway user inattentiveness.</p>
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### Rules Violations:

Date: Reviewed: Description:

2020-04-24	Yes	<p>IM#100123116 – Maple Creek sub- 2C04-24 was proceeding eastward into maple Creek when they failed to receive proper instructions into the foreman's limits resulting in a rule 42 violation. Drilldown revealed that the crew called the foreman and received instructions to proceed down the main line, however, failed to obtain proper instructions to proceed into the siding. No Engineering crews were on the track at the time of accident.</p> <p>Immediate actions: - Locomotive download being retrieved and reviewed to confirm events.</p> <ul style="list-style-type: none"> <li>- Locomotive camera being downloaded.</li> <li>- Crew interviewed and statements taken,</li> <li>- Crew taken for post incident testing. Formal investigation to be set within 7 days.</li> </ul> <p>Preliminary cause: Human error, crew failed to get permission into foreman's limits of the rule 42.</p>
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**Motor Vehicle Accidents:**

Date:                      Reviewed:                      Description:

		Nil
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**Safety Hazard / Unsafe Condition Reports:**

Description

Status:    Date:                      Department:                      Classification: (include description, action taken by who and when to be completed by):

Closed	2020-04-23	T&E	Class C	SHR # 70000002344 – CP 5001 not fit got lead end handle requires over exertion to apply locomotive brakes Response : 2020/05/05 14:08 As per email from Ryan Leblanc (May 5, 2020) - This is not a safety hazard this is a locomotive defect and should be reported as such to the shops.
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**Safety Framework Activities Completed Last Month:**

Description

Status:                      Date:                      Department:                      (include description, action taken by who and when to be completed by):

			Nil
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**Workplace Inspections:**

Description

Status:    Date:                      Department:                      Classification: (include description, action taken by who and when to be completed by):

Closed	February 11 2020	Mechanical Car	Class A	Antelope back track Numerous ties ,rails, and supply buckets left adjacent to the track and in adjacent access area by contractor crew  Rob McNulty to contact Willie Davis March 11, 2020 Update: April 22 cleaned up, complete.
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closed	March 9 2020	Mechanical car	Class B	<p>Larkhal depot 2 and Access Road</p> <p>East Access Road from highway 1 to Larkhal access road. Road conditions, Numerous Potholes and ruts able to cause slips/trips and damage to lower clearance company vehicles</p> <p>Road ballast and not fine walking ballast at an inspection location</p> <p>Roads will be graded when weather conditions improve and walking ballast will be used when the road ballast settles. John Belli March 11, 2020</p> <p>Jason E Ross confirms grading completed as of May 14, 2020</p>
Open	April 7	T&E	Class B	<p><b>Swift Current Station –</b></p> <ol style="list-style-type: none"> <li>1) Emergency action plan needs to be updated, names and numbers need to be updated to match operational changes.</li> <li>2) In front of FIT and in front of AIR kiosk, floor is peeling in high traffic areas casing tripping hazard. Ryan Leblanc- runners to be added- April 14 Carpet Runner added to location in front of air kiosk- Thomas Stehr May 14, 2020</li> <li>3) Fire extinguishers lack monthly inspection.</li> <li>4) Eye wash bottle - FIT location - has no expiration date and no card for monthly check. Ryan Leblanc new eye wash with expiry date- April 14 New Eye wash bottles to be provided ASAP-Ryan Leblanc May 14 2020</li> <li>5) Carpet runners – all locations – extremely dirty. Compared to other locations. Ryan Leblanc- should have been cleaned April 14, 2020. Thomas Stehr confirms runners are cleaned May14 2020.</li> <li>6) All washroom. Touchless technology should be implemented for sinks, paper towel and soap dispensers to avoid spread of virus. Ryan will engage facilities –April 14, 2020</li> </ol>
Open	April 7	T&E	Nil	<p><b>Dunmore Station –</b></p> <ol style="list-style-type: none"> <li>1) Outside entry ways - sand bins without lids are being used as garbage cans, also water gets into container making sand freeze. Sand bin on order. Terry to update once completed- April 14. Terry Maser to send a follow up email-May 14 2020</li> <li>2) Kitchen and bathroom sink - Touchless technology should be implemented for sinks, paper towel and soap dispensers to avoid spread of virus. On order. Terry to update once completed-April 14. Touchless paper towel holders added, Sinks will be replaced with touchless technology as the old ones wear out- Terry Maser May 14, 2020</li> <li>3) Kitchen/eating area, garbage can requires lid. Ryan Leblanc to Jamie Smithson to get a lid April 14, 2020. Update April 22<sup>nd</sup>, Jamie Smithson to bring lid to station.</li> <li>4) First aid box – requires monthly check label. Labels on order Terry to update once completed-April 14 Completed May 14, 2020</li> </ol>
Closed	April 13	T&E	Class A	<p><b>Irvine –</b> Tie pile very close to the track, creating a possible temporary restricted clearance. Willie- Crew back on shift Wednesday to fill gondolas as they are being unloaded April 14. Update; May 12, as per Willie Davis, ties are</p>

