



# Teamsters Rail

Teamsters Canada Rail Conference Newsletter

## In this issue

CN Certification Successful	1
CN-CTY Elections	2
CN Western Engineers General Committee meeting	3
Shewchuk – Broda Honored for long service	3
Northern Quebec Certification	3
2008 Training Report	4
Long Service Office Staff retire	5
VIA Negotiations and Ad Hoc Arbitration	6
Updates and other information	7
BR&CF Article	8

*Wishing each of  
you a very Merry  
Christmas  
And a Happy  
New Year*



## Certification at CN Successful

More than 95% of the newest members voted in favour of joining the  
Teamsters Canada Rail Conference

TCRC President D.J. Shewchuk welcomes over 3,150 new members at Canadian National following the successful certification application to represent the Conductors, Trainmen, Yardmen and Yardmasters. (CTY).....**“With this most welcome addition, the Teamsters Union will represent over 16,000 workers in the rail industry and we are an unavoidable collective bargaining partner for the two major rail carriers in Canada, Canadian National and Canadian Pacific as well as the majority of the short lines in Canada“**

### Membership makes decisive choice

Certification by the Canada Industrial Relations Board was formally issued September 2, 2008 following the tabulation of the ballots cast by the Conductors, Trainmen, Yardmen and Yardmasters (CTY) at Canadian National.

The August 29, 2008 ballot count process saw the unprecedented and historical support level for the TCRC. The former union had very little membership support in barely mustering 90 votes, while 1809 members voted to join the TCRC.

Teamsters Canada President Robert Bouvier remarked that almost all crafts in the rail industry will from now on be represented by his organization.

“These workers have chosen us because they know that we have the necessary resources and know-how to ensure their adequate representation,” he emphasized. “Our leading positions in the union movement, our active participation and our devotion to our members have become a magnet for all those who are poorly unionized or not unionized at all.”

TCRC President D.J. Shewchuk immediately welcomed the newest members into the Union

and extended a warm welcome to the four existing General Chairmen and all of their Local Chairmen who were invited to continue in those positions during the initial transition process into the TCRC.

### Integration into TCRC begins

Each of the four sitting CTY General Chairmen and almost every CTY Local Chairman in Canada accepted the invitation to remain as such and agreed to continue representing the membership in that capacity to insure continuity while the transition process was completed.

### Transition Director Election

The TCRC Executive Board had previously authorized the creation of a new full time position, elected from the new membership to assist in all aspects of the transition process. The CTY Local Chairmen were responsible for the nomination and election of this new position. Former General Chairman Rex Beatty was the sole person nominated for that position and on September 15, 2008 he was declared elected as the Transition Director.

As Transition Director Brother Beatty will work under the direction of the TCRC President throughout the initial transition period and beyond. (continued on page 2)



## Certification At CN

### General Chairmen Elections

Immediately following the Transition Director position the nomination and election process took place for each of the four General Chairmen positions. This nomination and elections process was administered by the TCRC National Office. The four newly elected TCRC General Chairmen CTY are as follows:

- CN East GCA: Daniel Joannette
- CN Central GCA: Jim Robbins
- CN West GCA: Bryan Boechler
- CN BC GCA: John Holliday

Once the General Chairmen elections were concluded the process of establishing new offices for all of the General Committees began. The General Committees have started new again, with the former Union only providing some basic files required by law. In all cases the General Committees were left without assets of any kind. However, as part of the overall transition process each General Committee received an interest free loan from TCRC National Office so each office can function and operate through the initial transition until the income vs expenses can be stabilized. Additionally, Ms. Shelley Moore, the Comptroller within the TCRC National Office in Ottawa, is managing all of their funds, expenses and payroll until the General Committee Secretary Treasurers can be elected, then trained to take over their responsibility and financial obligations.

