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October 31, 2017

Daniel Therrien, Privacy Commissioner of Canada
Office of the Privacy Commissioner of Canada
30 Victoria Street
Gatineau, QC K1A 1H3

Dear Mr. Commissioner:

Re: Bill C-49: An Act to amend the Canada Transportation Act and other Acts Respecting Transportation and to Make Related and Consequential Amendments to other Acts

I write to you today with respect to the proposed *Bill C-49: An Act to amend the Canada Transportation Act and other Acts respecting transportation and to make related and consequential amendments to other Acts* ("Bill C-49"). Unifor is Canada's largest private-sector Union and counts many Locomotive Engineers and other railway employees amongst its 315,000 members. The privacy intrusions proposed in *Bill C-49* are of grave concern to our members in the railway industry and in other industries across the country.

If passed, *Bill C-49* would require railway operators to install and operate Locomotive Voice and Video Recorders ("LVVRs") in locomotive cabs. These LVVRs would expose Locomotive Engineers to near-constant surveillance while they work. *Bill C-49* provides that the LVVR data would then be made available to railway companies in addition to the Transportation Safety Board and the Minister of Transportation. Railway companies would be obligated to continually monitor randomly selected LVVR data in order to identify potential safety concerns.

Unifor is deeply committed to the safety of its members and the communities in which they work. In Unifor's view, however, *Bill C-49* marks a significant intrusion on the privacy of our employees in the railway industry in exchange for a very limited benefit to rail safety. Allowing railway companies to access this information goes beyond the recommendations of the June 2016 Report "*An Update on Rail Safety*" by the Standing Committee on Transport, Infrastructure and Communities. That report recommended that LVVR data be available only to appropriate government authorities following railway incidents. In addition, locomotives in Canada are already equipped with Black Boxes that record locomotive data for use in the event of a railway incident. Unifor is therefore unconvinced

that the LVVR data is likely to reduce railway incidents or improve the accuracy of post-accident investigations.

While *Bill C-49* provides for extensive video monitoring of Locomotive Engineers, it does not impose any requirements on railway companies to ensure secure storage or transmission of the LVVR data. Nor does *Bill C-49* provide any guarantees of the integrity of the data when Canadian locomotives leave the country. While railway companies would not be permitted to use LVVR data against employees in disciplinary proceedings, *Bill C-49* would nevertheless give them wide discretion in how they use the LVVR data. *Bill C-49* would also deprive railway employees of the important privacy protections of the *Personal Information Protection and Electronic Documents Act* that benefit other workers. There are simply not enough controls on railway companies' access and use of LVVR data.

In Unifor's view, if open-ended surveillance of the kind proposed in *Bill C-49* is allowed to become law, it sets a dangerous precedent for workers in other sectors. Once railway companies have been permitted to use LVVRs to monitor their employees, other transportation employers will soon follow suit. This will significantly undermine the privacy rights of Canadian workers in the transportation industry.

Bill C-49 as it stands now will subject railway employees to near-constant surveillance in violation of their privacy rights and will provide little safety benefit to Canadians. Please be advised that should *Bill C-49* be passed into law, Unifor will request that the Office of the Privacy Commissioner of Canada open an investigation into this intrusion on workers' privacy rights.

Yours very truly,



JERRY DIAS
NATIONAL PRESIDENT

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