				moved further away from the track.
Closed	May 13	T&E	Nil	Piapot MT312E – Good clean site.
Closed	May 13	T&E	Nil	<b>Gull lake MT305A – Good clean site.</b>

### Customer / Industry Inspections:

Status:	Date:	Department:	Classification:	Description (include description, action taken by who and when to be completed by):
Closed	March 9 2020	T&E	Class A	<p>Antelope SWT</p> <ol style="list-style-type: none"> <li>1) No broom holders at derail location deadline 2020/04/09</li> <li>2) West cross over switch requires adjustment 2020/03/20</li> <li>3) No use of blue flags at either end while working -requires immediate solution</li> </ol> <p>Patrick Nahmiash to correspond with elevator March 11, 2020 to give options for solution.</p> <p>April 6,</p> <ol style="list-style-type: none"> <li>1) Ground still frozen, new completion date of May 25 - <b>Completed April 22.</b></li> <li>2) West crossover switch oiled and adjusted.</li> <li>3) Blue flag implementation, one track will be left available for set off, other tracks being worked will be flagged.</li> </ol>
Closed	March 9 2020	T&E	Class B	<p>Pronghorn Gull lake</p> <ol style="list-style-type: none"> <li>1) Grain spilled under spout Deadline of 2020/03/17</li> <li>2) Garbage on walking path on loop Deadline of 2020/04/09</li> </ol> <p>Patrick Nahmiash sent email to elevator March 10 2020 with deadlines</p> <p>April 6</p> <ol style="list-style-type: none"> <li>1) Grain spill, completed clean up.</li> <li>2) Ground to wet, new date of April 27. <b>Completed April 22.</b></li> </ol>
Closed	May 13, 2020	T&E	Nil	Silver Sage Viterra – Good clean site.
Closed	May 13, 2020	T&E	Nil	Pipeline foods Gull Lake- Good clean site.

**SOFA / Planned Peer Observations:**

Status:	Date:	Department:	Employees Observed	Total Observed	At-risk Observed	Description (include description, action taken by who and when to be completed by):
						nil

**Risk Assessments Completed:**

Status:	Date:	Department:	Description (include description, action taken by who and when to be completed by):
			nil

**Work Refusals / Right to Challenge:**

Status:	Date:	Department:	Description (include description, action taken by who and when to be completed by):
			nil

**Taxi Exception Reports:**

Status:	Date:	Department:	Description (include description, action taken by who and when to be completed by):
			nil





## Old Business Review:

Item Number: Item Origin: Old Business Description: Responsible Person(s): Status: Due Date:

1 19-12-05	H&S Com. Member	Require burn gel in locomotive first aid kits. Assessment should be considered on the types of kettles that are purchased.  Update: Asst Supt to provide update for next H&S meeting  Ryan Leblanc to write up escalation and forward on to GM-February 6 2020  Ryan Leblanc to discuss with Bob Tully on Burn Gel requirements  Red Cross doesn't recommend burn gel to be used Ryan Leblanc March 11 2020  The possibility of kettles to be replaced with fixed handled ones as they require replacing - Greg Squires March 11, 2020  Greg Squires Sent to cab committee-April 14 2020  <b>Cab committee discussing Kettles, follow up – Ryan Leblanc May 14, 2020</b>	Ryan LeBlanc	open	6-Feb-20
2020-02-06 2	T&E	Eaves leaking water in front of door on way to change off location outside Medicine Hat Station creating ice when it freezes  Eaves approved Ryan Leblanc to follow up with Facilities March 11, 2020  April 9 update, not completed.  Pictures and information forwarded to Ryan Leblanc to follow up with Facilities-April 14 2020  <b>Ryan Leblanc to follow up with Scott welling on locations that need addressing- May 14, 2020</b>	H&S Committee Ryan Leblanc	open	2-april-2020
2020-02-06 3	Engineering S&C	No eaves trough on the garages located in Medicine Hat yard.  Eaves approved Ryan Leblanc to follow up with Facilities March 11, 2020  April 9 update, maintenance away building garages completed. Garage by rip track needs completion.  Ryan Leblanc to follow up with Facilities to get Mechanical-car building done April 14, 2020  <b>Ryan Leblanc to follow up with Scott</b>	Serafin Bento Freeman Hickey	Open	2-april-2020

		welling on locations that need addressing- May 14, 2020			
3	T&E 2020-04-14	<u>Brooks Sub time table</u> - needs to be updated, current date is September 25, 2017 <u>Maple Creek time table</u> - needs to be updated, current date is October 14, 2015  Need new locations and information for updated- Ryan Leblanc May 14 2020	Ryan Leblanc	Open	20-07-02
4	T&E 2020-04-14	<u>Disinfecting products</u> – nothing in vending machine, communal bottles may spread virus. Long term solutions needs to be implemented. <u>Social Distancing in Medicine Hat bull pen</u> – waiting for trains creates problems. Possible solution, placing 2 computers in old TM office. <b>Employees have to be more responsible with use of the bottles and diligent in returning of bottles after their tour of duty. Old TM office option to be explored for use of tie up computers. April 14, 2020</b>  <b>Assessment was to be done on computers being moved, to follow up with facilities – Ryan Leblanc May 14, 2020</b>	Ryan Leblanc	Open	20-05-07

**New Business Review:**

Item Number:    Item Origin:    Business Description:    Responsible Person(s):    Status:    Due Date:

1	Committee 2020-05-14	Changes to framework initiated by the management co-chair relevant to article 135 (7)(k) shall inspect each month all or part of the work place, so that every part of the work place is inspected at least once each year. Site inspections for Alyth yard, Shepard yard, Shepard east departure track, Swift Current motel 6, Swift Current Pioneer and run long location for the employees represented by this committee will be required for this calendar year.	Ryan Leblanc	closed	2020-12-31
2	Committee 2020-05-14	Antelope SWT, continual lack of proper of implementation of blue flag. As per SHR70000001524 dated October 31, 2019, site inspection March 9, union Co-Chair witnessed May 2 <sup>nd</sup> & 4 <sup>th</sup> .  Ryan Leblanc to Visit Customer and engage in conversations about Blue Flag Usage- May 14, 2020			

## Escalated Item:

Item Number:	Item Origin:	Escalated Item:	Responsible Person(s):	Status:	Review Date:
1 2016-08-25	H&S Com. Member	<p>Bunkhouse Alyth - 127.1, only item outstanding from Assurance of Voluntary Compliance is item 8 - Emergency evacuation plan.</p> <p>Still awaiting schedule for Orkin and first aid Quarterly report review as per Nov 6<sup>th</sup> and 14<sup>th</sup> emails sent to Scott Welling. Bob followed up with Scott on December 5<sup>th</sup>.</p> <p>Reviewed FERP, updates sent to facilities December 5 2019</p> <p>Ryan Leblanc and Patrick Nahmiash to conference call Scott Welling about the FERP March 11, 2020</p> <p>Halcon employees to be trained as Fire Marshalls- Ryan Leblanc March 11, 2020</p> <p><b>Update May 14, Orkin Reports?</b></p> <p><b>Ryan Leblanc to follow up with Orkin , get added to email report list- May 14 2020</b></p>	Escalate to Policy Committee	On going	6-Feb-20
2 2017-12-12	H&S Com. Member	<p>Railway Safety Management System Regulations, 2015 SOR/2015-26 Process with Respect to Scheduling Principles of fatigue science</p> <p>28 (1) A railway company must apply the principles of fatigue science when scheduling the work of the employees referred to in subsection (2), including the principles (a) that human fatigue is governed by physiology; (b) that human alertness is affected by circadian rhythms; (c) that human performance degrades in relation to hours of wakefulness and accumulated sleep debt; and (d) that humans have baseline minimum physiological sleep needs. Method (2) The railway company must include, in its safety management system, a method for applying the principles of fatigue science when scheduling the work of an employee who is required to work according to a schedule that (a) is not communicated to the employee at least 72 hours in advance; (b) requires the employee to work beyond his or her normal work schedule; or (c) requires he employee to work between midnight and 6:00 a.m. Communication (3) The railway company must communicate, to any employees who</p>	Escalate to Policy Committee	on going	2019-12-20