**With the additional new members at CN, the TCRC now consists of:**

1. 14 General Committees
2. 87 Divisions
3. Over 200 Local Committees of Adjustment
4. Over 11 individual transportation crafts
5. Over 150 Canadian Craft Delegates

**...And we're growing!**

### General Committee Executive Elections

Immediately following the election of the General Chairman, each of the General Committee Executive positions were elected. The nomination process was hosted by the respective General Chairmen and the election balloting was hosted by the TCRC National Office. The election process was accomplished in a very timely manner through the use of an on line, web based voting system operated by an independent company who specializes in online electronic voting and elections.

The election of ten General Committee Executive positions, involving all four of the new General Committees, was accomplished in just over three weeks through the use of the electronic nomination and on line voting system.

The complete listing of the four new General Committees of Adjustment representing the Conductors, Trainmen, Yardmen and Yardmasters is available on our website: [www.teamstersrail.ca](http://www.teamstersrail.ca)

### Division Elections

On October 23, 2008 the newly elected General Chairmen met with the TCRC Executive Board to formally welcome our newest General Chairmen, to discuss and review the entire integration process, to review the immediate and ongoing assistance provided through the National Office, discuss the internal structure and operation of the TCRC, along with a myriad of related issues. One of the decisions made by the four General Chairmen was to finalize the jurisdiction and proper assignment of Local Committees of Adjustment to the appropriate existing Divisions. Consequently, following this meeting each Division was sent a letter with a list of the new positions to be elected for their particular Division.

The Division elections are now proceeding and this will effectively complete the entire election process involving our newest members at CN.

The integration process will then be completed for these new members at CN. All representatives at every level have been elected, all General Committee offices have been established and are operating as required, and stability has been regained for the membership. The uncertainty endured by those members for over 19 months will have ended, and together we can move forward, as one Union.



## CN Western General Committee Triennial Meeting and Elections

The Western Seniority District General Committee of Adjustment representing Locomotive Engineers at CN, BNSF, MKNR, HBR, CTR, KPR, VIA Rail and the former BCR met during the week of June 16, 2008 in Edmonton, AB.

The meeting involved two days of training and education provided to the Local Chairmen, some Vice-Local Chairmen, and elected officers from within the RCTC General Committee. This was followed by the regular General Committee of Adjustment business which included elections.

The elected executive members of the Western General Committee of Adjustment are Bruce Willows – General Chairman, Terry Markewich – Senior Vice General Chairman, Robert (Bob) Ermet – Vice General Chairman, Robert Allen – General Secretary Treasurer. Elected to the alternate positions were Brian Shack – 1<sup>st</sup> Alt. Vice General Chairman, Steve (Snuffy) Szufnarowicz – 2<sup>nd</sup>

Alt. Vice General Chairman, Mike Sorba – Alt. Secretary Treasurer. Congratulations to all.

The entire General Committee, immediately

commenced preparation for the upcoming negotiations with Canadian National Railways, VIA Rail, and the various short lines.



CN Western Seniority District General Committee of Adjustment

### Shewchuk – Broda honoured for long service to GCA

On June 20, 2008, the Western General Committee of Adjustment honoured two long-serving Brothers for their leadership and guidance over their many years of service.

Brother Dan Shewchuk served 4 terms, beginning in 1986, as the Local Chairman of Division 945 – Vancouver, as well as serving 3 terms as the Vice General Chairman of the Western GCA. In 1997, Brother Dan was elected as the Senior Vice General Chairman until 2001 when he was elected to the General Chairman's position. Brother Dan held that position into a second term until bringing his passion and commitment to the Union movement into the President's office upon his successful election as the first duly elected President of Teamsters Canada Rail Conference in 2007. We look forward to many more years of Brother Shewchuk's dedication and guidance.

