



TEAMSTERS CANADA RAIL CONFERENCE

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August 23, 2024

All TCRC Members,

As you are all aware, on August 22nd Labour Minister MacKinnon issued referrals under Section 107 of the Canada Labour Code for all 3 affected TCRC Bargaining Committees (CPKC Running Trades, RCTC and CN Running Trades). To quote the documents, he has directed the CIRB to: *(i) order (CPKC & CN) to resume operations and employees to resume their duties; (ii) assist the parties in reaching a settlement of the outstanding terms of their collective agreement by imposing final binding interest arbitration to resolve outstanding terms of the collective agreement; (iii) extend the term of the existing collective agreements until the new collective agreements are determined by the arbitrator.*

With the Minister's referral, the CIRB issued letters to the TCRC scheduling case management conferences (CMCs) via videoconference for CN and the TCRC at 2000 eastern, followed by CPKC and the TCRC at 2100 (August 22nd). It must be noted that these letters stated *The Minister of Labour has referred the above-cited question to the Canada Industrial Relations Board (the Board)*. As the membership can appreciate, the TCRC's position as this process unfolds is that Section 107 does not give the Minister absolute power. The letter clearly indicates that he has posed the above questions to the Board, not ordered himself. He has requested them to consider and ultimately implement. The TCRC is of the absolute belief that the Board has discretion in the application of Section 107.

During those CMCs, the TCRC put forth a very strong position that the process was premature and rushed. To push an order through such as the Minister had requested would upset the doctrine of natural justice – meaning that the TCRC was not being provided a fair opportunity or an impartial decision as a result. The TCRC did not have the appropriate time to provide its full position. We were somewhat successful in that argument, with the Chair granting the TCRC the opportunity to present arguments the following morning.

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At 1000 eastern (August 23rd) the parties and the Board convened to hear the TCRCs arguments. Again, the TCRC vehemently argued the constitutionality of the Minister's referral. The membership is fully aware of the carrier's behaviour, firmly believing they do not have to bargain in good faith. To remove the Union's rights under this referral would clearly endorse that approach and destroy collective bargaining rights for the Canadian public. That is unacceptable.

The theme of the TCRC's arguments were that the CIRB is a neutral party to the government. They have the discretion on what to order, if anything, when the Minister utilizes the code such as the case here. And ultimately the right to strike is fundamental. The Canadian Charter of Rights and Freedoms is vital and the jurisprudence is clear in its support.

The TCRC will await the Board's decision. If unsuccessful the TCRC will lawfully abide by the decision, but will undertake steps to challenge to the fullest extent. Unfortunately, this will not provide immediate relief but the Union is prepared to appeal to federal court if necessary. The TCRC will update the membership as soon as the decision is received.

As of this writing, at CPKC the TCRC members' lockout/strike position has not changed and the picket lines remain. Picket lines have been brought down at CN as a result of them rescinding their lockout notice. The TCRC has subsequently served 72 hours' notice of strike to CN at 0952 eastern today and will monitor events as they unfold.

It must be noted that also as of this writing, return to work protocols with CPKC have not been finalized. It is the TCRC's position that a return-to-work agreement is required for the membership to safely return to their safety critical positions. Although there has been some discussion CPKC is either unwilling or hesitant to make such commitments to employee welfare with the Board's decision pending. The TCRC will continue to engage and push for a safe return (when ordered) that will protect the membership's well-being.

The CIRB hearing concluded at approximately 1930 eastern. The TCRC awaits the decision and will circulate as soon as it is relayed. We respectfully remind the membership of their duty under the Canada Labour Code and ask that everyone holds their head high. Respect each other and the process, your Bargaining Committees are incredibly proud of the solidarity demonstrated.

As always, developments will be relayed to the membership through all means available. Please download the TCRC App as the quickest and most comprehensive source in this regard.

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



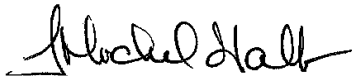
Ed Mogus
General Chairman – CP LE East



Ray Donegan
General Chairman – CN CTY West



KC James
General Chairman – CN LE West



Jean-Michel Halle
General Chairman – CN LE East



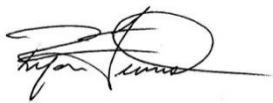
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