		<p>are required by the railway company to work according to a schedule referred to in subsection (2), how the principles of fatigue science have been taken into account when requiring them to work according to that schedule. April 11</p> <ul style="list-style-type: none"> <li>□ Superintendent and train masters to work with Directors to improve line ups. New RAC rules to hopefully resolve by following fatigue science requirements.</li> </ul> <p>Update: Minister of Transport Annex A Requirements due November 1, 2019          Update: September 1 Canada labour code requirements changes - 96 hours written notice of work schedule. - 24 hours written notice of shift change. - 8 hours rest periods between work periods or shifts. - 30 minute break within every five hours of work</p> <p>Update December 5-, Line ups are getting worse - Deadheads and TCS continually appear and disappear, ESB's held in with no scheduling. Employees are fatigued due to noncompliance.</p> <p>Escalated to the policy committee -February 6 2020</p> <p>Patrick Nahmiash to contact Policy committee co-chair on Progress-March 11 2020 <b>update; sent policy Committee May 12, 2020</b></p>			
<p>3 2018-05-16</p>	<p>Safety Hazard Rpt.</p>	<p>Swift Current Motel 6 Kyle Leafloor to inspect Motel 6 on week of November 26th. Greg Squires inspected facility on November 28-Kyle to follow up. Jan. 10/19 - Ongoing hot water outages, alternate rest facility in Swift Current needs to be considered Kyle Leafloor to send email to facilities. Forwarded to Facilities Scott Welling March 14. March 18 - analyst sourcing travel services, Jennifer Pupp in discussions with other hotels. Email from Jennifer Pupp-Analyst Sourcing travel services on May 3, no alternate facility due to collective agreement requirement for Kitchen and hotels not willing to block of rooms. Superintendent and H&amp;S to perform inspection in coming weeks. Site inspection scheduled for June 14th. Update: Swift Current Motel 6 June 14th 2019 inspection findings, - Second floor rooms have no black out blinds. - Dirty floors and sheets, require extra staff during busy times to keep up with demands. - Bathroom drywall peeling, floors lifting, caulking needs replacing, possible cause lack of ventilation. - Mattresses wore out/failing. - Leak under sink(in</p>	<p>Escalated to Policy Committee</p>	<p>On going</p>	<p>6-Feb-20</p>

