

Medicine Hat Cross - Functional Health & Safety Committee

December 8, 2022





Agenda:

- Call to Order
- Review minutes of previous meeting/errors/omissions
- Safety Briefing
- Attendance/Confirm Quorum
- Introduction of Guests
- Motion to accept previous minutes
- Local Stats
- Safety Performance/Incident Review
- Safety Framework Activity Review
- SOFA/Planned Peer Observation Review
- Review E-Testing discussing results
- Workplace/Customer Inspection Review
- Safety Hazard Report Review
- Risk Assessments Review
- Work Refusals
- Taxi Exception Reports
- Old Business
- New Business
- Escalated items
- Confirm minutes and closing comments

Meeting Called to Order by: 9:08 Chris Gingras

Quorum: A quorum of a committee consists of the majority of members, at least half of which are employee members and at least one of which is an employer member.

New Errors / Omissions Last Month's Minutes: Nil

Motion to Accept Minutes as Submitted/Amended: Jason Ross

Committee Members:

Name:	Email:	Phone Number:	Department:	Committee Position:	# of Meetings:	H&S Trained:	Present at Meeting:
Chris Gingras	chris_gingras@cpr.ca	250-272-6319	Mgr, T&E	Co-Chair	6	Yes	Yes
Ashley Reid	ashley_reid@cpr.ca	250-814-3979	Mgr, T&E	Alternate	5	Yes	No
Patrick Nahmiash	patrick_nahmiash@cpr.ca	403-458-1825	T&E Engrs	Co-chair	10	Yes	Yes
Darren Burzminski	darren_burzminski@cpr.ca	403-548-1212	T&E, Engrs	Alternate	3	Yes	Yes
Colin Sehn	colin_sehn@cpr.ca	403-866-1306	Mgr, T&E	Member	8	Yes	Yes
Evan Deadlock	evan_deadlock@cpr.ca	403-548-5587	Mgr, T&E	Member	2	Yes	No
Ryan Marshall	ryantcrc@icloud.com	403-580-6552	T&E, Cndrs	Member	2	Yes	Yes
Liam Smith	liamtcr@icloud.com	403-581-0755	T&E, Cndrs	Member	1	Yes	No
Zack Hartley	tcr322zh@gmail.com	613-601-1655	T&E, Engrs	Alternate	6	Yes	Yes
Jason E Ross	jasone_ross@cpr.ca	403-581-0752	Mechanical Union	Member	9	Yes	Yes
Terry Maser	terry_maser@cpr.ca	403-581-0912	Eng. Track Structure	Member	9	Yes	Yes

Miles Heit	miles_heit@cpr.ca	403-548-4970	Eng. Track Structure	Member	7	Yes	Yes
Geoff Tedrick	geoff_tedrick@cpr.ca	306-313-8244	Mgr, Eng. Track Structure	Member	0	Yes	No
Daniel Villeneuve	daniel_villeneuve@cpr.ca	705-698-4330	Mgr, S&C	Member	7	Yes	No
Clive Gray	clive_gray@cpr.ca	403-304-2141	S&C Tech	Member	6	Yes	Yes
Lucas Harding Brooks Sub	Lucas_harding@cpr.ca	403-863-8219	Mgr, Eng Track / Structure	Member	3	Yes	Yes
Willie Davis Maple Creek Sub	willie_davis@cpr.ca	403-866-9955	Mgr, Eng Track / Structure	Member	6	Yes	Yes
Kory Hill	kory_hill@cpr.ca	403-329-7794	Mechanical Mgr	Member	5	Yes	No
Jody Barron	jody_barron@cpr.ca		Eng. Track Structure	Member	5	Yes	No
Nick Lepard Brooks Sub	nick_lepard@cpr.ca		Eng. Track Structure	Member	1	Yes	No
Vicki Martin	vicki_martin@cpr.ca	403-528-5000	Other	Secretary	9	Yes	Yes

Guests: Jamie Smithson, Adam Smith, Paul Jorundson, Russ Phipps, James Moran, Scott Welling

Employees & Geographical Region WHSC Represents:

Department	WHSC member:	Subdivision Miles Represented: (Include subdivision name and mileage range)	Numbers Represented: Employees	Buildings
T&E, Engrs / Cndrs	Patrick Nahmiash / Liam Smith	Medicine Hat Yard, Brooks and Maple Creek Sub - the number is the total for Engineers and Conductors	240	2
Mech, Car	Jason E Ross	Medicine Hat	2	1
Eng, Track Structure	Miles Heit, Jody Barron	Medicine Hat, Maple Creek Sub, Brooks Sub	26	6
Eng, S&C	Daniel Villeneuve	Brooks, Maple Creek	14	4

	T&E		Engineering		Mech.-Car	
	2022	2021	2022	2021	2022	2021
FRA Reportable Injuries	3	4	2	0	0	0
Non FRA Reportable Injuries	3	1	2	3	0	0
FRA Train Accidents	0	1	1	1	0	0
Non FRA Train Accidents	2	2	3	1	0	0
Rule Violations	4	2	2	1	0	0
Motor Vehicle Accidents	0	0	0	1	0	0

Date of Last Local Incidents	T&E	Engineering	Mech.-Car
Number of Days Since:	Date (Days)	Date (Days)	Date (Days)
Personal Injury	09-Nov-22 (29)	31-Oct-22 (38)	01-Jan-17 (2167)
Train Accident	08-May-22 (214)	23-Sept-22 (76)	05-Jul-22 (156)
Rules Violation	03-Nov-22 (35)	24-Apr-21 (593)	01-Jan-17 (2167)
Motor Vehicle Accident	12-Jan-19 (14026)	29-Mar-21 (619)	07-Aug-19 (1219)



Previous Month's Last Incident / Injury Causes:

Personal Injuries:

Date: FRA Reviewed: Description:

			Nil
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Train Accidents:

Date: FRA Reviewed: Description:

			Nil
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Rules Violations:

Date: Reviewed: Description:

		Nil
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Motor Vehicle Accidents:

Date: Reviewed: Description:

		Nil
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Safety Framework Activities Completed Last Month:

