

Medicine Hat Cross - Functional Health & Safety Committee

April 13, 2023





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: Chris Gingras 9:09

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: Missed SHR #700000005421 from March minutes, added to April.

Motion to Accept Minutes as Submitted/Amended: Patrick Nahmiash

Committee Members:

Name:	Email:	Phone Number:	Department:	Committee Position:	# of Meetings:	H&S Trained:	Present at Meeting:
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Chris Gingras	chris_gingras@cpr.ca	250-272-6319	Mgr, T&E	Co-Chair	4	Yes	Yes
Ashley Reid	ashley_reid@cpr.ca	250-814-3979	Mgr, T&E	Member	0	Yes	No
Patrick Nahmiash	patrick_nahmiash@cpr.ca	403-458-1825	T&E Engrs	Co-chair	4	Yes	Yes
Darren Burzminski	darren_burzminski@cpr.ca	403-548-1212	T&E, Engrs	Member	1	Yes	No
Colin Sehn	colin_sehn@cpr.ca	403-866-1306	Mgr, T&E	Alternate	3	Yes	Yes
Evan Deadlock	evan_deadlock@cpr.ca	403-548-5587	Mgr, T&E	Alternate	2	Yes	No
Ryan Marshall	ryantrcr@icloud.com	403-580-6552	T&E, Cndrs	Alternate	2	Yes	Yes
Liam Smith	liamtcr@icloud.com	403-581-0755	T&E, Cndrs	Alternate	1	Yes	No
Zack Hartley	tcr322zh@gmail.com	613-601-1655	T&E, Engrs	Alternate	4	Yes	Yes
Jason E Ross	jasone_ross@cpr.ca	403-581-0752	Mechanical Union	Member	3	Yes	Yes
Miles Heit	miles_heit@cpr.ca	403-548-4970	Eng. Track Structure	Member	3	Yes	No



Geoff Tedrick	geoff_tedrick@cpr.ca	306-313-8244	Mgr, Eng. Track Structure	Alternate	0	Yes	No
Daniel Villeneuve	daniel_villeneuve@cpr.ca	705-698-4330	Mgr, S&C	Member	3	Yes	Yes
Clive Gray	clive_gray@cpr.ca	403-304-2141	S&C Tech	Member	3	Yes	No
Lucas Harding Brooks Sub	Lucas_harding@cpr.ca	403-863-8219	Mgr, Eng Track / Structure	Member	2	Yes	No
Willie Davis Maple Creek Sub	willie_davis@cpr.ca	403-866-9955	Mgr, Eng Track / Structure	Member	3	Yes	No
Kory Hill	kory_hill@cpr.ca	403-329-7794	Mechanical Mgr	Member	1	Yes	No
Jody Barron	jody_barron@cpr.ca		Eng. Track Structure	Alternate	0	Yes	No
Nick Lepard Brooks Sub	nick_lepard@cpr.ca		Eng. Track Structure	Member	2	Yes	No
Vicki Martin	vicki_martin@cpr.ca	403-528-5000	Other	Secretary	4	Yes	Yes

Guests: CP Police, Jason Van Mulligan

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 / Darren Burzminski	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, Nick Lepard	Medicine Hat, Maple Creek Sub, Brooks Sub	26	6
Eng, S&C	Daniel Villeneuve	Brooks, Maple Creek	14	4

	T&E		Engineering		Mech.-Car	
	2023	2022	2023	2022	2023	2022
FRA Reportable Injuries	2	4	0	2	0	0
Non FRA Reportable Injuries	0	5	0	2	0	0
FRA Train Accidents	0	0	0	1	0	0
Non FRA Train Accidents	1	2	1	3	0	0
Rule Violations	2	5	0	2	0	0
Motor Vehicle Accidents	0	0	0	0	0	0

Date of Last Local Incidents	T&E	Engineering	Mech.-Car
Number of Days Since:	Date (Days)	Date (Days)	Date (Days)
Personal Injury	8-Mar-23 (36)	31-Oct-22 (164)	01-Jan-17 (2293)
Train Accident	07-Jan-23 (96)	5-Jan-23 (98)	05-Jul-22 (282)
Rules Violation	13-Jan-23 (90)	24-Apr-21 (719)	01-Jan-17 (2293)
Motor Vehicle Accident	12-Jan-19 (1552)	29-Mar-21 (745)	07-Aug-19 (1345)



