



TEAMSTER CANADA **RAIL CONFERENCE**

DIVISION 320

Driving of Company Vehicles

Brothers and Sisters,

In light of the company's new policy to have us drive company vehicles and cease the use of taxis, the General Chairs have sent out the following information:

- **Crews being required to transport themselves in a company vehicle either during or before/after a tour of duty**
 - Instances where crew members are required to transport themselves to locations other than the home terminal, and where no travel allowance has been negotiated, time spent during transport must be included as on-duty time. Supporting arguments;
 - RAC Work Rest Rules, Transport Canada RDIMS #8728278
 - Instances where employees are forced or intimidated into **not** accurately recording this time as “on-duty” and part of the tour should be documented and provided to the LC. Appropriate steps can then be taken to further handle such scenarios. These instances should be included in the grievance(s).
 - Company cannot unilaterally introduce the operation of motor vehicles as a duty of a TCRC Bargaining Unit member without first addressing the issue of compensation
 - Numerous examples of jurisprudence to support this position
 - No provision within the CA to address additional duties and responsibilities
 - KVP
 - Company cannot unilaterally implement the requirement for a valid driver's license in the closed period of a contract.
 - MBNO-065-16 Information Bulletin (Brandon example)
 - Numerous examples of jurisprudence to support this position
 - No provision within the CA to address this requirement.
 - KVP

Unfortunately, this dispute falls under the “do now, grieve later” principle. Discretion should be exercised if safety becomes a concern due to weather, vehicle condition or anything relevant to the requirement of transporting crews.

Additionally, to further document instances where employees are required to transport and drive themselves, the following delay code can be entered on the delay screen with appropriate details and explanation of the driving / transport services performed with times:

- **X96 T X996 NON-SPECIFIC DELAY**

Members can then print off their trip ticket and delay screen and forward to the LC for the grievance. There will be no monetary nor mileage claim advanced this way, and the incident will be documented.

- **Crews being required to deadhead in Company vehicle, manager driving**
 - There is no additional driver's license requirement for a manager to transport employees, be it for deadheading or otherwise
 - Class 4, or a Chauffeur's license is not required unless you are employed with a commercial carrier (i.e. Halcon), where transporting people is the primary business.
 - Insurance issues are covered for employee's in this regard in the same manner as if it were Halcon
 - Injuries, etc. are covered by Provincial WCB
 - Vehicle Conditions and Equipment
 - Attached is the Halcon contract with CN, with it assumed Section 11 is the same with CP.

"Section 11 Vehicle Conditions and Equipment

Vehicles used to transport Customers' employees must be capable of transporting passengers and their luggage in an efficient and comfortable manner. All vehicles used in these services must be in good and regularly inspected mechanical condition, and must be equipped with the following equipment:

First Aid Kits

(Type 'B') ' Fire Extinguishers

Survival Blankets

Hazard warning lights or triangle

Flashlight

Cellular telephones and/or 2-way radio communication

Snow shovel in the period from November 1st to April 30th

Safety net or cage for safe storage of passenger baggage (2 per passenger)

All season or winter tires for winter seasons (good winter tires or chains in areas of heavy snow, ice, etc.)

Tires in condition acceptable to Halcon (good condition, changed regularly, winter and summer standards)

Quebec: Candles/matches for warmth, if stranded

Road access map to CN Right-Of-Way as provided by the railways

Seat belts for all passengers and drivers

In remote locations as agreed to in advance between Halcon and the Company vehicles be equipped with spare electrical fuses, jumper cables, spare light bulbs, tool box, ice scraper, fog lights, sandbags.

Vehicles may be rejected by Customers for unsafe conditions and the cost of the alternate transportation may be charged back to the Company.”

- Halcon drivers are required to keep logs for on duty and driving time.
 - As above, because CP managers are not employed with a commercial carrier for crews, they are not required to maintain driving logs either.
 - Employees are reminded to ensure personal safety in the same manner as before
 - Driver inattentiveness, traffic violations, etc. should be reported, and if not corrected and extreme the employee has the ability to invoke Part 2 of the Canada Labour Code.

Please do your best to document any instances where you are required to drive a company vehicle and forward the information to your LCs.

Also, ensure you document and report any concerns safety or otherwise.