		<p>kitchen), fixed June 18th. Water outage on June 27th. Email sent to facility on July 8th for update regarding outstanding issues. Update: Co-Chairs to arrange meeting with Motel 6 in next couple of weeks. Update: 4th email sent to facility for update on August 6, 2019, information forwarded to assistant superintendent Ryan Leblanc August 8. Update: Escalated to GM by committee at September 12th meeting.</p> <p>December 5<sup>th</sup>, verbal response provided union co-chair requested written response as per policy.</p> <p>Update: Escalate to Policy Committee</p> <p>March 11, John Bell and Patrick Nahmaish inspected room 312 at motel 6, white noise machines discuss cleanliness with Motel 6 management and roller blind black out blinds with j-channel to be installed. <a href="#">Email sent to John Bell May 4<sup>th</sup> for update.</a></p> <p><b>Ryan Leblanc has white noise machines to provide to the hotel By next Tuesday- May 14, 2020</b></p>			
<p>4 2020-01-01</p>	<p>Safety Hazard report SHR 700000001766 New Business Committee members</p>	<p>CP 8000 &amp; 8100 refurbished units, seats have no air ride and are attached to wall rather than floor. This creates hip and back soreness. Units are extremely loud under lode and need to be tested. have Fire screens that are too bright. while working at night the screens cannot be adjusted low enough and the minimum seems as if it is still around 15 percent. this type of blue light and glare is difficult to look at all throughout the night causing eye strain</p> <p>Rob McNulty to follow up on sound levels March 11 2020</p> <p>Cab committee looking into new chair options-Patrick Nahmiash March 11, 2020</p> <p>Robert Milne: I have engaged Tim Muhlon to see what can be done and I will provide feedback. Jan 13, 2020 20:00</p> <p>This issue is to forwarded to the cab committee as per Safety Committee February 6 2020 Ryan Leblanc</p> <p>Software options are being explored to allow more dim on the screens- cab committee March 11, 2020</p> <p>Escalated to Gm level April 14, 2020</p> <p><b>Ryan Leblanc to follow up on response</b></p>	<p>Escalated to GM</p>	<p>On going</p>	<p>2020-05-14</p>

		with John Bell –May 14, 2020			
5 2020-03-22	SHR# <u>700000002189</u> <u>Employee</u> <u>requested</u> <u>127.1</u>	<p><b>Motel 6 in Swift Current due to Coronavirus</b>-required to use communal areas, spread of virus on fomites including mattresses and pillows. Investigation completed by GM March 23<sup>rd</sup>, step 4 sent to labour program March 30. <a href="#">Response May 7<sup>th</sup></a>. Further to a telephone conversation I had with Mr. Patrick Nahmiash [union representative for the complainant (CMPLT)] and in relation to a health and safety complaint we received concerning COVID-19, we both agreed it was important to include you (as the supervisor named on the complaint) on this email. Here is a recap of that conversation from yesterday afternoon.</p> <p>Based on the information provided on the complaint form, there is only one person named in Section D, as part of the Internal Complaint Resolution Process (ICRP) who investigated the complaint. Under 127.1(3) of the <i>Code</i>, “the employee or the supervisor may refer an unresolved complaint to a chairperson of the work place committee or to the health and safety representative to be investigated jointly (a) by an employee member AND an employer member of the work place committee; or (b) by the health and safety representative and a person designated by the employer.”</p> <p>This is an important point, as this demonstrates in this particular complaint, the ICRP has not been followed. Both parties (employer and CMPLT) must be aware that the internal responsibility system must be followed before the Labour Program would get involved.</p> <p>If the complaining employee and their supervisor have attempted to resolve the issue unsuccessfully, the complaint should be referred by either party (CMPLT or employer) to a chairperson of the work</p>	Response from Labour affairs officer	Closed	2020-05-14

		<p>place health and safety committee (WPHSC) or health and safety representative (HSR) for further <u>joint</u> investigation.</p> <p>If the employer has a WPHSC in place(which appear to be the case with this employer), this would involve both an employee and employer member of the WPHSC to jointly investigate. Otherwise, if there is no WPHSC, then an HSC representative (employee) would accompany a person designated by the employer, to jointly investigate the complaint. If this isn't done, the employer could be found to be in non-compliance of 127.1(3)(a) of the <i>Code</i>.</p> <p>The end result in either case would be that the persons who jointly investigated the complaint would inform both the CMPLT and the employer the results of their investigation in writing. Regardless of whether or not the complaint is justified, the persons who jointly investigated the complain would make recommendations to the employer. The employer would then, in writing, inform the persons who jointly investigated the complaint of how and when the matter will be resolved.</p> <p>If the persons jointly investigating the complaint conclude a danger exists, the employer cannot assign another employee to the task.</p> <p>At this point, the CMPLT or the employer may refer the complaint of contravention to the Labour Program, but only if:</p> <ul style="list-style-type: none"> <li>a) the employer disagrees with results of the joint investigation [127.1(8)(a)];</li> <li>b) the employer fails to inform the investigating persons how and when the matter is to be resolved [127.1(8)(b)];</li> </ul>			
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		<p>c) the investigating persons cannot agree whether or not the complaint is justified [127.1(8)(c)].</p> <p>On a separate note here is that the site related to the complaint is not a site under the control of the employer, and therefore many of the complaints can not be addressed by the employer other than by review of any contractual agreements they have with the site in question.</p> <p>Also, as social distancing was mentioned in the complaint, it is important to stress here, each individual (employee) is also socially responsible for ensuring they keep the distances recommended by Health Canada.</p> <p>The kitchen supplied by the site in question is again not a site under the control of the employer, but certainly a place where employees can be socially responsible to ensure they exercise social distancing. As well, there could be other options for food that each employee could avail themselves to, outside of the kitchen, and this option hasn't been considered or mentioned in any of the information that was provided by the CMPLT. Are there other food services available which the CMPLT could avail themselves of?</p> <p>At best, the employer should get in writing from the site in question, the contractual agreement which should outline their cleaning practices. In this way, CP Rail employees, under their right to know, would have more information under these circumstances.</p>			
<p>6 2020-03-22</p>	<p><u>Union Co-Chair</u></p>	<p><u>Alyth Bunkhouse Step 1 127.1 due to Coronavirus, social distancing and cleanliness.</u> required to use communal</p>		<p>Closed</p>	<p>2020-05-14</p>