Friends and family joined the Western GCA to honour Brother George Broda. Brother George was first elected to the position of the Alternate Secretary Treasurer during the 1989 GCA meeting while a representative of Division 896, Regina. In 1990, he was



D. Shewchuk

B. Willows



G. Broda

B. Willows

promoted to the position of General Secretary Treasurer, where he served the Western GCA for the next 18 years. Recognizing Brother Broda's financial acumen and wise counsel as a GCA Executive member, he was acclaimed at each intervening General Committee meeting, save one, until his retirement in 2008. Even today, he remains available to counsel where and when required. In honour of their long and lasting friendship; Brother D. Shewchuk created a poignant presentation, set to music, chronicling the life and times of Brother George during his 18 years as the GST.

Brothers Shewchuk and Broda were each presented with a replica railway clock in recognition of their decades of service.

Brother Broda will be dividing his time between summering at the cottage in Saskatchewan and wintering in Winnipeg.

We congratulate Brother George on his retirement and wish him many years of health and happiness.



## TCRC National Education and Training Program Report - 2008

Training throughout 2008 was presented in three distinct methods and target groups of elected representatives.

### Issue Specific Training

On May 30, 2008 the National Office hosted a training session in Calgary on the issue of Substance Testing in the Workplace. This was targeted towards the General Chairmen and their Executives, as well as the Provincial Legislative Board Chairmen and their Executives. There were a total of 31 attendees. Mr. Denis Ellickson from the Law firm of CaleyWray presented the information and outlined the relevant laws, existing jurisprudence and relevant case law, as well as a thorough discussion on all aspects of how to deal with the challenges of this growing workplace issue.

### General Committee Training

Training for the existing Local Chairmen was provided at two of the Triennial General Committee of Adjustment meetings held in 2008, where 46 Local Chairmen received training. In June the CN Western General Committee representing Locomotive Engineers held their triennial meeting in Edmonton, where two days instruction to the Local Chairmen was provided. One half day of instruction was provided by Mr. Michael Church from the Law firm of CaleyWray. The remainder of the two days involved training provided by President D.J. Shewchuk and Vice President D.H. Finnson. This General Committee utilized a manual designed specifically for their Local Chairmen and the specific language contained within their Collective Agreement. Thorough discussion on all of the responsibilities of a Local Chairman were held, and involved a lot of direct discussion on existing grievance issues, arbitration cases, and other work related situations faced by the membership throughout the year.

In September the CP Eastern General Committee of Adjustment representing Locomotive Engineers held their Triennial

meeting in Montreal. One day of instruction was provided by Mr. Denis Ellickson from the Law firm of CaleyWray. TCRC Vice President D.H. Finnson presented the Local Chairman with a TCRC Level I Local Chairman Training Manual which can be used as a reference manual. Related discussion was held on a variety of subjects related to proper handling and advancement of grievances at the Division Level, as well as guidance on how to advance disputes to final and binding arbitration at the Canadian Railway Office of Arbitration.

### Level I Division Officer Training

Two sessions were held in which new or inexperienced Local Chairmen, Vice Local Chairmen, Legislative Representatives or Alternate Legislative Representatives were presented with the TCRC Level I Division Officer Training Manual, which is a two day entry level training program.

These sessions were held in Winnipeg and Toronto in August and September, and a total of 83 elected officers received this training. Each training session was held during three consecutive days, which included travel for those out of town participants. Instruction was provided by Vice President D.H. Finnson on all aspects

of the Union structure, roles and responsibilities of Division Officers who are involved in representation of members during formal investigations, grievances, preparation of arbitration and a thorough explanation of the arbitration process utilized by TCRC through the Canadian Railway office of Arbitration. Instruction on Workers Compensation, Employment Insurance and Canada Pension dispute mechanisms was provided in Winnipeg by Manitoba Provincial Legislative Chairman Tom Handkamer, and at the session in Toronto the Workers Compensation appeals instruction was provided by Ken Steubing from the Law firm of CaleyWray.

The remaining training sessions within 2008 will be the Secretary Treasurers in the four new General Committees. The training plan for 2009 will be finalized in January 2009 when the Executive Board meets with all of the General Chairmen and Provincial Board Chairmen.

Since the introduction of the TCRC National Training Program in 2007 there is a total of 236 elected TCRC representatives who have received training.

