



TEAMSTERS CANADA RAIL CONFERENCE

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February 19, 2024

All TCRC Members,

As you are likely aware the TCRC is in an unprecedented position of having 3 major Collective Agreements expire on December 31st, 2023 (Running Trade members at CPKC and CN, Rail Traffic Controllers at CPKC). All three bargaining committees commenced negotiation talks in the fall and have continued to make every good faith effort to attain agreement(s) that the membership would ratify. Unfortunately, it has become very clear that the carriers do not have that same objective.

On Friday, February 16th both CN and CPKC served Notice of Dispute to the Federal Government regarding all three Collective Agreements. These Notices were served **within minutes of each other**, and not during any active collective bargaining session(s). In fact, the last scheduled sessions took place the week of January 29th, during which the TCRC was faced with resistance from the carriers when attempting to secure future bargaining dates.

What does this mean? From a legal perspective, serving notice of dispute means enacting Section 71 of the Canada Labour Code to notify the Federal Government the parties have failed to reach an agreement. Normally this would indicate the parties are at an impasse and require assistance in the bargaining process. The Minister of Labour then has several options (as contained in Section 72) in which they can respond. What this has usually meant in the past is that the Minister directs a conciliation officer to be appointed through its federal agency (FMCS), to act as an intermediary to reach an agreement between the parties.

The appointment of a conciliation officer must happen within 15 days of the Notice of Dispute. This is then followed by a 60-day conciliation period in which negotiations will continue with the aid of the officer appointed. This 60-day period can be mutually extended by the parties, otherwise it will conclude and be followed by a 21 day "cooling off" period. The earliest a legal strike or lockout could occur is at the expiration of the 81 days, with the Union having secured a strike mandate from the membership and followed by either party serving 72 hours notice.

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What does this mean to the membership? With regards to the legal process each committee will be seeking a strike mandate to properly respond should the conciliation process not yield a collective agreement(s). A strike vote does not mean there absolutely will be a strike but is required under the Code (Section 87.3(1)), before that right is legally acquired.

Regarding the Collective Bargaining process, your respective bargaining committees remain steadfast in achieving terms that will be ratified by you, the affected members. Both carriers have enjoyed unprecedented growth and financial success over the past number of years. Denying employees the right to share that success is simply a non-starter.

To the contrary, both CPKC and CN are focused on stripping existing rights instead of building a relationship and treating the membership with the respect it deserves. A glaring example of the carrier's contempt for both its employees and regulation is the outright refusal to properly implement DRPR (Duty and Rest Period Rules) recommendations, in light of their full involvement and input during the consultation phase. The membership experiences the worsening of work fatigue and unpredictability daily, yet the carriers refuse to accept the guidance of Transport Canada regarding the reset break application. Why?

One can surmise endlessly, but what is becoming abundantly clear is that CPKC and CN have actively colluded on several fronts designed to undermine the membership's rights and the TCRC's ability to represent. Both carriers have refused to implement Transport Canada's recommendations regarding DRPR. Both carriers are seeking astonishingly similar concessions at the bargaining table. And now both carriers have served Notice of Dispute on the same day, for numerous Collective Agreements, within minutes of each other. There is certainly a pattern forming.

What is their strategy? The TCRC has been and remains willing to continue the bargaining process in good faith, yet the carriers seem intent on rushing towards a work stoppage. A stoppage on a scale that Canada has likely never experienced. **That has not been and never will be the TCRC's strategy.** However, CN and CPKC appear to be willing to play with the Canadian economy and force the government to intervene as a result. The TCRC believes CPKC and CN need to be called out on their outrageous behaviour and actions.

That is not to say the TCRC will not exercise its charter rights and take action to protect the membership's interests if necessary. This letter comes to you from all 3 affected bargaining committees as we remain stronger together - as does the membership. Each committee will continue to focus on their own processes and will update affected members accordingly, but it was felt a united message and update was required regarding these egregious recent events.

In the coming days arrangements will begin regarding a strike vote(s). Information will continue to be available on existing websites and social media as before, but we encourage the membership to sign up for the TCRC App. We will be ramping up its usage during this process and notifications will be pushed as soon as possible.

We also ask every Division Executive Officer to begin steps to ensure their membership information is up to date. The TCRC can only poll members we can contact, so please work with your respective General Committee to help in that process.

Thank you for your attention to this matter, we remain,

In Solidarity,



Dave Fulton
General Chairman – CP CTY West



Greg Lawrenson,
General Chairman – CP LE West



Mark Kernaghan
General Chairman – CN LE Central



Jim Lennie
General Chairman – CN CTY Central



Wayne Apsey
General Chairman – CP CTY East



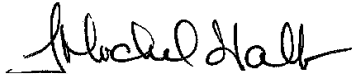
Ed Mogus
General Chairman – CP LE East



R.S. Donegan
General Chairman – CN CTY West



KC James
General Chairman – CN LE West



Jean-Michel Halle
General Chairman – CN LE East



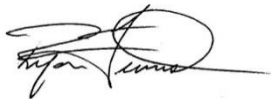
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