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	12-Apr-23	T&E	Patrick Nahmiash and Ryan Marshall participated in committee work; T&E spring footboard and pre-meeting.
Completed	11-Apr-23	T&E	Patrick Nahmiash and Ryan Marshall participated in committee work; prepared T&E spring footboard information and started with roll out.
Completed	5-Apr-23	T&E	Patrick Nahmiash and Darren Burzminski participated in committee work; Safety Walkabout and completed inspections and reports for Seward and Silver Sage.
Completed	4-Apr-23	T&E	Patrick Nahmiash and Darren Burzminski participated in Safety Walkabout.
Completed	3-Apr-23	T&E	Patrick Nahmiash and Darren Burzminski participated in committee work; Site inspection of BIM, Brooks south track, JBS foods. And completed site inspection reports.
Completed	30-Mar-23	T&E	Patrick Nahmiash and Ryan Marshall participated in committee work; Site inspection of Methanex, CFI, and Air Liquide. And completed site inspection reports.
Completed	29-Mar-23	T&E	Patrick Nahmiash and Ryan Marshall participated in committee work; Site inspection Alyth Bunkhouse and completed Harassment survey from policy Committee. Took part in call with GM for FMP escalation.
Completed	9-Mar-23	T&E	Patrick Nahmiash and Ryan Marshall participated in committee work; safety meeting and assigned tasks from the meeting.

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):

Completed	5-Apr-23	T&E	3	300	0	Medicine Hat Very safe crew. Everything looked really good.
Completed	5-Apr-23	T&E	5	134	0	Medicine Hat



E-Testing (AB South):

Status	Department	Tests Performed	Failed E-tests	Description
Completed	T&E	CRT26.3 225 test CRTPOINT 166 test	CRT26.3 4 non-compliance – 1.78% fail rate CRTPOINT 3 non-compliance – 1.81% fail rate	Switches and Point and Observe (CRT26.3 and CRTPOINT) -Employees check the switch points prior to and after operating a switch -Employee must replace the keeper or lock after operating a switch -Employees must use both hands to line a switch -Employees must not kick or use excessive force to operate a switch handle -Employees must communicate to the engineer that the points have been checked, the switch is locked and lined for the intended route
Completed	T&E	CR121 99 test CR123.2 163 test	CR121 12 non-compliances – 12.12% fail rate CR123.2 5 non-compliances - 3.07% fail rate	RADIO POSITIVE IDENTIFICATION AND RDIO COMMUNICATION-DISTANCE, DIRECTION, REPEAT (CR121 AND CR123.2) -Ensure that positive identification is established between employees. Where employees fail to properly address the position, employee or movement, properly identify themselves, fail to end initial radio communication with work “OVER” or fails to end the final transmission with the word “OUT” -Ensure that crews are using the radio to control a switching movement uses proper identification, direction in relation to the front of the controlling locomotive and a distance to travel. -When employees fail to use proper initial radio identification, specify direction and distance to travel, repeat instructions of 2 cars or greater or stop at once if no further communication is received when the movement has travelled one-half the distance required by the last instruction -Radios and communication is our first lifeline to safe working behaviors.
Completed	T&E	CRT14R 34 test	CRT14R 5 non-compliances – 14.71% fail rate	RELEASING HAND BRAKES (CRT14R) -There have been far too many instances in 2023 where trains are stopped for inspection and there is applied handbrakes found on cars recently lifted by crews in AB South. -Handbrakes have the ability to provide far more brake shoe force than the air brakes: therefore to avoid damage to the wheels, hand brakes must be FULLY RELEASED before moving equipment. Ensure that all appropriate safety rules are complied with and reinforced when employees are releasing hand brakes. -Employees must fully release all hand brakes prior to moving equipment, ensure that employees are releasing hand brakes fully by validating that the bell crank has dropped and that the vertical rod and chain are slack. -Employees must check back 2 cars beyond the last handbrake found and communicate to other employees working with them.

Completed	T&E	CRT11M 71 test CRT11S 25 test	CRT11M 8 non-compliances – 11.27% fail rate CRT11S 1 non-compliances – 4.00% fail rate	ENTRAINING AND DETRAINING EQUIPMENT (CRT11M / CRT11S) -We have had 2 FRA injuries this year already on getting off equipment. One may have been jumping off a car account it derailed account snow and ice buildup however there are 2 employees that are not going Homesafe the same they arrived and that will not be tolerated. -Ensure that employee uses 3 points of contact at all times with a firm grip on safety appliances (steps, ladders, railings, or handrails) when entraining or detrainning stationary equipment -Ensure employee does not entrain/detrain stationary equipment when movement is not clear of switch stands, bridge approaches, retaining walls, restricted/close clearances, debris and other fixed objects -Ensure employee faces the locomotive and uses both hands when entraining or detrainning from a locomotive stairwell -Do not jump from any piece of equipment or structure to ground level or onto another adjacent equipment or structure except in an Emergency situation -Employee does not communicate intent to entrain/detrain moving equipment to the locomotive engineer -Locomotive engineer doesn't ensure the movement is reduced to a walking speed (4MPH or less) or acknowledge the employees intent to entrain/detrain moving equipment -Employee entrains/detrains moving equipment without the full use of both hands or maintain 3 points of contact -Employee uses the wrong foot while entraining/detraining moving equipment -Employee doesn't communicate to the locomotive engineer once they have safely entrained/detrained moving equipment
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Workplace Inspections:

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

Completed	5-Apr-23	T&E	N/A	Seward Back track (mt302a) Good clean site.
Completed	3-Apr-23	T&E	N/A	Brooks BT7432 Good clean site.
Open	29-Mar-23	T&E	Class A	Alyth Bunkhouse

			Class B	<ol style="list-style-type: none"> 1. Fire Extinguish Expired and no monthly check authentication. New extinguisher. Create and follow required monthly check process. Person responsible: Facilities/B&B Timeline: April 13, 2023 2. Doorway to barbeque area. Overhead thawing hazard. Correct eaves trough drainage issues. Person responsible: Facilities/B&B <hr/> <ol style="list-style-type: none"> 1. Emergency lighting. No up to date monthly stickers. Are monthly checks being completed, no record. Person responsible: Facilities/B&B 2. Emergency lighting. Non-operational emergency lighting-beside vending machine. Need new lighting. 3. Emergency evacuation plan. Alarm expired in plan. Update yearly. Person responsible: Facilities/B&B 4. North Hallway. Noise disturbance. Install 3 carpet runners. Person responsible: Facilities 5. Adjacent building, Gym-emergency light. Install sticker and record monthly check. Person responsible: Facilities 6. Adjacent building, M/W Training room 1. New light and monthly sticker to record required inspection. Facilities/B&B 7. Adjacent building, hallway light. New light and monthly sticker to record required inspection. Person responsible: Facilities/B&B 8. Adjacent building, women's washroom. Install sanitary disposal. Person responsible: Facilities 9. Adjacent building, monthly check. Perform and record monthly checks of fire extinguishers and emergency lighting. Person responsible: Facilities/B&B 10. Adjacent building, south side door. Entry door south side of building (gym entrance) approx. 2" gap for vermin's to enter. Person responsible: Facilities/B&B <p>Timeline for all items to be completed: 13-Apr-23 Pictures of issues have been emailed to Scott Welling/Chris Gingras.</p>
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Customer / Industry Inspections:

Status:	Date:	Department:	Classification:	Description (include description, action taken by who and when to be completed by):
Completed	5-Apr-23	T&E	N/A	Swift Current Viterra Good clean site.
Completed	3-Apr-23	T&E	N/A	JBS Foods Brooks Good clean site.
Completed	3-Apr-23	T&E	N/A	BIM Brooks Good clean site.
Completed	30-Mar-23	T&E	N/A	Methanex No issues. Good clean site.
Completed	30-Mar-23	T&E	N/A	CFI Good clean site. Reviewed the site orientation before entering.
Completed	30-Mar-23	T&E	N/A	Air Liquide Good clean site. Reviewed the site orientation before entering.

Safety Hazard / Unsafe Condition Reports:

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

Status	Date	Department	Classification	Description
Closed	4-Apr-23	ES	Class B	SHR 700000005509 East shop switch Medicine Hat East shop switch needs to be adjusted This was brought forward during SWA. Adjust and oil switch as required. Reply: Switch has been adjusted, oiled and thrown in both directions, the switch operates in both directions with no issues.
Closed	4-Apr-23	ES	Class B	SHR 700000005508 East end bridge in Medicine Hat yard Restricted clearance sign east end bridge in Medicine Hat yard. This was discovered during SWA. Straighten sign. Reply: Restricted clearance sign has been fixed by ES and is visible for all crafts working around the east bridge.
Closed	24-Mar-23 entered into app 27-Mar-23	T&E	Class A	SHR 700000005475 Calgary IMS While operating train 149-22 we experienced complete radio failure while using the Shepard repeater channel in the middle of our switching operations. I could no longer communicate with the conductor, and brought the train to a stop. After stopping I contacted the Shepard coordinator, and advised him of the problem (I am unsure of the coordinators name who was working). The repeater channel would not work for anyone trying to use it, even an hour later we tried to transmit brake test info over the channel and it still was not working. This is now the second time that I have personally experienced radio failure while using the repeater channel. The first time was while working train 113-20 on Nov 26, 2022. A safety hazard report was filed for that incident by Conductor Kyle Watters. In my entire career I have never experienced radio failure while using any other channel at CP, and yet it has now happened twice while using the repeater channel. Radio communication is critically important for safe rail operations. The repeater channel has failed multiple times and is proven unreliable. It also intermittently cuts in and out, picks up a lot of interference from the crews who unload the containers and distorts the quality of the audio transmissions to the point where it can be difficult to understand instructions. All of these issues increase the risk of an accident occurring and create an unsafe working condition. Solutions are available which have been presented before, but have yet to be acted upon. For example replacing repeater channel with something similar to the Hump channels in Alyth which have the repeater capability, but without the voice distortion and reliability issues. Remove Shepard repeater channel from service. Have it replaced with another channel with the same capabilities, and system that the Hump channels in Alyth use. Reply: Radio technicians inspect the repeaters and discovered the AC feed had broken underground. Electricians are scheduled to repair tomorrow, or Wednesday at the latest. In the meantime the repeaters are up and running, and are on generator power with extended run tanks. **Copy given to employee on March 27, 2023**
Closed	23-Mar-23	T&E	Class B	SHR 700000005470 Moose Jaw Terminal This is step 1 of 127.1 for contravention of part 2 of the CLC, in part reads, provide, in the prescribed manner, each employee with the information, instruction, training and supervision necessary to ensure their health and safety at work; The double check requirement when lining a switch is not in question, why

				<p>was I not instructed, supervised after the first time I didn't use the correct process. Not until after a question regarding blocking the crossing and using the switch 4 times was I advised that I was incorrectly using the process. I did not understand or was I provided an explanation I understood when I asked over the radio, rather more fails have apparently been added to my record. Yes I do understand the rule that does not apply in Alberta, it has been approximately 3 months since I have worked in Saskatchewan. Again no explanation or supervision was provided rather bullying and harassment was used - "are you refusing duty", "no I will not provide my name" - blocking the crossing and the harassment will be dealt with through the appropriate legislation and regulatory requirements. I advised the ATM Moose Jaw at approximately 1540 that I would enact the ICRP. Please pull the recordings from 1500 -1600 in Moose Jaw. Professionalism, provide instruction and guidance.</p> <p>Reply: validation of the discussions has occurred, and a multiple non-compliance was entered, and its dual is removed from employee's record. employee is to have available while on duty the Saskatchewan Summary Bulletins and supplied as such which he did and understands in full, at no such time was any question raised to local management about training or unfamiliarity for the rules or policies. Discussion with the team on explaining the non-compliance with a stop and education when these violations occur. Employee discussion occurred about the SHR and rules compliance where Employee has worked in the ESR pool in Moose Jaw in 2022 up until current time and is familiar with the Bulletin</p>
Closed	16-Mar-23 Entered into app 17-Mar-23	T&E	Class A	<p>SHR 70000005447 Medicine Hat Bathroom toilet are full on 2224, 2306. The bowl itself is almost completely full. Empty the toilet. It's been reported numerous times.</p> <p>Reply: Sanitec Environmental had been booked to service for Monday March 20, however it now has been advanced to today and will have the locomotives cleaned out March 17, 2023 at 1500 feedback given to the employee.</p>
Closed	28-Feb-23 Entered into app 2-Mar-23	T&E	Class A	<p>SHR 70000005421 Booked yellow on call however after being disciplined for previously booking unfit I felt intimidated and although I wanted to book red on the train I felt that I would receive further discipline if I booked red. We were also forced over our 10 hours on this tour of duty despite booking yellow and giving notice. I was on the phone for approximately an hour during the day of my call to work regarding a lawsuit from 2019 which I was named as a third party defendant for a case involving CP rail. I was also served with 4 envelopes including documents from the litigation this day. I tried to reach out to my union rep Ryan Marshal who tried messaging Chris Gingras super intendand to say I had a lot on my plate and I was hoping to get some personal time who was busy in statements and did not get back to anyone before I was called to work. My local management I felt like I could not contact because of my previous statements where I was disciplined because I booked unfit. I would like to include the statements please inform me where I can email them. Action Recommended: I felt intimidated and unable to book red for fear of farther discipline. I'm honestly scared for my job.</p> <p>Reply: Chris Gingras Mar 03, 2023</p>