2007:	76
2008:	160



Level I Training Session Toronto



## CP Eastern General Committee Triennial Meeting and Elections

September 7 to 10, 2008 the Eastern General Committee of Adjustment representing Locomotive Engineers at Canadian Pacific held their Triennial meeting and elections in Montreal.

General business was conducted that included finalization of the General Committee Bylaws, Officers Reports, and discussions on the outstanding grievances.

Training covered parts of two days while elections were concluded on the third day. Successfully re-elected as General Chairman: Tim Beaver (288), Senior Vice General Chairman: B. Cormier (319),

Junior Vice General Chairman M. Hamel (319), and Secretary Treasurer, GCA, D. Longtin (689).

The entire General Committee honoured retiring long time Secretary Treasurer Andre Bourgeois, who first served as elected ST between 1989 and 1999, then again from 2005 to 2008. He worked with General Chairmen G. Wynn, R. McKenna, and T. Beaver.

Brother Bourgeois was warmly thanked for his long service and congratulated on his retirement, and we all wish him many years of health and happiness.



Andre Bourgeois

## Certification at Northern Quebec Territory (NQT)

On October 30, 2008, following a decisive vote by the members at NQT, the Canada Industrial Relations Board, (CIRB) issued the certification order to the TCRC granting representation rights for the Conductors and Assistant Conductors, Road and Yard, at the Canadian National Railway, Northern Quebec Territory (NQT) shortline rail operations.

There were 50 eligible voters, and of the 40 ballots received by the CIRB, 39 voters chose the TCRC. There was 1 vote for the former Union, (UTU). This is consistent with the level of support in almost all other representation votes throughout Canada.

These members will now be reunited with the remainder of their former General Committee

of Adjustment who were certified within the TCRC on Sept. 2. These newest members will form part of Divisions 137, 780, and 885. Division elections can now be scheduled for the additional elected representatives in those locations, consistent with the remainder of the new members at CN.

## Long Service General Committee Office staff Retire

“Jackie” and “Donna”; two people who have become so familiar to, and popular with, the elected representatives at the CP Divisions throughout the Country over the past twenty years have both retired. On October 29<sup>th</sup> numerous friends, family, TCRC Executive Officers, along with past and present co-workers attended an afternoon come and go lunch hosted by the two Calgary based General Committees.

Donna is off to New Zealand almost immediately as her retirement plans include traveling, spending more time with her family who are coast to coast in Canada, and particularly her grandson.

Jackie and husband Garth will continue to

live in Calgary for the short term, then retire out to their new “castle at the beach” at their favorite lake.

When they first began working in the General Committee office, Donna in 1988 and Jackie in 1990, it was a small office with only the essentials of the day, a typewriter, a phone, and a file cabinet. Largely self taught, they quickly adapted to the new computers which were beginning to be introduced. They now leave behind them a fairly large and modern office fully computerized and sophisticated with an electronic data and file system where almost everything is now electronic. Over the years they have worked in the office with a total of 6 General Chairmen.

Jackie and Donna wanted to express their deep gratitude for the opportunity to work and then become lifelong friends with so many good people.



Jackie Gross and Donna Sharpe



## VIA Rail Negotiations and ad-hoc arbitration

### VIA charged with bargaining in bad faith

In our previous newsletter we had reported on the actions of VIA Rail and that bargaining in bad faith charges had been filed against VIA with the Canada Industrial Relations Board (CIRB). Originally VIA had served 12 “estoppel notices” onto the General Committees which prompted the charges to the CIRB. Eventually seven of these notices were settled between the parties. The General Chairmen were not willing to have the remaining issues hang above the membership’s heads, so the remaining five disputed notices were advanced to ad hoc arbitration in front of Arbitrator M.G. Picher. The arbitration hearing was held on Sept. 23 and 24, 2008 in Montreal with the award, listed as Ad Hoc 582, being issued on September 26, 2008.