Status:	Date:	Department:	Description (include description, action taken by who and when to be completed by):
Completed	15-Nov-22	T&E	Patrick Nahmiash, Ryan Marshall, Zachary Hartley, Liam Smith participated in committee work: Safety meeting.
Completed	18-Nov-22 19-Nov-22	T&E	Ryan Marshall and Liam Smith participated in committee work critical tasks with new hires. Required qualification standard. Health and Safety Training.
Completed	20-Nov-22	T&E	Patrick Nahmiash participated in committee work: Review of October and November safety minutes.
Completed	21-Nov-22	T&E	Patrick Nahmiash participated in committee work: T & E footboard.
Completed	23-Nov-22	T&E	Patrick Nahmiash and Ryan Marshall participated in committee work: T & E footboard and Site inspection.
Completed	24-Nov-22	T&E	Patrick Nahmiash and Ryan Marshall participated in committee work: Site inspections.
Completed	30-Nov-22 1-Dec-22 2-Dec-22	T&E	Ryan Marshall Participated in committee work, joint investigation for ICRP
Completed	6-Dec-22 7-Dec-22	T&E	Darren Burzminski, Patrick Nahmiash and Ryan Marshall participated in committee work: Site inspections, frame work 2023, and Medicine Hat evac drill.

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
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E-Testing (AB South):

Status	Department	Tests Performed	Failed E-tests	Description
Completed	T&E	90 tests 50 tests	CRT24 2 non-compliances 2.22% fail rate CRT24TC 3 non-compliances 8.00% fail rate	Riding Equipment (CRT24 / CRT24TC) 1. Always maintain at least 3 points of contact using only designated handholds when riding equipment and ensure your body is facing the ladder or stairwell, prepared for slack action. 2. Ride the side ladder of equipment, only if hand holds and stirrup configuration allow for a firm grip and an erect and normal body position. Never lean your upper body back from the side ladder unless it is safe to do so. Ensure there are no switch stands, equipment in adjacent tracks, or other clearance issues.
Completed	T&E	216 test 57 test	CRT14A 6 non-compliance 2.78% fail rate CRT14R 3 non-compliance 5.26% fail rate	Handbrakes (CRT14A / CRT14R) 1. When operating wheel-type hand brakes, always grip the brake wheel with your thumb on the outside of the wheel rim and NEVER OVEREXERT.
Completed	T&E	280 tests	0.00% fail rate	CRT115A Shoving on non-main track and operating on non-main track-Protecting the Point This year alone there have been 12 train accidents where the switch was run thru, or a shoving movement went over a derail or end of track happened on these occasions. There have been a total of 12 train accidents thus far where shoving on Non-Main track incidents makes up 91% of the incidents. It's imperative that employees are protecting their points when making a shoving movement and ensure that it is completed safely.

Workplace Inspections:

Status:	Date:	Department:	Classification:	Description (include description, action taken by who and when to be completed by):
Open	7-Dec-22	Track Willie Davis	Class B	Walsh MT321E Weeds need to be cut along back track. Timeline: 9-Jan-23 Reply: Willie Davis can have someone out there next week to cut the weeds. Info bulletin will be done up to advised and weeds will be completed by Dec 16.
Completed	7-Dec-22	T&E	N/A	Gull Lake MT305A Good clean site. No issues.
Completed	7-Dec-22	T&E	N/A	Pipeline Foods Gull Lake Good clean site. No issues.
Completed	6-Dec-22	T&E	N/A	Redcliff Back tracks BT420A, BO201 Good clean site. No issues.
Completed	24-Nov-22	T&E	N/A	Gleichen backtrack BT443E Good clean site
Completed	24-Nov-22	T&E	N/A	Strangmuir BT445d Good clean site.
Completed	24-Nov-22	T&E	N/A	Cluny BT442E Good clean site.
Completed	23-Nov-22	T&E	N/A	Medicine Hat Station 1. Kitchen Area-Refrigerator freezer not clean. Regularly clean refrigerator. This has been completed-Nov 24

				<p>2. Station Basement Overflow drain hold not covered / tripping hazard – This has been repaired.</p> <p>3. Medicine Hat Station Eaves troughs leaking all around station – This has been addressed, However, a permanent fix needs to be addressed. This keeps recurring and the ONLY real fix is to move the joint from over the door. When this contractor was hired they were told that the previous eaves trough leaked at that location and to make sure they move the joint. They did not. It has been leaking at this location for years and two different eaves troughs. In the summer tome the contractor should cut out 20' in either direction and replace with a 40' piece of trough so that the joint is not at this location.</p> <p>4. Bullpen & Kitchen Area Referencing Hazardous Substances – CCOHS (regarding Battery storage) Facilities to supply approved receptacles for battery disposal/with covers and appropriate signage/MSDS as requested. 2 approved battery disposal with covers and MSDS sheets have been placed in book-in room.</p> <p>2. Storage Room Inoperative lights, garbage all over floor. Light sensor has been repaired on Nov 28; Toner has been removed. User to decide what is or is not garbage and then dispose of as needed. Facilities/Data contractor to deal with legacy equipment. This is in storage, In a storage room ...go figure.</p> <p>Forward to Facilities. Timeline: Dec 7</p>
Open	23-Nov-22	T&E	Class B	<p>Medicine Hat Station</p> <p>1. Men & Woman's change rooms Work Boots not stored in provided lockers-Tripping falling hazard – On going facilities issue. Validation today. Bulletin will be posted today to have boots/supplies to be removed by Jan 15, 2023.</p> <p>2. Women /men's change room shower & east restroom shower No clean towel and soap has been provided Under review with the CP H&S Dept. Scott Welling to check with Bob Tully for an update.</p> <p>Forward to Facilities. Timeline: Dec 7</p>

Customer / Industry Inspections:

Status:	Date:	Department:	Classification:	Description (include description, action taken by who and when to be completed by):
Open	7-Dec-22	T&E	Class C	<p>Viterra Gull Lake (Pronghorn)</p> <p>Multiple locations – Brooms and shovels need to be placed in required locations. Email with pictures sent to Nick March.</p> <p>Update: Willie Davis to bring a few brooms to site.</p>
Open	24-Nov-22	T&E	Class C	<p>Gleichen Long Plain</p> <p>All switches – Brooms ae worn out. Have them replaced.</p> <p>Timeline: Dec 7, 2022 emailed was sent to customer on Nov. 24 to have issues completed.</p> <p>Update: Dec. 7, costumer stated brooms should be arriving this week. Customer is waiting to hear back from Gregg Distributors to give them a call when they are in. Should be this week.</p> <p>Update: Lucas Harding to bring a few brooms to site,</p>

Safety Hazard / Unsafe Condition Reports:

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

Completed	24-Nov-22 Entered 27- Nov-22	T&E	Class A	<p>SHR 70000005215 Alyth and Shepard Yard Most of the time going into Alyth yard or Shepard yard while having a trainee, I have noticed how uneasy the trainee is feeling. Every time we have worked in the yard, we are being rushed and pressured into getting the work done. Which then the trainee gets frustrated and doesn't want to continue doing the work because they think they are going to make a mistake and get into trouble for taking too long. Training takes time, especially at a safety critical position. These trainees are already nervous that they do not need to be pressured while trying to train. The goal is to get these trainees confident and comfortable to be on their own when they qualify, not intimidated and scared! So when I get told to hurry up its leaves me no time to properly train. No job on our railway will ever be so important, that we cannot take the time to do it safely - Keith creel. I think this statement has not been lived up to its meaning because most feel pressured, especially the trainees when they are just trying to learn their new job.</p> <p>Reply: Spoke to employee and trainee involved as well as supervisors - as a go forward we will have supervisors at CIF advice how long they have to work in the yard.</p> <p>Update: GM Tina Sheaves had a one on one with manager in question to ensure all on same page of importance of training, and followed up with all Shepard managers.</p>
Completed	20-Nov-22	S&C	Class A	<p>SHR 70000005196 Shepard While switching on 101-17 on November 20th on the south track. The signal number plate that reads 1685s Barlow south track was not reflective at night like the signal number plate 1685sb coming off Barlow lead which is reflective. It was very hard to identify signal number 1685s had to get within 20 feet as it's not reflective. Barlow lead south track going west bound. Change out signal number plate 1685s to a reflective number plate to make it visible at night.</p> <p>Reply: S&C Manager Patrick Hogan advised that signal plate 1685S does have a reflective background, it is close to the bright LED lights and the LEDs drowned out the number plate making it hard to see. The Maintainer has since moved the number plate further away from the LED lights so it is more visible.</p>

Risk Assessments Completed:

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

			Nil
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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 11-Aug-22	H&S Member	<p>This is step 1 of 127.1. Contravention of Canada Labour code 135; Duties of committee (7) A work place committee, in respect of the work place for which it is established, (a) shall consider and expeditiously dispose of complaints relating to the health and safety of employees; SHR#700000004833, step 3 of 127.1 required to date not completed.</p> <p>Management co-chair not responding to 127.1, email June 19. Management co-chair not responding or providing cleaning products, email July 28.</p> <p>Update September 8: Waiting on cleaning supplies arrival, joint investigation with Chris and Darren to be conducted before next meeting for SHR 4833.</p> <p>Clean safe workplaces outlined in June 2022 minutes, cleaning supplies to be reordered as required. Email to Management co-chair July 28, 2022 outlined the supplies; - The hand sanitizer is expired and appears to have gone bad. Need to order a new tub. - We are down to the last 4 bottles of isopropyl alcohol and last 2 bottles of wipes. Need more supplies. - The bottles that are filled with isopropyl alcohol need to be replenished, only a few are left in bullpen - they leak and brake with regular use. As of today's date almost no supplies remain</p> <p>Reply: cleaning supplies have been ordered and were received on Oct. 12.</p> <p>Reply: Old Business (4&5) from September meeting have been combined. Joint investigation preformed Sept 21, 2022. No report provided by Labour side.</p> <p>Labour report provided on October 19. Chris and Darren to review and advise committee if agreement in place or referred to the head.</p>	Darren Burzminski Chris Gingras	Closed	8-Dec-22

		Reply: Investigators agreed, No further action taken.			
2 11-Aug-22	T&E	<p>Alyth Bunkhouse. CCOHS - Meetings of Emergency Wardens and Drills 17.10 (1) At least once every year and after any change is made in the emergency evacuation plan or the emergency procedures referred to in paragraph 17.5(1)(c) for a building. (c) a full description of the evacuation procedures to be followed in evacuating the building, with the time required to complete the evacuation, including</p> <p>(i) activating the fire alarm,</p> <p>(ii) notifying the fire department, and</p> <p>(iii) evacuating employees who require special assistance; and</p> <p>Update: review of action plan to be conducted at October 13 meeting much evacuation drill to be completed on November 10.</p> <p>Update: Forward to Scott Welling for him to update action plan. Once completed, a bulletin will need to be issued.</p> <p>To plan educational briefings of the FERP to all Operations employees including a Bulletin and pre job briefings. Annual Fire alarm testing has been completed for 2022 and Patrick confirms signage in Alyth Bunkhouse is present and sufficient. Briefings to be completed as per the framework.</p> <p>Ryan Marshall/Patrick Nahmiash assigned to participate as required.</p> <p>Reply: Alyth FERP has been completed, bulletin issued, copies were placed in book-in room and on the safety board.</p>	Chris Gingras assigned from Med Hat Committee	Closed	10-Nov-22 Completion: 7-Dec-22
3 11-Aug-22	T&E	<p>Medicine Hat station. CCOHS - Meetings of Emergency Wardens and Drills 17.10 (1) At least once every year and after any change is made in the emergency evacuation plan or the emergency procedures referred to in paragraph 17.5(1)(c) for a building. (c) a full description of the evacuation procedures to be followed in evacuating the building, with the time required to complete the evacuation, including</p> <p>(i) activating the fire alarm,</p> <p>(ii) notifying the fire department, and</p> <p>(iii) evacuating employees who require special assistance; and</p> <p>Update: review of action plan to be conducted at October 13</p>	Chris Gingras assigned from Med Hat Committee	Closed	10-Nov-22 Completion: 7-Dec-22

