

Unifor's Response to the Transportation Modernization Act October 16, 2017

Roughly 9,000 of Unifor's 315,000 members work in Canada's rail industry, which means that one out of every three unionized rail workers is a Unifor member. Unifor has always sought to promote workplace health and safety and we are supportive of governmental efforts reduce railway incidents.

The most significant element of Bill C-49 for Unifor's membership is the requirement that all railway operators install and utilize Locomotive Voice and Video Recorders (LVVRs) in the cab. This aspect of the legislation is predicated on the notion that LVVRs will enhance safety if implemented as part of a non-punitive safety management system. In its current form, however, the legislation goes beyond the Standing Committee on Transport, Infrastructure and Communities report (*An Update on Rail Safety*) insofar as it will allow railway companies to access and store the data gathered using LVVRs.

Unifor's objection to the LVVR aspects of Bill C-49 has four elements:

- The TSB wants to improve rail safety. So does Unifor. However, we do not believe that Bill C-49, in its current form, will improve railway safety;
- Bill C-49 will violate the privacy rights of our membership and, by increasing the stress-level experienced by those in the cab of the locomotive, may even reduce safety. We also believe that employers will use this technology as a disciplinary tool;
- It is unclear about how the TSB plans to maintain the integrity of the LVVR data once the locomotive enters U.S. territory, which concerns us;
- And finally, Bill C-49 will open the door to the widespread adoption of LVVR technology by other transportation employers (e.g., in air, road and marine transport), thus making employee surveillance and workplace privacy violations the government-sanctioned standard.

If Bill C-49 is destined to proceed, Unifor's first proposal is this: only the TSB should have access to the LVVR data, and only then for the purposes of rail safety, i.e., as part of an investigation into a railway accident that led to an injury or a fatality. While the TSB should have access to the LVVR data, at no time should the LVVR information be shared with the railway companies.

As a secondary proposal, if Bill C-49 ends up providing the railway companies with access to the LVVR data, this access should be restricted to the instances in which a TSB investigation is underway. Under no circumstances should the companies be allowed to use the data for disciplinary purposes.

For more information about Unifor's stance on Bill C-49, please contact Unifor's National Rail Director, Bruce Snow (bruce.snow@unifor.org) or Director of Membership Mobilization and Political Action, Roland Kiehne (roland.kiehne@unifor.org) or Communications Representative, Ian Boyko (ian.boyko@unifor.org).