### VIA was trying to force changes

Arbitrator Picher ruled in favour of the employer on two issues. One is related to run cycles and the established practice of establishing these cycles based on hours credited and not the actual hours worked, which is something the employer had done consistently since 1995. The arbitrator ruled this was an example of “estoppel by conduct” and failing the negotiation of contrary language the employer will be able to establish run cycles on the basis of “hours worked” following the renewal of the Collective Agreement. The second issue related to Locomotive Engineers wearing required uniforms. The arbitrator accepted that the employer had not enforced their contractual right to require all Locomotive Engineers to wear the prescribed uniforms, and unless there was a change in the relevant contract language the employer had the right to eventually assert the strict contract language regarding the wearing of uniforms. However, VIA must adhere to the KVP standards in implementing such a policy. No change can be enforced by the employer unless or until the Collective Agreement is renewed following bargaining and the relevant language remains the same.

### Union successful on three significant cases

The Arbitrator ruled on three issues in favour of the Union. One pertained to the employers’ view that they are not required to pay overtime unless or until 160 hours have been “actually worked” within a four week period. **The arbitrator rejected the employers’ position as it related to estoppel.** His ruling in favour of the Union is the language, application and practice to pay overtime was clear and the employer must bargain any changes. Failing to bargain new language the position of the Union must prevail.

The second ruling in favour of the Union pertained to the payment to Locomotive Engineers at Terminals and Turn Around Points. **The Arbitrator rejected the employers’ argument**, ruled it was not an estoppel case and that the employers could not implement their interpretation of the contract language should that language remain unchanged. He also reserved jurisdiction to rule on the issue of compensation should the parties be unable to resolve that dispute.

The third ruling in favour of the Union was where the employer argued they had the ability to assign road Locomotive Engineers to take rest in on board facilities. The situation is summarized quickly by the arbitrator’s comment that he: **“can see little merit to the position of the Corporation,”** and that “any departure from the established meaning of the collective agreement must be negotiated by the Corporation”. This was a clear and decisive ruling in favour of the Union position and reveals just how desperate some employers are in their attack against workers’ rights and those rights as contained within a properly negotiated Collective Agreement.

With these matters clarified, the parties have scheduled bargaining sessions beginning December 17 to 19, 2008, with future dates to be determined.





## Updates and information from throughout Canada

### Teamsters Canada Rail Conference

Suite 1710  
130 Albert Street  
Ottawa, Ontario  
K1P 5G4

PHONE:  
613-235-1828

FAX:  
613-235-1069

E-MAIL:  
info@teamstersrail.ca

Publication Mail No.  
40031269



### We're on the Web!

See us at:

[www.teamstersrail.ca](http://www.teamstersrail.ca)



**RCTC Negotiations:** The Rail Canada Traffic Controllers General Committee of the TCRC issued notice to bargain to Canadian Pacific Railway and Canadian National Railway as both contracts expire on Dec. 31, 2008.

The exchange of demands with CP Rail happened in August with initial meetings October 6<sup>th</sup> in Calgary. Further negotiation meetings with CP are scheduled for the week of Nov. 23<sup>rd</sup> in Montreal and the week of Dec. 15<sup>th</sup> in Calgary. The exchange of demands at CN Rail was on October 22<sup>nd</sup> in Montreal and negotiation sessions are booked for Nov. 19, 20, and Dec. 10, 11 and 12. There are several issues on both railways that need to be resolved including retention issues associated with keeping employees in areas where labour is scarce.



**CN Locomotive Engineer Negotiations:** The initial exchange of demands with CN took place on October 7<sup>th</sup>. Scheduled sessions are Nov. 5, 6, 17 to 21, and Dec. 1 to 5.