		<p>meeting much evacuation drill to be completed on November 10.</p> <p>Update: Evacuation drill down to be completed on November 10.</p> <p>To plan educational briefings of the FERP to all Operations employees including a Bulletin and pre job briefings. Annual Fire alarm testing has been completed for 2022 and Patrick confirms signage in Alyth Bunkhouse is present and sufficient. Briefings to be completed as per the framework.</p> <p>Ryan Marshall/ Patrick Nahmiash to participate as required. Assigned including Mock drill.</p> <p>Colin Sehn and Ryan Marshall completed a successful re-enactment on December 5.</p>			
4	T&E	<p>As per email sent to committee including Management Co-chair on October 31. This is step 1 of 127.1 (ICRP), the October meeting minutes contravene part 2 of the Canada Labour Code and the CCOHS regulations. Email of 127.1</p> <p>Meeting set up between Co-chairs for Sunday November 20, 2022 to re-establish the October minutes.</p> <p>Item closed on November 20th: Approved October minutes reissued and they meet CCOHS and Canada Labour Code requirements.</p>	Chris Gingras	Closed	8-Dec-22
5	T&E	<p>Time requested to complete was on October 21st. This is step 1 of a 127.1. Contravention of Canada Labour code specific duties of employer 125 (1) (q) provide, in the prescribed manner, each employee with the information, instruction, training and supervision necessary to ensure their health and safety at work and Labour code 135(10); Time required for duties (8) A health and safety representative is entitled to take the time required, during their regular working hours, (a) to perform any of the representative's functions; identified in the safety plan, rules footboard to support 100% rules compliance and to brief 100% of active employees to be coordinated with summary bulletin.</p> <p>No response provided during the submission of item however Ryan Marshall and Patrick Nahmiash allotted November 23/24 respectively to participate in safety briefings and inspections</p> <p>Time to be provided December 13-15 to complete.</p>	Chris Gingras	Open	8-Dec-22 Jan-12-23
6	T&E	<p>Step 1 of 127.1 for contravention of ICRP required steps. Separate ICRP were combined for the joint investigation. Old</p>	Chris Gingras	Closed	8-Dec-22

		<p>Business October minutes number 1 and 2. All items enacted on using the ICRP have not been addressed.</p> <p>The 127.1 process investigation that was discussed in Octobers minutes was re-presented to the Committee once again with validation email from Darren Burzminski to confirm agreement between the Labour and the Company investigating officers on the Joint investigation</p> <p>All safety items will be investigated on their own merit going forward for most productive resolve.</p>			
7	T&E	<p>This is step 1 of 127.1 (ICRP), on October 18th committee members were advised to do committee work without committee time provided, same day labour co-chair requested time and provided part 2 of the CLC time required for duties legislation requirements.</p> <p>All required committee work will be compensated with time and pay. The 2023 Terms of Reference will reflect this update.</p>	Chris Gingras	Closed	8-Dec-22
8	T&E	<p>This is step 1 of 127.1. Contravention of Canada Labour code 135.1; Chairpersons to assign functions (8) the chairpersons of a committee shall jointly designate members of the committee to perform the functions of the committee. The management co-chair/committee secretary advised the committee to provide new business prior to meeting, this item was never discussed during the meeting nor was the labour co-chair contacted.</p> <p>All required committee work will be compensated with time and pay. The 2023 Terms of Reference will reflect this update.</p>	Chris Gingras	Closed	
9	T&E	<p>Training for T&E members for Duty and Rest Period Rules section 5 part B, on October 17, 2022 labour co-chair requested T&E committee members participate and provided peer to peer training. And requested timelines for the training. Individuals are being texted, contacted while on vacation, and approached in the station and being signed off as completed, with no training. Confusion continues to be ongoing, the June minutes identify that no Fatigue Management plan has been provided as outlined and required in the Duty and Rest Period Rules. Contacting individuals that are away and off work is a contravention of the Psychological Health and Safety Standard of Canada.</p> <p>TC James Moran did respond that the Fatigue management is to be rolled out by CP Rail by November 25, 2022. The Company is rolling this out presently to all employees.</p>	Chris Gingras	Open	8-Dec-22

		<p>Email sent to Paul Jorundson, Brian Gornik on December 5;</p> <p>Individuals logging on to CP employee station to complete the required training are already shown as completed without having completed the training.</p> <p>Confusion still persists due to contravention of;</p> <p>Specific duties of employer 125</p> <p>(q) provide, in the prescribed manner, each employee with the information, instruction, training and supervision necessary to ensure their health and safety at work;</p> <p>(z.06) consult the work place committee or the health and safety representative in the implementation of changes that might affect occupational health and safety, including work processes and procedures;</p> <p>Fatigue management plan ongoing issues; when crews get swapped trains status of fatigue disappears, individuals are confused when reporting red why are they still working, individuals are fearful of reprisal when reporting fatigue status even though the Duty and Rest Period rules part D:</p> <p>13 f. (i) measures to ensure that employees are protected from adverse actions that would discourage reporting, consistent with the railway company's safety management system Process for Reporting Contraventions and Safety Hazards.</p> <p>Update: Pat Nahmiash, Darren Burzminski and Ryan Marshall will give Amy Shields a call today to discuss.</p>			
10	T&E	<p>February 2021 Medicine Hat minutes escalation to policy committee response in part reads, "<i>CP does not ever want a running trades employee to work when they have not had the proper rest and there are provisions that as a last resort can be exercised to ensure this doesn't happen</i>".</p> <p>Update: T&E AVAILABILITY STANDARD CANADA is a contravention of the Psychological Health and Safety Standard of Canada, contravenes all leave parameters provided in the Code, and may create a contravention of Canada Labour Code 124. Employees are being assessed discipline for using leaves provided by regulation and provisions referenced by the policy committee. This is creating a fear of</p>	Chris Gingras	Open	8-Dec-22

