

Canadian Pacific rail worker fired under company's draconian disciplinary regime speaks out

Penny Smith
25 March 2022

The Teamsters union sabotaged the struggle by 3,000 engineers, conductors and yardmen at CP Rail by agreeing to binding arbitration earlier this week. The terms of the arbitrator's ruling have effectively been dictated by the company. Initial statements from both sides indicating that no consideration will be given in the rigged process to the railroad's brutal scheduling regime, which forces workers to drive heavily loaded trains unrested, or the draconian disciplinary system, under which workers can be fired for the tiniest of infractions.

The *World Socialist Web Site* is assisting rail workers to build the CP Workers Rank-and-File Committee to organize a rebellion against the Teamsters union and fight for what workers actually need to ensure safe working conditions. As part of this struggle, we spoke to a British Columbia-based rail worker who was victimized and fired by the company under its arbitrary disciplinary powers. We encourage other CP Rail workers to contact us at cpworkersrfc@gmail.com to share your own experiences and help build the rank-and-file committee.

"I have recently been dismissed for alleged drug use," the worker told a *WSWS* reporter. "This has been a major issue I have seen in the 10 years I worked in this industry and has only gotten worse with the Canadian government's legalization of marijuana.

"Almost exactly two years prior to my dismissal, CP brought out a new drug and alcohol policy that had a zero tolerance for THC use and gave the company the ability to do urine tests. They test for 28 days for any reason they feel meets the criteria, which was common in most safety sensitive workplaces before legalization.

"I watched 5 of my coworkers lose their jobs over this new policy. CP made the commitment that if an employee with a drug or alcohol issue came forward, they would be supported by the company and not be punished as long as this self-disclosure came before an incident.

"I had been struggling with alcohol for years, so this presented me with an opportunity to get sober and not only improve my work, but also my life. So, I took the opportunity and was instantly pulled from service, put through rigorous questioning and consultation as to be expected. I went to a treatment centre for a month to learn how to deal with this disease. And when I came out, CP allowed me to come back to work on the condition that I stay sober for 2 years and engage in counselling once a month.

"The company held me accountable by taking 2 hair samples

every 3 months for 2 years. One was for alcohol and one for a pallet of drugs. I went through these tests for 2 years and performed my work well during this time. After 2 years and my last test, I get a call pulling me out of service for a failed drug test. The issue here is I do not touch THC. The positive amount was so incredibly low that it would not even remotely cause intoxication.

"The company wasn't buying it. So, the day after getting my results, I went to an established workplace testing facility and got another hair sample taken on my own dime which came back negative for THC. This still was not enough proof for the company, and they had their minds made up to get rid of me for whatever reason. If they followed their own policy, they should have treated it as a relapse and offered me help after 2 years of sobriety. But no, they fired me and left me with nothing."

The worker believes that the company uses these disciplinary measures to get rid of employees who refuse to accept the dangerous working conditions produced by CP's operating procedures. "I was H&S (Health and Safety) co-chair for 4 years and just got voted back into the position," he told us. "I had no prior incidents with the company. I feel like what got me fired was my H&S position that held them accountable for safety. Sad to see that they could be that petty as to fake a positive drug test to oust an employee for doing his job for his union, the company, and the employees.

"I think I was getting on management's nerves because I represented employees and held them accountable. They didn't like the safety concerns I brought forward. They are always trying to bend and supersede safety rules.

"It's crazy the way they view it. I was fired for something I didn't do, and CP said I was guilty right away. The union did nothing about it. It's always the employee's fault. The only way they could get rid of me was through a false drug test."

He went on to explain that his experience is far from unique. "When I first started at CP, they treated employees reasonably, they treated us good," he said. "They weren't punishing people constantly like they are now. But, three years into my career, Hunter Harrison stepped in and ran CP into the ground. From that point on, I've seen 15 people get fired for ridiculous and petty things. I agree with serious safety procedures, but they are totally overloading the arbitration with more incidental safety violations. Due to the backlog, you're waiting two years while they do an

investigation. So, the company just keeps hammering people with unreasonable things.

“When there’s an incident, CP reviews the time you’ve missed, and you’ll be viewed as a certain level of employee, and the investigation is not going to go in your favour. Regardless of how much time you’ve put in, the company and management treat you like trash. If you don’t do what they say, they will fire you.

“Managers are responsible for proficiency testing [a kind of failure quota], and if they don’t make the fail quota, they get penalized. So, they are constantly on the lookout for worker ‘failures’ that only exist so they can blame the workers when accidents happen.”