				<p>EMPLOYEE AND MANAGERS HAD DISCUSSION ABOUT THE PROCESSES OF THE FATIGUE MANAGEMENT POLICY MOST OF THIS CONCERN IS MATTERS TO BE ADDRESSED THRU THE EMPLOYEES LOCAL CHAIRMAN AND OTHER UNION REPRESENTATIVES DISCUSSED WITH EMPLOYEE THAT THIS WAS NOT A SHR CONCERN AND THAT IT HAS A DIFFERENT VENUE FOR ESCALATION. EMPLOYEE WAS CONTENT WITH THIS DISCUSSION AND WAS INFORMED THAT THE SHR MATTER WOULD BE CLOSED.</p>
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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 9-Mar-23	ES	<p>Move the garbage bins to the west end of the mechanical building. Can it be moved eastward towards the parking lot but not to impede the parking stalls?</p> <p>March 9, 2023 - Email sent to Facilities Facilities will work with Waste Management to have the bin relocated.</p>	Facilities West Lucas Harding	Open	13-Apr-23 11-May-23

New Business Review:

Item Number:	Item Origin:	Business Description:	Responsible	Status:	Due Date:
1	Committee Member	<p>Validity of SHR is determined by the committee, not 1 person, special meetings are available under part 2 of the CLC, if required. From October 2022 to March 2023 committee had tabled item "Closures of many hazards contravene legislation and do not close out hazard." Reference response to SHR 700000005421. This hazard written by employee falls in line with the escalation of the FMP - confusion still persist and is growing.</p>	Co-Chairs	Closed	13-Apr-23

		Reply: All safety hazard will follow the safety hazard reporting process.			
2	From 127.1 joint investigation	Washer and dryer access for T&E employees.	Pat Nahmiash Jason Ross Colin Sehn	Open	11-May-23
3	Committee member	Removal of ash trays and relocating a smoking area at the Medicine Hat yard. Signs and bulletin will be issued.	Vicki Martin Ryan Marshall	Open	30-Apr-23

Escalated Item:

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

1 Nov 15, 2022	T&E	<p>February 2021 Medicine Hat minutes escalation to policy committee response in part reads, “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”.</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 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>Update December 8: 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</p>	Chris Gingras Policy Committee	Escalated	8-Dec-22 9-Feb-23 25-Feb-23 5-Apr-23
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	<p>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> <p>Update January 5: Adam cancelled meeting, rescheduled for Jan 3-6. Restructuring at GM level, meeting did not happen.</p> <p>Contraventions of: Canada Labour Code 122.1 The purpose of this Part is to prevent accidents, occurrences of harassment and violence and physical or psychological injuries and illnesses arising out of, linked with or occurring in the course of employment to which this Part applies. Specific duties of employer</p> <p>125 (v) adopt and implement prescribed safety codes and safety standards;</p> <p>(z) ensure that employees who have supervisory or managerial responsibilities are adequately trained in health and safety and are informed of the responsibilities they have under this Part where they act on behalf of their employer;</p> <p>Corporate Safety Policy</p>			
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	<p>Meet or exceed all applicable safety laws and regulations</p> <p>Provide the leadership, training, tools and resources needed to maintain a safe work environment</p> <p>Maintain and continuously improve our safety culture, processes, technologies and management systems</p> <p>Empower all employees to perform their work safely and to participate in safety processes.</p> <p>Update Jan 12: Chris Gingras to arrange meeting with John Bell and Patrick Nahmiash. Meeting to be scheduled for January 20.</p> <p><u>Recommendation:</u></p> <p>T&E availability standard needs to be revised to meet the leaves identified in the Canada Labour Code and approved by the Policy Committee. No Canada Labour Code contraventions may be present.</p> <p>Current contraventions part 2 of the Canada Labour Code;</p> <ul style="list-style-type: none"> - 122.1 The purpose of this Part is to prevent accidents, occurrences of harassment and violence and physical or psychological injuries and illnesses arising out of, linked with or occurring in the course of employment to which this Part applies. - 125 (1) (v) adopt and implement prescribed safety codes and safety standards; - Psychological health and safety in the workplace, National Standard of Canada. <p>The updates need to include provisions for The Fatigue Management Plan. 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>			
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	<p>The February 2021 response states the expectation for Medicine Hat employee's attendance. Assed discipline from February 2021 to date should be reviewed by co-chairs, GM and labour policy committee co-chair. If determination that the Code was contravened, discipline to be expunged.</p> <p>Update February 6: No response to GM meeting date or Jan 6 email. Escalation to GM as per escalation policy.</p> <p>Update (Feb 9): This will be escalated to the GM. Pat Nahmiash will send to GM John Bell.</p> <p><i>Update March 6: First of all, I apologize for the response being over the 15 day response period. However, I would ask that you review my response and if you would like to discuss later this week or early next week I will make myself available. Either way, if we cannot find a resolution between you and I, this will still proceed as you requested to the Policy Committee.</i></p> <p><i>Reviewing the documentation provided, the concern that you raised is a matter of reporting unfit for duty and the resulting potential for disciplinary action. The TE Availability Standard is being cited as being in contravention to the Canada Labour Code, by not allowing employees to use leaves provided by regulation and provisions referenced by policy committee. The Workplace Health and Safety Committee is not the correct forum to determine if the discipline assessed to the employees in the examples provided was assessed correctly. These cases can be raised through the grievance process. A dispute about whether a policy is unlawful is also a matter that the Union would</i></p>			
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		<p><i>have to advance via the grievance process.</i></p> <p><i>Regarding the Fatigue Management Plan, developed pursuant to the Duty and Rest Period Rules for Operating Employees (2020) (DRPR), the DRPR allows for CP's attendance management policy to be used in conjunction with the Fatigue Management Plan: In Part D of the DRPR, Section 13.1(d) states:</i></p> <p><i>"13.1 Taking into consideration the requirements prescribed in Part B and C of these Rules, the FMP shall include or reference a process to:</i></p> <p><i>d. report by employees that they are not fit for duty prior to a duty period that takes into account attendance management;"</i></p> <p><i>There is also nothing in the DRPR that prohibits any absence from being reviewed.</i></p> <p><i>I do think it is important to discuss your concerns, and any potential opportunities to improve these processes.</i></p> <p><i>I look forward to discussing this, and again, I will set up a meeting if you wish to discuss further.</i></p> <p><i>Thank you,</i></p> <p><i>John Bell</i></p> <p><i>Update (Mar 9): Pat will give John Bell a call to discuss.</i></p>			
2 Nov 15, 2022	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.</p>	Chris Gingras Policy Committee	Escalated	8-Dec-22 27-Jan-23 Feb 27, 2023