		<p>using provisions to be away from work as required and determined by each individual. Individuals may be at work when they should be off due to fear of reprisal.</p> <p>2.1. FATIGUE MANAGEMENT POLICY STATEMENT</p> <p>CP will enable employees to perform their duties as safely and effectively as possible by mitigating risks associated with fatigue. To this end, CP is committed to develop and maintain a Fatigue Management Program. The objective of the Fatigue Management Program is to prevent, mitigate and manage the risks related to fatigue during CP operations, and to promote health and wellbeing for employees and contractors and for the provision of quality services.</p> <p>4. FATIGUE MANAGEMENT ROLES AND RESPONSIBILITIES</p> <p>Managing fatigue involves a shared responsibility between CP and its employees. Duties and responsibilities of personnel who have a role in managing fatigue are described in this section.</p> <p>Individuals are using the tools as advised by the policy committee and outlined in the Canada Labour Code.</p> <p>Requirements in 4.7, Operating employees use of leaves is a requirement.</p> <p>To be reviewed between GM and co-chairs for escalation to policy committee?</p> <p>Update: A meeting will be done with Adam Smith during the week of December 12 with Pat Nahmiash,</p>			
11	T&E	<p>Clean safe workplaces, cleaning supplies need to be restocked regularly. Again hand sanitizer is expired, no refill bottles are available. Waiting to hear back from Bob Tully on where to order the sanitizer to refill the bottles. As well, there are spray bottles in book-in room.</p> <p>Reply: New sanitizer has been approved and ordered for Medicine Hat. Once it arrives it will be placed in the book-in room.</p> <p>No wipes are available. Isopropyl alcohol bottles leak and broke, new better long term solution is required. MSDS sheets are required for current chemical in bottles. MSDS sheets were placed in the book-in</p>	Chris Gingras Pat Nahmiash	Open	8-Dec-22

		<p>room on Nov 21. As well, email was sent to Health and Safety in Calgary on Nov 21 to see what can be done with wipes and sanitizer.</p> <p>On Board Trains Occupational Health and Safety Regulations</p> <p>Sanitation</p> <p>Interpretation</p> <p>6.1 In this Part, food preparation area includes an area used for the storage of food.</p> <p>General</p> <p>6.2 (1) Every employer shall maintain each on-board accommodation and food preparation area used by employees in a clean and sanitary condition.</p> <p>(2) On-board accommodation and food preparation areas shall be so used by employees that the accommodation or areas remain as clean and in as sanitary a condition as is possible.</p> <p>Chris, Vicki, and Patrick are looking at gaining access to 3gal. Pails of wipes and permanent smaller bottles for isopropyl alcohol bottles.</p>			
12	T&E	<p>CP August 2020 Customer Safety Handbook 6.3.2 Use on Customer Tracks in part states, " if you choose to use blue flag protection on your property" Blue flags should be a requirement for protection of division members required to service the facility.</p> <p>Chris Gingras to investigate if we have the authority to change or request these conditions with customers with the safety groups.</p> <p>Update Dec 6: email sent to Paul Jorundson, Brian Gornik, and Mark Clarstrom fo clarification on blue flag.</p> <p>Reply: Customers still have to have a means of protection in place.</p>	Chris Gingras	Closed	8-Dec-22
13 Date: 6-Dec-22	T&E	SHR 700000005234 Alyth Bunkhouse main doors by front step	Scott Welling	Open	12-Jan-23

<p>Moved from Safety Hazard Report</p>		<p>There is ice building up outside the Alyth Bunkhouse doors by the bottom of the stairs. The downspout is crushed and needs to be replaced. With the constant melting and freezing temperatures of southern Alberta the location of the spout needs to be moved as it directs it to a low spot near the steps. Down spout needs to be fixed and rerouted.</p> <p>Update (Dec 7): Email from facilities "I will get these items looked after and provide confirmation. Cleaners will have someone to ensure all the pathways, entrance/exits are clear of ice and snow today. I will advise once I have a time line for the downspout."</p> <p>Reply: The cleaners have completed clearing the snow from the entrances at the resthouse. Pictures provided below.</p> <p>Update on the downspouts still to come.</p> <p>Update: Scott Welling to give us an update on when the downspouts will be done by the end of the day. Re-sloping the gutters and redirecting away from the walkways.</p>			
<p>14 Date: 26-Nov-22 Moved from Safety Hazard Report</p>	<p>T&E</p>	<p>SHR 70000005213 Shepard Intermodal Facility track U7</p> <p>While working 113-20 at Shepard at approximately 1430 I was riding the tail end car into a track and was updating my engineer of car lengths. While coming to 2 cars to a joint we lost radio contact while working on the Shepard repeater channel. My engineer came to a stop before the joint was made and I contacted the Shepard coordinator to let him know that we couldn't hear each other and asked him to go to channel 1. Something needs to happen to fix the repeater channel at Shepard. Not only does it sound like you're under water, it's delayed and recently there has been multiple times when the radios have failed and you can't hear anything. This has resulted in some incidents and FORTUNATELY nobody has been injured or killed. A possible solution could be a radio channel like hump 2 in Alyth.</p> <p>Reply: S&C/IT engaged to find cause of radio communication failure (intermittent) while working at CIF. S&C found no issues in the comm bunker with loose connections. Radio channel has been in use since 2016 with no issue prior to summer 2022. Radios in Medicine Hat have been reprogrammed and issues are increasing in frequency as reported by the crews. Trevor Smith/Cory Wogrinc have been engaged on the problem. I provided</p>	<p>Chris Gingras</p>	<p>Open</p>	<p>12-Jan-23</p>

		<p>Kyle with the update on progress made and next steps to resolve.</p> <p>Update (Dec. 6: Chris sent email requesting more information, follow up will be provided in miscellaneous comments. Chris Gingras will follow up with Kory.</p>			
		<p>Update: FPC (Medicine Hat) Zachary Hartley to keep track of issues with radios.</p>			

New Business Review:

Item Number: Item Origin: Business Description: Responsible Status: Due Date:

1	Result of joint investigation ruling by ESDC	<p>Process and access for individuals that are based out of Medicine Hat station to access the washer and dryer in the facilities. Formation of subcommittee.</p> <p>Update: To be reviewed in January 2023 after response with locker investigation.</p>	Terry Maser Jason Ross Patrick Nahmiash	Open	12-Jan-23
2	Mech	There is in need of a women's Change room/locker room at the Maintenance of Way Building.	Scott Welling Jason Ross	Open	12-Jan-23

