



ATTENTION: TO ALL UNIFOR CNTL OWNER-OPERATORS

RE: Work Hours and Appendix 1 of the Unifor/CNTL Collective Agreement

As you are no doubt aware, intermodal traffic in North America is down and has not returned to pre-COVID-19 Pandemic levels. In the month of May, traffic was reportedly down by 12% and is not expected to increase in the coming months.

Based on these facts, and the various emails the Union has been receiving over the past couple of months from our CNTL membership expressing concern over reduced work hours, the Union held meetings with representatives of CNTL and CN on June 13 and June 19, 2023. The parties (Company and Union) agreed that on the basis of the Company not anticipating any significant increase in business in the coming months, adjustments will have to be made in accordance with Appendix 1 of the collective agreement at Vancouver, Edmonton, Calgary, Winnipeg and Brampton. Should traffic begin to pick-up over the summer or fall months, laid-off members would be recalled in seniority order as in accordance the collective agreement.

The 55-Hour Rule under Appendix 1

So you are aware, the 55-hours referenced in Appendix 1 of the collective agreement is used as a benchmark in sizing the fleet. It is not an exact threshold that dictates immediate layoffs when a member is below 55-hours, or hiring new CNTL Owner-Operators if members are continually working over the benchmark 55-hours. Trucking has its ebbs and flows. There are going to be weeks where a member attains 55-hours, but other weeks where he or she is below the 55 or well above the 55. Over the course of a month, 55-hours multiplied by 4 weeks is 220 total hours. Despite falling short of 55-hours during a week or two over the course of a month, a member's hours may meet or exceed the 220 monthly hours, which would reasonably be considered in meeting the intent of work hours under Appendix 1. There may be months where a member is below 220, but other months where they attain overall hours well above the 220, which would average out the benchmark. It is also important to note that despite the number of daily, weekly or monthly hours, the amount of overall revenue fluctuates based on the type of dispatches a member receives, such as what zones they are working to, and how many highway moves, etc.

Further to the above, in order to meet the 55-hour benchmark or as close as practicable, this is when Article 9.1(c) of the collective agreement may be applied, which states:

- 9.1** As a general principle and to the extent possible, work will be allotted to available Owner-Operators on the basis of first-in, first-out with reasonable exceptions which may include:

(c) Where there is the opportunity to equalize work or miles and other Owner-Operators have been allotted reasonable work or run reasonable miles in the week.

Times like these when traffic is down is very difficult. It's a balancing act so to speak. As a Union, we do not want to see any members face layoff, so we have worked with the Company, our Local leadership and membership in exploring other options to alleviate the need of laying off any members. However, if no other viable options exist, then unfortunately, layoffs are a reality, which is where we are at today.

Layoffs will be occurring in Vancouver, Edmonton, Calgary, Winnipeg and Brampton. This will hopefully serve to improve the working hours of those who are not affected by the layoffs. The workload and hours will continue to be reviewed over the following weeks to determine if any additional adjustments will be required.

Please refrain from sending emails to the National Union, particularly National President Lana Payne, and instead direct any inquiries you may have to your Local Chairperson or Regional Representative Prabhjot Sekhon.

In Solidarity,



Dave Kissack
President
Unifor National Council 4000

Cc: Prabhjot Sekhon – Regional Representative, Unifor National Council 4000
CNTL Local Chairpersons
Local Presidents – Unifor Locals 4001, 4002, 4003, 4004 and 4005