	<p>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> <p>Update December 8: 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. (1) 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>			
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	<p>Update Jan 5: list of questions sent on December 8 & 11;</p> <p>11) Do you have to advise all crew members of your fatigue status?</p> <p>2) Can fatigue status change from green to yellow enroute?</p> <p>3) Can fatigue status change from red to yellow?</p> <p>4) What is process to use if the RTC doesn't respond in a timely manner when changing fatigue status?</p> <p>5) When called for duty, how long does an employee have to change status after accepting call?</p> <p>6) Sleeping when called for work, individuals are not provide the time, nor are they alert enough to determine KSS. How is this reported once awake and assessment is completed?</p> <p>7) Different red status while working examples need to be provided. Example: red unfit – unfit to continue, red able to continue.</p> <p>8) Training has been inadequate, when will more training be provided?</p> <p>9) Will the FMP be revised to include tools to stay awake, such as; napping, music, other than company reading material, etc?</p> <p>10) When tying up at facilities without CP terminals with no access to fax (ex: hotels), and when outages in access to CMA. Individuals are unable to tie up as the system will not allow progression until fatigue status is reported? [another example; using smart phone to tie up, but not all individuals have smart phone to log in and update fatigue status]</p> <p>11) When an individual accepts a call with the caveat that they are yellow for fatigue, is the requirement to report to the RTC all fatigue changes while implementing fatigue measures while staying in the yellow?</p>			
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	<p>Update Jan 5: Confusion persists with use of the plan. Members are being assessed discipline for use of the plan; 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>Jan 5: Email sent by Chris Gingras for info to be provided by January 12.</p> <p>Jan 12: Question 4,5,6,8 and 10 were not posted. These will be resubmitted.</p> <p>Update January 12: Conductor envelopes are not equipped with FMP self- assessment forms and the forms are not always available.</p> <p>Fear of reprisal due to company discipline is leading to the opposite of what the plan is intended for.</p> <p>System Bulletin Dated January 9, 2023</p> <p>“Q: What happens if I book unfit for duty (RED) due to fatigue?”</p> <p><i>A: Section 5.6 of the DRPR states:</i></p> <p><i>“Every employee shall be permitted to report in accordance with sections 5.2, 5.4 and 5.5 without fear of reprisal”</i></p> <p><i>However, a formal investigation may take place to establish the facts and if, after a fair and impartial investigation abuse of the provision(s) has been established, the employee may be subject to discipline. “</i></p> <p>Formal investigations for fatigue status reporting contravention:</p> <ul style="list-style-type: none"> - The purpose of the Duty and Rest Period Rules. - The Fatigue Management Plan. 13 f.(I)measures to ensure that employees are protected from adverse actions that would 			
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		<p>discourage reporting, consistent with the railway company's safety management system Process for Reporting Contraventions and Safety Hazards.</p> <ul style="list-style-type: none"> - Canada Labour Code 122.1 The purpose of this Part is to prevent accidents, occurrences of harassment and violence and physical or psychological injuries and illnesses arising out of, linked with or occurring in the course of employment to which this Part applies. - Canada Labour Code 125 (1) (v) adopt and implement prescribed safety codes and safety standards; - Psychological health and safety in the workplace, National Standard of Canada. - Corporate Safety Policy <p style="text-align: center;">Corporate Commitment</p> <ul style="list-style-type: none"> • Provide the leadership, training, tools and resources needed to maintain a safe work environment • Maintain and continuously improve our safety culture, processes, technologies and management systems <p>Manager Accountability</p> <ul style="list-style-type: none"> • Ensure the safety of our workplace and our corporation is our first priority and personal responsibility • Empower all employees to perform their work safely and to participate in safety processes <p>Q: What do I do with my form after my shift? Members are not provided the tools to send emails, fax number is required.</p>			