Escalated Item:

Item Number: Item Origin: Escalated Item: Responsible Person(s): Status: Review Date:

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Tabled item:

Item Number: Item Origin: Escalated Item: Responsible Person(s): Status: Review Date:

1	Old Business June 19, 2022	<p>Item closed without committee review. A request for an AED to be placed in the Maintenance of Way Building was sent in. Update: Waiting for approval on AED. Reply: AED does not meet the requirements to have at the Maintenance Way Building. Update September 8: committee concerns with access to AED that is located in station when trains are present, distance required to travel even with no trains is concerning.</p> <p>Update: A sub-committee has formed and outcome/update will be reported at next H&S meeting.</p> <p>Nov 11, 2022-subcommittee put letter together to submit to Scott Welling, Kevin Scholes and Robert Tully to request a site assessment and report of such on reasoning behind declination of AED supply. Terry Maser to email the letter.</p>	Kory Hill Terry Maser Jason E Ross	Open	10-Nov-22 New timeline: 8-Dec-22
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		<p>Update Nov 21 email sent. December 6 – Email sent from Kevin Sholes “it makes sense to me to provide another AED based on what Terry lay’s out below. I ran it through Bob Tully and I have not gotten his response. I will review with him tomorrow as I know your meeting is on Thursday. I will then advise Facilities that Safety supports an additional AED for MH as they pay for them ~\$1800.00. The last piece in all of this is whether we can get a new one from our supplier – Action First Aid - quickly...there has been a real problem getting AED’s in the last 6-8 months.</p> <p>Reply: Email (Dec 7) from Kevin Sholes “The request for a new AED to be implemented in Medicine Hat has been approved. Please reach out to Superintendent, Chris Gingras (chris_gingras@cpr.ca) (250) 272-6319 to initiate the implementation process. Please arrange to ship a new Stryker Wi-Fi enabled AED to this location subject to Mr. Gingras’ instructions.”</p> <p>Update: AED is on its way Once it arrives, Terry Maser will install it,</p>			
2 5-May-22	T&E	<p>Calgary Standard Operating Procedures for Calgary terminal is still a required document to be used in conjunction with summary bulletin, timetable and bulletins. Document with outlined issues was sent to Chris Gingras. This Document in its current state can’t be safely used in conjunction with the other required documents. It is inaccurate and hasn’t been updated since June 2016. Update (June 9): Looking to see if job aid will be updated or removed.</p> <p>Completion date: Alyth has team on this to be completed before end of September 2022.</p> <p>Reply: Calgary submitted on September 20, 2022 to Mark Clarstrom and Sam Burns. Alyth has completed updates and has submitted to Rules Group for approvable and issuances.</p> <p>Update: Nov 15, 2022 update the CSOP for Calgary Terminal was submitted to the Operating Practices team and returned with revisions to be made. As of November 12 the revisions were made and resent to the Operating Practices team once again for final approval. Escalation email sent to GM Adam Smith for assistance to get completed on November 15, 2022.</p>	Chris Gingras Eric Nilsson	Closed	30-Sept-22 New timeline: GM response Nov - 30

		<p>December 6 – Chris Gingras emailed Mark Clarstorm/Samuel Burns for a date of Issuance.</p> <p>Labour co-chair sent email to GM –Dec-22 and escalated to Policy Committee 2-Dec-22.</p> <p>Update: This has been completed and bulletin will be issued today.</p>			
3 11-Aug-22	H&S member	<p>This is step 1 of 127.1. Contravention of Canada Labour code 136; Time required for duties (8) A health and safety representative is entitled to take the time required, during their regular working hours, (a) to perform any of the representative’s functions; Labour co-chair requested time on June 2nd management co-chair advised him to complete committee tasks on his own time</p> <p>Update September 8: Move to Step 3. Chris and Darren to complete joint investigation as required</p> <hr/> <p>This is step 1 of 127.1. Contravention of Canada Labour code 135.1; Chairpersons to assign functions (8) The chairpersons of a committee shall jointly designate members of the committee to perform the functions of the committee. The management co-chair assigned Harassment and Violence in the workplace assessments after not providing time for duties.</p> <p>Update September 8: Move to Step 3. Chris and Darren to complete joint investigation as required.</p> <p>Reply: Old Business (2&3) from September meeting have been combined. Joint investigation preformed Sept 21, 2022. No report provide by Labour side. Referred to the head on October 19</p>	Darren Burzminski Chris Gingras	Closed	30-Jan-23
4 11-Aug-22	H&S member	<p>This is step 1 of 127.1 for contravention of 136 Duties of representative (5) (g) shall participate in all of the inquiries, investigations, studies and inspections pertaining to the health and safety of employees, including any consultations that may be necessary with persons who are professionally or technically qualified to advise the representative on those matters; Personal injury August 26, 2022 - re-enactment without labour committee member. Injured employee requested labour participation, Trainmaster stated shouldn’t need anyone for the re-enactment, show me the particulars of the accident.</p> <p>Reply September 8 Chris Gingras: management drill down is required. Labour participation will happen when the option is available.</p> <p>Step Move to Step 3. Chris and Patrick to complete joint investigation as required.</p> <hr/> <p>This is step 1 of 127.1 for contravention of 136 Duties of representative (5) (g) shall participate in all of the inquiries, investigations, studies and inspections pertaining to the health and safety of employees, including any</p>	Darren Burzminski Chris Gingras	Closed	30-Jan-23

