



LVRs Fact Sheet

- TCRC and its members are dedicated to safe and efficient railway operations. TCRC is committed to enhancing and supporting the railway industry's initiatives to improve the safety of railway operations, insofar as those initiatives do not involve a serious infringement of employees' rights.
- The railway industry's proposed LVVR guidelines would permit speculative and constant surveillance of employees by railway employers. These guidelines present an overbroad, intrusive and extraordinary incursion into our members' privacy rights by railway employers. These guidelines are not necessary in order for LVVR to be implemented.
- In its December 16 press release, CP submits that, "In its report, the TSB acknowledged that the Canadian Transportation Accident Investigation and Safety Board Act is a barrier to the implementation of this technology in Canada." This statement is inaccurate and misleading.
- The Canadian Transportation Accident Investigation and Safety Board Act poses no barrier to the implementation of on board recording technology in Canadian transportation industry. The Act does, however, place a privilege on such recordings so that only the Transportation Safety Board can access the recordings in the course of an investigation of a particular event.
- The proposed LVVR Rules would provide *carte blanche* universal surveillance of TCRC's members at all times based solely on monitoring purposes. There are no limits or safeguards whatsoever placed on companies' ability to access and use LVVR data under these Rules.
- The proposed LVVR Rules fly in the face of this existing balance in the transportation industry in Canada, and stands contrary to the language of s. 28(7) of the Act, which provides.
 - (7) An on-board recording may not be used against any of the following persons in disciplinary proceedings, proceedings relating to the capacity or competence of an officer or employee to perform the officer's or employee's functions, or in legal or other proceedings.
- In addition, the proposed LVVR Rules breach the basic protections of our members' privacy rights under the Collective Agreement, arbitral jurisprudence and common law.
- These mandatory protections and privilege under the Act are in place in order to ensure that on-board recording does not in any way act as a chilling effect or disincentive on communication between crewmates and its impact on safety. These protections and privilege are attached to "black box recordings" in the airline industry and ought to be attached to LVVR.
- It remains TCRC's position that LVVR should be incorporated in the same manner as black box recorders and all other on-board recordings in Canada. As such, LVVR recordings should be made available to the TSB only—this is the only possible use of LVVR that would be



consistent with the Canadian Transportation Accident Investigation and Safety Board Act. What is more, TCRC notes that the railway companies have yet to exhaust available, less-intrusive means of monitoring rules compliance short of continuous video and audio surveillance of the operating crew. There is simply no valid necessity for this extremely invasive proposed initiative.

For more information or for interview requests, please contact:

Stéphane Lacroix
Director of Communications
Teamsters Canada

514 609-5101
slacroix@teamsters.ca