**Union Savings Program:** The TCRC Executive Board has endorsed joining the Union Savings program to provide an opportunity for the membership in two ways. The TCRC will be provided funds to be used for scholarships and education and the members provided an opportunity, by using the purchasing power of union members, to obtain money saving benefits for them and their families. Different providers associated with the Union Savings program will send information about their programs and special offers to our membership. The TCRC membership address lists are not given to any of the plan program sponsors and the mailings take place through the TCRC printer. TCRC Secretary Treasurer Jim Flegel is the contact person.

Union Savings is a program operated by Canadian Union Advantage Benefits Program (CUABP) and started in July 1989 to provide special savings, discounts and benefits available only to union members. It is a voluntary organization with which many leading Canadian unions and labour organizations representing over 900,000 Union members are affiliated. Further information will be available in the next newsletter or by visiting the Union Savings' website at [www.unionsavings.ca](http://www.unionsavings.ca).



**Division 189 Belleville:** On Sept. 16, 2008 a golf tournament was coordinated by Brothers Mike Boucher, Steve Fargey and Paul Boucher at the Warkworth Golf Club to raise funds for the Adopt a Family Christmas Fund. Over one thousand dollars was raised and will be distributed to needy families this Christmas. The Fall Golf Tournament has a long standing tradition with the CN Rail workers in Belleville and dates back approximately 50 years. It is very well organized and attended by 40 TCRC members.



**Division 320 Coquitlam:** Hosted another successful fundraiser golf tournament at the Golden Eagle Golf Club, with 106 golfers raising over \$2,400.00. This annual event sent this year's donation to the Family Education and Support Centre in Maple Ridge, BC.

### Division 189 Belleville

Left Picture:

M. Boucher – Y. Leroux

Right Picture:

S. Fargey – P. Boucher





## Brotherhood's Relief and Compensation Fund

By Mark Robb International President  
Brotherhood's Relief and Compensation Fund

### **Invincible or Proactive - is BR&CF for Me?**

Who does the Brotherhood's Relief & Compensation Fund accept for membership? Well, not everyone is accepted. A requirement of BR&CF membership is that you must belong to a railway union. This is required because your union provides you with expert advice and representation at an investigation. The union will present all the favourable facts in your defense and will make sure that you receive a fair hearing. Your union grievance procedure helps return you to employment if the facts warrant your reinstatement.

### **Many "invincible" railroad workers wait until they are in trouble before they decide they need us and are surprised when we say "no thanks".**

The BR&CF accepts proactive railroaders who are trying to make an honest living and who approach their job with professionalism. The BR&CF realizes that mistakes at work happen. You have probably seen it happen to some of the very best railroaders. We can help if the long hours at work cloud your judgment and result in a miscalculation of the stopping distance of a train or forgetting a slow order or hitting a speed zone transition too quickly. A derailment, sideswipe or run through switch may be the outcome of a simple error in judgment. There may be confusion regarding your authority to occupy the main track. It may not even be your fault...your co-worker may make a mistake that causes the crew to be disciplined. The BR&CF will be there to help you financially when you are disciplined for eligible occurrences.

Many "invincible" railroad workers wait until they are in trouble before they decide they need us and are surprised when we say "no thanks" to their request for membership. We may not accept their application or they may have to wait a few discipline free years before we accept them. Why? The BR&CF is not an insurance company. We are a not-for-profit Fund that receives dues from railroaders from across Canada and the US. We pool our money together to help each other when disciplined by the railroad for eligible occurrences. Members take proactive measures to protect themselves and they care enough to contribute to the aid and support of others. "Invincibles" who wait until they are already in trouble have missed the point of belonging to this Fund. Applications for membership are reviewed by elected BR&CF officers who decide whether or not to accept or reject the application.

Don't wait to apply for membership. This is your invitation to apply for membership. Two key factors in the BR&CF decision are the applicant's participation in a railroad union and the applicant's discipline history. If you are proactive take action today. BR&CF Terminal Presidents have applications or you may print an application from our website at [www.brcf.org](http://www.brcf.org).

You may also request an application by calling our office toll free at 800 233-7080,  
8 am – 4:15 pm Eastern Time, Monday through Friday.