		<p>consultations that may be necessary with persons who are professionally or technically qualified to advise the representative on those matters; Personal injury August 9, 2022 - video re-enactment without labour committee member, labour co-chair not advised of re-enactment when advised of incident.</p> <p>Chris Gingras responses September 8: there was no contravention of duties from the Labor Co chair, in fact the video re-enactment was available for viewing and participation in a discussion of the events occurred with co-chairs with discussion on preventative measures.</p> <p>Move to Step 3 Chris and Patrick to complete joint investigation as required.</p> <p>Reply: Old Business (6) and New Business (5) from September meeting have been combined. Joint investigation performed September 21, 2022. A disagreement to resolve by both parties and submission will be sent to the Head to occur.</p> <p>Referred to the head on 19-Oct-22. Response provided 23-Nov-22, attached.</p>			
5 11-Aug-22	H&S Member	<p>s is step 1 of 127.1 for contravention of 136 Duties of representative (5) (g) shall participate in all of the inquiries, investigations, studies and inspections pertaining to the health and safety of employees, including any consultations that may be necessary with persons who are professionally or technically qualified to advise the representative on those matters; Personal injury August 26, 2022 - re-enactment without labour committee member. Injured employee requested labour participation, Trainmaster stated shouldn't need anyone for the re-enactment, show me the particulars of the accident.</p> <p>Reply September 8 Chris Gingras: management drill down is required. Labour participation will happen when the option is available.</p> <p>Step Move to Step 3. Chris and Patrick to complete joint investigation as required.</p> <p>This is step 1 of 127.1 for contravention of 136 Duties of representative (5) (g) shall participate in all of the inquiries, investigations, studies and inspections pertaining to the health and safety of employees, including any consultations that may be necessary with persons who are professionally or technically qualified to advise the representative on those matters; Personal injury August 9, 2022 - video re-enactment without labour committee member, labour co-chair not advised of re-enactment when advised of incident.</p> <p>Chris Gingras responses September 8: there was no contravention of duties from the Labor Co chair, in fact the video re-enactment was available for viewing and participation in a</p>	Darren Burzminski Chris Gingras	Closed	30-Jan-23

		<p>discussion of the events occurred with co-chairs with discussion on preventative measures. Move to Step 3 Chris and Patrick to complete joint investigation as required.</p> <p>Reply: Old Business (6) and New Business (5) from September meeting have been combined. Joint investigation preformed September 21, 2022. A disagreement to resolve by both parties and submission will be sent to the Head to occur.</p> <p>Referred to the head on 19-Oct-22. Response provided 23-Nov-22, attached.</p>			
6	H&S Member	<p>This is step 3 of 127.1 for contravention Clothing Storage, 2 lockers are required for secure storage and to prevent contamination of clothing.</p> <p>9.43 Clothing storage facilities shall be provided by the employer for the storage of overcoats and outer clothes not worn by employees while they are working.</p> <p>9.44(1) A change room shall be provided by the employer where</p> <ul style="list-style-type: none"> (a) the nature of the work engaged in by an employee makes it necessary for that employee to change from street clothes to work clothes for health or safety reasons; or (b) an employee is regularly engaged in work in which his work clothing becomes wet or contaminated by a hazardous substance. <p>(2) Where wet or contaminated work clothing referred to in paragraph (1)(b) is changed, it shall be stored in such a manner that it does not come in contact with clothing that is not wet or contaminated.</p> <p>Timeline; September 8th Muhamad A Pasha stated update on lockers will be provided, this was first time lockers were brought forward and placed on minutes. October 13 the ICRP was enacted October 14th Chris Gingras provided Collective agreement requirements.</p> <p>October 17 co-chair Patrick Nahmiash provided a few examples: -During locomotive power moves boots get creosol on them from the ties. - Locomotives that are required to perform work with are covered in coal and other unknown chemicals. -While connecting locomotives hoses and jumper cables, clothes get covered in oil and grease.</p>	Ryan Marshall Colin Sehn	Open	To be completed the week of Nov 21. Response required within 30 days

		<p>- Platforms on locomotives regularly have oil, grease, and other mechanical contaminants on the side panels and floor - these get on work clothes. - Locomotives are cleaned when it rains, the inside only when crews clean them and crews are not provided the means to steam clean seats.</p> <p>- October 19th Patrick Nahmiash advised Chris Gingras at no time was the collective agreement referenced and this is CLC and CCOHS requirements.</p> <p>Update: Ryan Marshall and Colin Sehn assigned to complete joint investigation. Dates to be determined and be completed the week of November 21st.</p> <p>Dec 2 update: written report provided employer response to be provided by Jan 1. Forward to Scott Welling.</p>			
7	T&E	<p>Safety Hazard App referenced by Paul Jorundson during October meeting. Closures of many hazards contravene legislation and do not close out hazard.</p> <p>Examples; SHR # 70000005003 Closed same day as submitted with sign has been ordered and will be installed, and closed prior to committee review. East End of Patterson Elevator at Larkhall: East derail sign and switch point derail target are facing westward and should be facing or also facing eastward toward the mainline switch. Adjust or add derail / switch targets to face eastward on east end Reply: Signs have been ordered by ES Braden Mclean and will be installed as soon as arrived. Employee given feedback and thanked for her escalation. Briefings provided to crews to work in this area.</p> <p>SHR 700000004833 Submitted May 1st, use of ICRP outlined in submission, closed by management May 2nd. ICRP was actually closed in safety minutes October 13, response provided with closure on May 2nd has changed but not been updated in the app.</p> <p>Update: Chris Gingras to action with all department heads with reflective learning, review legislative and safety requirements for steps to be followed to close out SHR. The corrective actions are in place, this item to be tabled and monitored for 3 months.</p>	Chris Gingras	Open	8-Dec-22 9-Feb-23
8	T&E	<p>This is step 1 of 127.1. Contravention of Canada Labour code 136; Time required for duties (8) A health and safety representative is entitled to take the time required, during their regular working hours, (a) to perform any of</p>	Patrick Nahmiash	Open	12-Jan-22

		<p>the representative's functions; update of local job aids as identified in safety plan, time requested and not provided. Response: Colin and Evan to review and have job aids updated by October 14, 2022</p> <p>October 14, 2022 all job aids have been updated by Colin Sehn in the system. November 15, 2022 Committee decision to escalate to policy committee as a national issue to get placed on to the IPADs for all divisional job aids. Additionally a tracking list to be created to show the list of job aids and updated format dates for each one listed. Step 3 was enacted during meeting.</p> <p>Patrick Nahmiash to update all job aids January 3-6, 2023 to reflect current information and version.</p>			
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Miscellaneous / Comments:

Co-chairs pre meeting between co-chairs took place on December 6.
November 23 ruling regarding joint investigation for washers and dryers, facility provided on CP property for all to use
Pre meeting between co-chairs set for Jan 4-6, 2023.
Orkin reports for Alyth Bunkhouse, last report provided was May 2022.
Site inspections remaining from framework: Tompkins, Carmicheal, Piapot, Cardell, and Irvine. – Jamie and Darren will complete on Dec 9.

