Workers at CN in Canada Win Big Contract Victory Around Safety Issues

After a weeklong strike by thousands of trainmen at Canadian National (CN) across Canada, the workers returned to work in late November last year after their union - the Teamster Canada Rail Conference (TCRC) - reached a tentative agreement with the carrier. On January 30th, 2020, the results of the rank & file ballot were made public. The 3200 workers overwhelmingly ratified the new contract, with 91.3% voting in favor.

According to the union, the contract “focuses primarily on safety, specifically with regards to crew fatigue and hours of work.” Recent years have witnessed a chronic crew shortage on CN in Canada, as train crews have been expected to take up the slack generated by the operating system known as Precision Scheduled Railroading (PSR), that reduces available crews, locomotives and other assets in an effort to reduce operating costs and boost stock prices.

“We’ve succeeded in getting CN to adjust some of its practices in the interests of safety. But the core problem of fatigue in the rail industry can only be resolved through government regulations,” stated the president of the TCRC, Lyndon Isaak. “The issue of fatigue is still far from resolved.”

According to the TCRC website, “During bargaining, the company sought to strip the collective agreement of its rest provisions while increasing the workload on conductors. The union prevented this from occurring. The company has agreed to a number of changes relating to workplace safety. Of critical interest are the improvements made to provisions covering rest and fatigue.”

Of critical importance to the workers is the right to “book rest” and be relieved if they so desire at the 10-hour limit proscribed by the contract. Up to now, CN routinely ordered the crews to continue to work and file a complaint (grievance) later. This of course did nothing to provide the crew with the much needed rest at the moment they were actually fatigued. The workers and the union demanded this right as an invaluable safety feature of the agreement. Under the new contract, the company may no longer abridge this right and may no longer restrict the workers from seeking relief after 10 hours, and may no longer compel them to continue working.

The agreement clarifies that shifts will now start and end at a specific location (e.g. the employee’s locker) in order to clarify when workers are actually on paid time. Previously, CN would include time in transit to such a location as “off-duty time,” often significantly reducing the amount of time available to a worker for rest. Trips to the locker facility can sometimes take hours. Given that Canadian federal work/rest rules mandate as little 6 to 8 hours off-duty time between shifts, the previously arbitrary nature of an “on/off-duty point” could dramatically contribute to worker fatigue and the creation of an unsafe working environment for the crews.

In addition to the safety provisions outlined above, the agreement includes an industry-standard 8% wage increase over the course of the 3-year agreement (2.5% / 2.5% / 3%), retroactive to July 23, 2019. The health and welfare plan also saw a series of improvements, and the workers also are to receive a $1000 signing bonus. The new collective agreement will expire in July of 2022.

Fortunately, the workers had broad public support for the strike, despite hardship and inconvenience. CN - like U.S. rail carriers - has not endeared itself to the public nor shippers in recent years. Nor have the other rail carriers. A dramatic runaway train wreck on rival carrier Canadian Pacific last year (See Article Page 3) is just one recent example of where Canadian rail carriers appear lax on safety. In addition, nearly a dozen rail workers in Canada have been killed in the last three years, a far greater number than would have been expected. And the country is still reeling from the biggest train wreck disaster in modern Canadian history in 2013, when a runaway oil train, that had been staffed by a single person crew, derailed, exploded, and largely destroyed the town of Lac-Mégantic, Quebec, killing 47 people.

So a nationwide strike that centered around rail safety for the crew members aboard trains was able to win a lot of sympathy from the general public. Perhaps sensing this broad support, Canadian Prime Minister Justin Trudeau broke with past tradition and refused to take action to break the strike. Allowed to chart their own destiny, the workers maintained their strike solidly for a full week - and most likely would have stayed out far longer if necessary - knowing that they were set free and at liberty to confront the company without outside interference.