

**September 14, 2016**

Doug Fisher  
Senior Director, Labour Relations and Strategy  
Canadian National Railway Co.  
935 de La Gauchetière Street West  
Montreal, Quebec H3B 2M9

Dear Mr. Fisher,

I am writing with regards to the concerns and complaints that have been expressed by our CNTL Calgary Owner-Operator membership, matters that I feel were contributing factors in what the Company believes may be Owner-Operators defying Sections 88.1 and 89 of the Canada Labour Code, provisions that prohibit strikes during the term of a collective agreement.

The Union has taken all the appropriate steps possible to bring to an end the matters you raised in your letter of September 12, 2016, and the steps ordered by the Canada Industrial Relations Board in this regard (Order No. 876-NB).

Most of the concerns and complaints stem from what members are saying is the "highway fleet". I am not aware of any provisions within our collective agreement that separates highway work from local city work, or separate seniority groupings or lists for highway or city. The manner in which work is performed by our CNTL membership is covered by Article 9 of the CNTL-Unifor Collective Agreement. Work is generally allotted to available Owner-Operators on a first-in, first-out basis save the reasonable exceptions stipulated in Article 9.1. As Article 9.1 also stipulates, in circumstances where it is advantageous to do so, the first-in, first-out principle may be altered by local agreement between the terminal manager and the Local Chairperson, but I am of the understanding that no such agreement exists, therefore the terms of Article 9.1 are applicable.

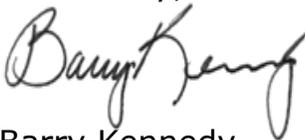
Setting the above paragraph, I have attached with this letter a list of concerns and/or complaints from our Calgary membership pertaining to the dispatching of CNTL Owner-Operators for required highway work.

As I said during a couple of previous telephone conversations we had, the Union, specifically Unifor Council 4000 Regional Representative Wesley Gajda and our Calgary Local Chairperson Gurjinderpal (Ricky) Brar, have attempted on numerous occasions to work out reasonable solutions with CNTL over our members' concerns and/or complaints with regards to highway dispatch, to no avail. On several occasions, including the last lengthy conference call they had over these matters with CNTL Manager Martyn Peterson and the CNTL Driver Managers in Calgary and Vancouver, I am told that Mr. Peterson's response to the issues raised by the Union on behalf of these members' was simply; "If they don't like it, they can quit!" Personally, I have attended many meetings or grievance joint conferences and have heard this comment or response made on several occasions, so I am not surprised by it. Therein lies part of the problem.

This is a terrible attitude of CNTL to have towards their associates (CNTL Owner-Operators) who, quite frankly, have made a significant financial investment to CN and CNTL. They transport intermodal containers for CN's customers using their own tractors, between Canada's ports and CN's Intermodal Terminals, intermodal terminals and customers, and from one customer to another customer. The management at CNTL routinely demonstrates a complete lack of respect to our CNTL membership, something our members are growing tired of from coast-to-coast. And this is something that needs to be addressed with senior levels of the Company to alleviate any more problems going forward.

I would kindly ask that we arrange a meeting at a mutually convenient time next week in Calgary with senior Company officers who oversee CNTL's operations, as well as with your office, so that we may properly address the issues listed in the attached document. I will contact you on Thursday to finalize arrangements.

Yours truly,



Barry Kennedy  
President  
Unifor National Council 4000

Cc: Anthony Dale – Associate Counsel/Director, Unifor Legal Department  
Bob Fitzgerald – National Representative, Unifor  
Brian Stevens – National Representative and Director of Rail, Unifor  
Wesley Gajda – Regional Representative, Unifor National Council 4000  
Ricky Brar – Unit Local Chairperson CNTL Calgary, Unifor Local 4001  
Dave Judge – President, Unifor Local 4001  
Danny Andru – Secretary Treasurer, Unifor National Council 4000

**Main issues from what CNTL Calgary Owner-Operators call, the "Highway fleet":**

1. Dispatchers continue to reset the Blackberry so that their actual work hours may be reduced. This may see members not getting paid as in accordance to what the contract entitles them (e.g.: second p/d after 15 minutes).
2. Receiving unnecessary phone calls from dispatch. They provide late start times and then are dispatched to do local work in the city, then sent out later in the morning (10:00-11:00) on the highway where they have to work full hours and drive all night through the Rocky Mountains, where weather conditions may change dramatically. Safety is an additional factor in these circumstances.
3. Members are looking for switches (Vancouver) rather than live loads from all terminals. It would be better if all terminal's Owner-Operators take care of their own live loads. For instance, Kamloops Terminal Owner-Operators pick-up their own live loads. Similarly, Vancouver Terminal Owner-Operators pick-up their own. Calgary continues to do this for all the terminals, which is a big concern to Calgary members.
4. Jadeline Yard to Armstrong, B.C. loads are not fairly paid because they spend more time then required. Moreover, they are not paid properly. It's done by Calgary Owner-Operators only, whereas Kamloops and Vancouver Owner-Operators should be assigned to do it too. If those terminals suggest they can't afford, then how can the Calgary drivers?
5. CN terminal loads should ideally be picked from 'M Lot'. Unnecessarily it causes delay in delivery from a trip of two days to three days.
6. Highway Owner-Operators are usually looking to move into the city region, but it is quite noticeable now that outside companies' trucks are working within the City of Calgary and many CNTL trucks are relegated to highway work. Additionally, of those CNTL trucks that are working within the City of Calgary, there are several trucks that are working double shifts. We need to do some transfers and CNTL must respect the seniority provisions in the collective agreement.
7. CNTL Dispatch, especially "Nick" (manager), targets drivers if they ask for scale or call in legitimately sick. Members are threatened if they want their load properly scaled and are told to work overweight. But there have been many cases where members have been disciplined/suspended for being caught by the DOT for travelling with overweight loads!
8. Many members have concerns regarding their pay statements. Members feel that there are so many unfair deductions that can't be ignored, even if would like to. All of the exceptions are getting rejected despite members following the right procedures. It seems Nick (dispatch manager) is breaching the contract by first not paying full amount of money and further to that rejecting exceptions.
9. CNTL has started charging \$50 more for insurance. Either share it national wide or bring 40% drive by owner rule back. Those who never come to work do not take care of there trucks and end up causing a bad safety rating, which is unfair to the rest. Plus, their job is more secure because they can change drivers without losing their job.