		<p>areas ex; kitchens, sleeping quarters, washrooms, televisions. March 22 inspection performed by Facilities. Step 4 sent to Labour program on March 29.</p> <p>As per our conversations I have spoken with Ryan LEBLANC and Tom DOHERTY as to your concerns involving the Alyth Bunkhouse. The concerns revolve around social distancing in communal shared areas and what is being done to insure that there are less people in these locations and what cleaning is being done to insure less opportunity for occupants to be exposed to COVID-19. As you have indicated there has currently been no reports of any employees testing positive for COVID-19 from this location.</p> <p>Information has been provided that a cleaning schedule for the bunkhouses has been established as has the issue with occupancy . The actions taken specific to covid-19 which have been developed are based on meetings with local chairpersons health and safety reps local managers as well as senior VP and general chairpersons. This is done during calls twice a week, Mondays and Fridays, so all concerns can be promptly addressed in a timely manner.</p> <p>Based on these conversations the employer has doubled the pillow cases and provided plastic mattress covers that are available when requested, signage has been placed reminding occupants about social distancing, and the employer has attempted to reduce the duration of stay with operational measures when possible. As to issues with social distancing of occupants I have referred to Section 126, Duties of Employees, in our conversations. There are responsibilities on employers to ensure the safety of their employees but there is also duties of employees.</p> <p><b>126 (1) While at work, every employee shall</b></p>			
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		<ul style="list-style-type: none"> <li>o (b) follow prescribed procedures with respect to the health and safety of employees;</li> <li>o (c) take all reasonable and necessary precautions to ensure the health and safety of the employee, the other employees and any person likely to be affected by the employee's acts or omissions;</li> <li>o (d) comply with all instructions from the employer concerning the health and safety of employees;</li> </ul> <p>My only recommendations are to follow the Internal Complaint Resolution Process to possibly discuss how the employer may take further steps, if possible, to reduce the duration of stay even when operational measures are not possible. Such as ensuring there is a max time set for occupancy or ability to allow employees who have been on site for the stipulated time frame to be allowed to return to their home location. Lastly best practices that the Labour Program has seen thus far is the implantation of PPE to reduce exposures and provide some piece of mind to employees who have concerns about COVID 19 exposure. I emphasize that these are recommendations and that the Internal Complaint Resolution Process must be followed to allow the employer to address the concerns.</p> <p>This Internal Complaint Resolution Complaint has been concluded and will be closed as of today.</p>			
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**Miscellaneous / Comments:**

**Patrick Nahmiash to update Framework, remove rule of the week and update the Sofa requirements for T&E- May 14, 2020**

**Meeting Date to be changed to second Thursday of the month.**

**Next Meeting:**

Place :Via Conference call	<b>Date: June 11 2020</b>	Time: 0900

Meeting Adjourned At: 1004	Approved by Management Co-Chair:	Approved by Union Co-Chair:
	Ryan Leblanc	Patrick Nahmiash