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	<p><u>Recommendation:</u></p> <p>Train and Engine personal (labour) from the Health and Safety committee to be trained in the FMP. To complete a T&E Footboard with 100% of active employees. Reasoning; peer to peer is non-judgemental with no fear of reprisal, leading to open and honest conversations, resulting in thorough understand of the plan and the requirements.</p> <p>Rescind and remove formal investigations – the intent by Transport Canada as indicated: <i>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.</i> – create a sub-committee; the sub-committee will meet monthly, review, track and provide recommendations on alleviating fatigue relevant to local issues.</p> <p>Create an auto prompt system on CMC, members to call back within 10 minutes of call time to report Fatigue status; correct self-assessment is not possible when asleep and taking a call for work.</p> <p>Create and provide a Conductor/Train Person, Locomotive Engineer log book with self-assessment information along with trip information. Forms are not accessible at all locations or in the conductor's envelope. A log book is the least wasteful process to have self-assessment forms available for each trip.</p> <p>Patrick to send escalation to the GM.</p> <p>Update Feb 6; no response from GM, escalated to policy committee on Jan. 28 as per escalation policy.</p> <p><i>Update March 6: First of all, I apologize for the response being over the 15 day response period. However, I would ask that you review my response and if you would like to discuss later this week</i></p>			
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	<p><i>or early next week I will make myself available. Either way, if we cannot find a resolution between you and I, this will still proceed as you requested to the Policy Committee.</i></p> <p><i>Reviewing the documentation provided, the concern that you raised is a matter of reporting unfit for duty and the resulting potential for disciplinary action. The TE Availability Standard is being cited as being in contravention to the Canada Labour Code, by not allowing employees to use leaves provided by regulation and provisions referenced by policy committee. The Workplace Health and Safety Committee is not the correct forum to determine if the discipline assessed to the employees in the examples provided was assessed correctly. These cases can be raised through the grievance process. A dispute about whether a policy is unlawful is also a matter that the Union would have to advance via the grievance process.</i></p> <p><i>Regarding the Fatigue Management Plan, developed pursuant to the Duty and Rest Period Rules for Operating Employees (2020) (DRPR), the DRPR allows for CP's attendance management policy to be used in conjunction with the Fatigue Management Plan: In Part D of the DRPR, Section 13.1(d) states: <i>"13.1 Taking into consideration the requirements prescribed in Part B and C of these Rules, the FMP shall include or reference a process to:</i> <i>d. report by employees that they are not fit for duty prior to a duty period that takes into account attendance management;"</i> <i>There is also nothing in the DRPR that prohibits any absence from being reviewed.</i></i></p> <p><i>I do think it is important to discuss your concerns, and any potential</i></p>			
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		<p><i>opportunities to improve these processes.</i></p> <p><i>I look forward to discussing this, and again, I will set up a meeting if you wish to discuss further.</i></p> <p><i>Thank you,</i></p> <p><i>John Bell</i></p> <p>Update (Mar 9): Pat will give John Bell a call to discuss.</p> <p>Update: March 29 call between Co-Chairs and GM.</p> <p>April 13: Updated CMA tie up system for reporting fatigue is not functional, will not allow report of fatigue, CMC advising employees to contact union representatives to get guidance. No training has been provided for union representatives or the members. Contravention of part 2 of the CLC, in part states, <i>"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;"</i> - no consultation to date as required.</p>			
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Tabled item:

Item Number:	Item Origin:	Escalated Item:	Responsible Person(s):	Status:	Review Date
1	Old Business November 15, 2022	<p>There is in need of a women's Change room/locker room at the Maintenance of Way Building.</p> <p>Update: Scott Welling looking into options and provide inform by the end of the month.</p> <p>Update (Feb 9): There is approval to build a ladies change room. Just waiting for a timeline to have completed.</p> <p>Update (April 13): Measurements and budget in plan.</p>	Scott Welling Jason Ross	On-going	12-Jan-23 Update: 9-Mar-23 13-Apr-23 8-Jun-23

<p>2 26-Nov-22</p>	<p>Moved from Safety Hazard Report</p>	<p>SHR 70000005213 Shepard Intermodal SHR 70000005475 Calgary IMS 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 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> <p>Update Jan 12 --Clive ordered multiple chargers for Medicine hat and Rest house Alyth to installation</p> <p>Bulletin to issue with radio pointers and information with Zach's contact Email and phone to forward issues for tracking.</p> <p>Update (Feb 9): Once bulletin is issued we will keep this opened until April's meeting unless other issues arise.</p>	<p>Chris Gingras</p>	<p>On-going</p>	<p>12-Jan-23 9-Mar-23 13-Apr-23 8-Jun-23</p>
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		<p>Update (Mar 9): One charger is still on back ordered. Bulletin has been issued. No issues have aroused.</p> <p>Update (Mar 12): CS20 Radio on channel 99 and repeater bleeding into each other from the local contractor of Shepard IMS Facility.</p> <p>Update (Mar 13): CS20 same observations noted by the crews and observed by me.</p> <p>Update (Mar 18): On March 18 while switching Calgary IMS on 119-15 we experience numerous issues with the Shepard repeater channel. The digitalization of communications distorts the voice to such a degree that it can be difficult at times to understand what was said, and this is made worse the faster an individual speaks. There is also a lot of radio interference being broadcast over the repeater channel. Specifically the repeater channel is picking up some of the radio communications between the contractors who unload the cars. All of the interference that I've heard appears to be a one sided communication, you never hear whoever this person is talking to communicate back. I suspect this is from someone who oversees the contractor crews and operates a more powerful radio. The interference that is being picked up by the repeater channel does not follow proper radio communication procedures. While using the repeater channel on March 18th we were the only crew operating on the channel. So when some of this interference is picked up, you at first think someone is trying to communicate with the train. A potential solution I see to this issue would be replacing the repeater channel with something similar to the Hump channels in Alyth which have the repeater capability but without the digitalization and distortion of voices.</p> <p>Update (Apr 9): 149-07 Crew experienced radio failure on Shepard repeater while switching.</p>			
3	Decision from the Head	<p>Locker shelving: process to obtain/install. Update (Mar 10) as per Darashpreet Singh - "Per Terry Maser, it would take him 2-3 weeks to complete depending on how effectively we are able to give access to the guys".</p> <p>Update (Apr 13): Locker shelving process to start on April 24. Bulletin has been issued.</p>	Facilities-Scott Welling	On-going	10-Aug-23
4	Committee member	<p>Lighting Dunmore and Medicine Hat yard. As per facilities August 11, 2022 response will replace lighting with LED bulb's in 2023. Timeline?</p> <p>Update (Feb 9): Scott Welling will provide update by next meeting.</p>	Chris Gingras	On-going	9-Mar-23 13-Apr-23 10-Aug-23

		Update (Mar 9): The plan is to install light along the lead in Med Hat and Dunmore. The IFR has not yet been approved but we are pushing for it. Ben S from Facilities will be reaching out to you for approval.			
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Miscellaneous / Comments:

Require monthly check stickers for first aid box in bull pen. Facilities will be sending some to us by the end of next week.
Completion of spring T&E footboard April 19 & 20, there after remaining employees will be provided to TM for terminal completion.
Critical tasks new hires April 21, 28, May 5.
Mustard Seed (across from the Med Hat yard) is going to be a Sober Living area were homeless can stay up to 14 days. Jason Van Mulligan is going to contact Robyn Peoples to increase patrol through MHPS.

Next Meeting:

Place	Date	Time
Medicine Hat Board room, 2 nd floor, 402 North Railway Street SE Medicine Hat AB	11-May-23	9:00 am
Meeting Adjourned At: 11:13 am	Approved by Management Co-Chair: Chris Gingras	Approved by Union Co-Chair: Patrick Nahmiash
End of meeting recap completed? Yes		