He detailed how this oppressive climate creates the conditions for unsafe working conditions and accidents to proliferate. “CP uses fear tactics to keep workers from filing complaints,” commented the worker. “They say, ‘Safety first’, but in reality, the railway is go, go, go. We’re not allowed time to stop. We get rushed to do anything.

“There is less air brake testing nowadays, and we’re expected to move more grain, faster. There is less equipment testing, less maintenance, and the government allows it.

“Nothing is ever done after the accidents. In fact, they do less, which was proved during the Field accident. And the government is all for it.

“This one old guy I know hurt his arm, and CP claimed he was lying about it to get at the company. So, they intimidated and harassed him until he took early retirement. It’s disgraceful. HR did nothing about it because they’re in bed with CP and they support CP’s side and not the worker with the complaint.”

He continued, “The Field accident was a perfect example of rushing. It’s totally disgusting on CP Rail’s part. Lucky it was grain being transported and not something else, or it could have been even worse. All this because guys are being rushed by management and unable to follow proper procedures and do proper maintenance.

“In my opinion, the Field accident occurred because the train wasn’t tied down (securing the parked train with handbrakes). But I still see trains not tied down, so CP is not following its own policies because they’re rushing to move crews on and off these trains. They’ve got to get them off after 10 hours of work, so they run them to the brink and then rush them off so there’s no time to tie down the train.

“I think it was a holiday and so there was a big push to get the crew out of there, so they were rushed off the train. The train was left with no handbrakes set, and nobody to monitor airflow for the air brakes. They didn’t get a new crew out on the train for a long time, long enough so that the cars bled off their air and the locomotives were shut down and not pumping air into the cars. So, there was just a complete lack of air in the reservoirs that you need to maintain a stable braking pressure.

“When the new crew came on, the train started to roll, despite the independent brakes being on. You have to remember that they had fully loaded grain cars on a steep grade. As the air started to leak off, the train started to move. At that point you can’t do anything. There’s no air and no control. Once the momentum gets going, there’s no stopping it. The engineer tried his best to stop it,

but you can’t with no air. He should have jumped off right away, but they stayed on and tried to save the train.

“That accident spot is the worst in Canada. That spot should have had specific protocols, especially in cold weather conditions. Rushing up there shouldn’t be any excuse for that to happen. It’s unacceptable.”

Turning to the current struggle, the worker noted that CP has raked in massive profits during the pandemic, while it has exposed its workforce to the risk of infection with a potentially deadly virus. “The company has done extremely well,” he said. “Throughout the pandemic, they’ve had the best quarters they’ve ever had! CP is just making crazy money. Why are they not willing to keep employees happy? They are the ones keeping the economy running.

“CP just chips away at each contract. They wanted to keep the contract hush hush because they knew it would piss-off members. Before, the pension was never capped. But now, it’s capped off, so you can’t boost your pension past a certain amount. By the time someone at my age retires in a few decades from now, that pension is not going to be enough to live on. You need that open pension. It’s really disheartening to see the company take away the pension for employees. This work is not as good as people might think.”

He added, “The company’s goal is to have just one guy in the cab and the train run itself. But a lot of times you have to ‘walk the train’. That’s a big part of having two people. If the train goes into emergency mode, it instantly brakes and stops. The conductor has to get out and figure out what the issue is, and they have to remedy it. It’s always good to have a pair of people to protect each other. To take away that second person to save money...come on!”

“You tell the union about contract breaches and they just tell you to grieve it, but meanwhile you keep working and the process could take up to two years or longer.

“There’s so much money and collusion with government and union officials that it’s turned into a giant cluster.”

Asked what he thought the CP Workers Rank-and-File Committee should fight for, he responded, “More reasonable hours, better train lineups. You’re expected to drive a train at 12pm, you plan your day around that and then all of a sudden you don’t get called for 6 hours. Or you’re called in the middle of the night and now you’re driving a train for 10 hours unrested. Guys should be rested when they’re hauling millions of tons of goods through the mountains.

“Your life is the company. Your actual life is secondary to the job. You spend more time on the job, or waiting for a phone call, or planning around their schedule, than in your actual life. The union does nothing. They say, ‘If you don’t like it, don’t work.’”



To contact the WSWs and the
Socialist Equality Party visit:

[wsws.org/contact](https://www.wsws.org/contact)