Questions from T&E footboard:

- Fuel pad Moose Jaw – rule 112; Shop staff have control of the train/locomotive (blue flag is on locomotive and locomotive is locked out), does a crew member need to be within arm's length of the locomotive? **Yes. Pat Nahmiash to send an email to James Moran to provide feedback.**
- Strangmuir and Bassano – rule 112; tying down a train at these locations as they are both non signaled sidings, non-main track/siding/high risk locations rules apply? **Same rules applied to the main track/siding/high.**
- Bulletin attached; crews are being advised on the road that electronic version of train documents (example; waybills) is sufficient on the iPad? The interpretation of the bulletin states otherwise, clarification please? **Paperwork is required because they are in the testing phase to ensure accuracy and do not have electronic documentation waiver. Chris Gingras is going to send an email to the RTC Supervisor.**

SYSTEM BULLETIN

To: All T&E Employees	All Regions	Date: June 10, 2022
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SUBJECT: iPad AIR 2.0 Upgrade – Compressed Waybills and Consist Report

The AIR 2.0 application on T&E iPads will soon be upgraded to include Compressed Waybills and Consist Report under the Documents tab on the left hand side of the screen. A brief summary of these features can be found below. The AIR 2.0 User Guide within the Books application will also be updated to include this functionality.

Although electronic versions of train documents will be available within the application, they are not to be considered as official documents and must not be used in place of paper documents at this time.

Next Meeting:

Place	Date	Time
Medicine Hat Board room, 2 nd floor, 402 North Railway Street SE Medicine Hat AB	12-Jan-23	9:00 am
Meeting Adjourned At: 12:16	Approved by Management Co-Chair: Chris Gingras	Approved by Union Co-Chair: Patrick Nahmiash
End of meeting recap completed? Yes		



November 23, 2022

Case No.: 2022-OHS-SST-0002858
Work Place No.: 318027

Patrick Nahmiash
927 Memorial Drive SE
Medicine Hat, Alberta T0J 2P0

Dear Mr. Nahmiash,

Subject: **Canada Labour Code, Part II – Employer in Compliance – File Closed**

This letter is in reference to your complaint of October 17, 2022.

Having investigated your complaint, in my opinion, the employer has/is complying with the requirements of the Act.

The issue that I saw in this complaint was the definition of “*shall participate*” which is noted in the regulation and code. However, neither the code nor regulations provides a clear definition of those two words and thus may leave it open to interpretation. It was my role to come to and provide how that term is to be applied.

In 2017 this same request was made and a Program Advisor made a determination on how the committee or representative is to apply those words. The decision of the advisor, who took into account recent tribunal decisions, stated; “ ***No, the Code does not require Committee to participate in all aspects of the Employer’s HO investigation, but it gives the Committee the right to participate in all aspects if it chooses to. Decisions regarding the extent of Committee participation should be recorded in the Committee’s TOR.***” On November 22, 2022, I received confirmation from a second advisor that the decision of 2017 was valid without change.

I note in the current TOR, revised December 2021, subsection 10, bullet 12, the obligation of the employer is to contact a unionized committee member immediately. Section 15, the employer’s obligation is to notify a member of the committee and an effort will “*be made to have a committee member present during the initial site investigation.*” I note that this section is very specific as to the type of hazardous occurrence. For minor incidents the TOR under this section is very clear; “*includes a review of the incident during the monthly meeting...*”.

The obligation to investigate hazardous occurrences falls to the employer as stated under 125 (1)(c) of the Canada Labour Code, *Part II* and under Regulation 15.4(1), and that is to appoint a qualified person to investigate and notify the committee of that person. Under 15.8(2)(a) the employers requirement is to provide a copy of the completed investigation to the committee.

In regards to the concern that without union presence to protect employees from harassment during initial steps of the employer's investigation, there is legislation that the employer and employees are to abide by. The employer, under the code is required "to prevent and protect against harassment and violence in the work place,". If such instances do arise then it shall fall to the stand alone regulation to be adhered to. There is as well under the code and regulation a requirement of employees to cooperate with the employers investigation.

The Labour Program of Employment and Social Development Canada can, therefore, take no further action on your behalf.

Yours sincerely,

[Bradley Tetarenko](#)

Bradley Tetarenko
Senior Investigator
Official Delegated by the Head of Compliance and Enforcement
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c.c. Robert Tully, Director, safety
Canadian Pacific Railway Company



November 23, 2022

Case No.: 2022-OHS-SST-0003015
Work Place No.: 318027

Patrick Nahmiash
927 Memorial Drive SE
Medicine Hat, Alberta T0J 2P0

Dear Mr. Nahmaish,

Subject: **Canada Labour Code, Part II – Employer in Compliance – File Closed**

This letter is in reference to your complaint of October 31, 2022.

Having investigated your complaint, in my opinion, the employer has complied with the requirements of the Act.

As part of the investigation into whether the employer has an obligation under Regulation 9.44(4) the definition of “regularly engaged in work” had to be located. In 2010 an Occupational Health and Safety Tribunal Canada case ruled on those exact words (2010 OHSTC 10). The same case provided clarity regarding how clothing may become wet, how often and how it applied to 9.44(1)(b).

As part of the fact finding on this matter I had reached out to Mr. Gingras and Mr. Burzminski requesting information to questions posed. I specifically sought their input as they were the key individuals in the investigation of the matter. The information that you provided along with Mr. Smith’s was relevant on this matter.

As such, I was informed that there currently is both a washer and dryer at the North Railway location, in a building that houses ES and Mechanical Services and is available to all Canadian Pacific Railroad employees to use. With that, it is my view that the employer is in compliance to the requirement outlined under Regulation 9.44(5).

The Labour Program of Employment and Social Development Canada can, therefore, take no further action on your behalf.

Yours sincerely,

[Bradley Tetarenko](#)

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c.c. Bob Tully, Director, Safety
Canadian Pacific Railway Company