



report

Highway Safety
Officers

Conference Call

November 17, 2004

Participants

Len Bush (Ottawa)	National Union of Public and General Employees
Kirk Morrison (Charlottetown)	Prince Edward Island Union of Public Sector Employees
John Searle (Miscouche)	Prince Edward Island Union of Public Sector Employees
Paul Aucoin (Digby)	Nova Scotia Government and General Employees Union
Jean-Marc Thibodeau (Dieppe)	New Brunswick Union of Public & Private Employee
John O'Brien (Thunder Bay)	Ontario Public Service Employees Union
John Hortsman (Regina)	Saskatchewan Government and General Employees Union

Introductions

National Representative Len Bush welcomed the participants to the conference call. He also extended the regrets of National President James Clancy who was unexpectedly called away.

Participants introduced themselves to each other and provided some details of their work duties and role within the union.

Agenda Review

The following were suggested, and accepted, additions to the agenda.

- Health and Safety
 - Tactical gear and training
 - Inspection procedure
- Compensation

Privatization and Restructuring

Nova Scotia

In 1997, Nova Scotia's Vehicle Compliance Officers were moved to the province's Department of Business and Consumer Services. Two engineers were hired to oversee the Department.

From 1997 to 2001, the service felt considerably under attack. There was an initiative to transfer highway safety to the responsibility of the RCMP. This went as far as discussions about buy-out packages for Vehicle Compliance Officers.

In 2001, the service was moved again to the Nova Scotia Municipal Relations. Unfortunately there was not a change in management and a strong anti-enforcement bias continued.

NSGEU came out strongly in defense of the highway safety officers and, in particular, opposition to transferring the service to the RCMP. This was expressed in a campaign of political lobbying and efforts to raise public awareness.

The campaign has been fairly successful with the service being moved back to the Department of Transportation and Public Works. This included a new director and a much better management team. Furthermore, the RCMP has

signed a letter of agreement clearly outlining the responsibilities of the two bodies. This has led to improved relations and cooperation between the RCMP and highway safety officers.

Currently there are 12 Mobile Compliance Officers and 14 Vehicle Compliance Officers who work out of 5 permanent scale locations within the Province..

Prince Edward Island

Privatization and restructuring initiatives have not been a serious problem for Highway Safety Officers in PEI because they are currently under Transportation, Public Safety but should be under the Department of the Attorney General.

The biggest problem they face in PEI is the lack of an enforcement perspective among the management.

There are 14 officers who staff one mobile unit and two scales.

New Brunswick

Similar to PEI privatization, has not been a serious threat in the province. There was a formal request from the province to the RCMP to assume oversight of the highway safety service Commercial Vehicle Enforcement (CVE). Fortunately, the RCMP was uninterested in the proposal.

In the past, the service was under the Department of Transportation (DOT) until 1988 but is currently with the Ministry of Public Safety which is a newly created ministry, since about 2000, to replace that previously known as Solicitor General of NB.

The province has approximately 60 CVE Officers, including 7 supervisors, of whom 30-35 are assigned to some 20 mobile units and the remainder are assigned to the 8 permanent highway scales .

Ontario

In 1995, the Mike Harris Progressive Conservatives were the elected government in the province. There was an assault on every level of the public sector including the Ministry of Transportation and its Enforcement Branch. Much of the highway maintenance in the province was contracted out under the Tories.

With the election of the McGuinty Liberals, the hope was, initially anyway, that the sector would be restored. There is little evidence of that to date. The Ministry has been largely decimated.

Enforcement has felt the effects of the cuts with many officers leaving and the positions not being filled. Currently there are at least 35 positions vacant out of a workforce of approximately 364 officers. This has meant that, given the traffic volume, some scales are shut down during peak hours. There are a couple of scales that have high-speed lanes, which are able to weigh vehicles while they are in motion.

One of the threats being faced by the Enforcement Branch is the takeover by the Ontario Provincial Police (OPP). The idea was originally floated by the OPP Association (police union) in 1994 of incorporating all the province's enforcement functions (highway safety, conservation, etc.) into the OPP.

Since then, the Ministry has entered into an agreement with the OPP of co-training each other's officers. Transportation Enforcement Officers (TEOs) have been ordered to train OPP officers.

There are some cities where the police force has assumed control over commercial vehicle enforcement. For example, police forces of Metro Toronto and Halton have Commercial Vehicle Departments. The incentive is to receive provincial funding for the police budgets.

There is a push to have TEOs stop the training. To date, a number of outside police agencies have been trained in commercial vehicle enforcement.

The OPP has been conducting a very public campaign to demonstrate their ability to do commercial vehicle inspections. The OPP have done community blitzes, during one in Kenora they claim to have inspected up to 700 vehicles over the course of three days. The media has been quite receptive to these types of stunts.

Unfortunately, many of the TEOs aspire to be OPP and see this as an opportunity. The Ministry has a considerable retention problem, partly because there is a fairly substantial difference in pay between the Ministry and the OPP as well as enforcement personnel in the Ministries of the Environment and Labour.

Still, morale in the Ministry is down. A survey of the members found that 65 percent of respondents (131 replied) indicated they had applied elsewhere to work. This is especially true of the workers on the scales as all they do is CVSA (Commercial Vehicle Safety Alliance) inspections (more about this when discussing Quotas).

Saskatchewan

The representative from SGEU started by reminding the participants that Saskatchewan has more miles of highway than any other province in Canada. There are now 48 officers on the road.

The Department has experienced considerable cutbacks over the years. A worrisome trend has been to fill positions with contracts as opposed to full time officers. At the moment, staff turnover is running about 35 percent as demoralized workers go elsewhere for employment.

In addition, the threat of privatizing the service has been raised a lot in response to officers' attempts to attain increased security equipment (i.e. side arms).

Current management is seen as not being very supportive of the officers and they frequently downplay the risks involved in the job.

There is a Memo of Understanding with the RCMP about the appropriate duties and responsibilities of each body. Unfortunately, it has meant removing much of the enforcement responsibilities from the HSOs. While in the past they have worked well with the RCMP, this relationship has been breaking down lately.

A recent development has seen the province turn over responsibility for carrier audits to the insurance companies the trucking firms take out a policy with. The trucking firms are quite unhappy with this as they feel the insurance companies both lack the appropriate expertise and are in a conflict of interest.

Quota System

Ontario

The imposition of unrealistic quotas for inspection has been a serious problem for officers in the province. At this time, TEO 2s are expected to do 295 CVSA Level 1 inspections a year – no matter where in the province they are located. Officers are doing very little else.

The Business Performance Plan, which sets quotas for the year. Other quotas include 350 CVSA Level 3s for TEO 2s and 35 commercial audits per year for TEO 3s.

The quotas have been applied across the province with little consideration of the volume of traffic in the various regions. Recently in Kitchener, five officers were denied their merit increases because they did not meet their quotas. This was grieved and eventually resolved at the second stage of the process when it was

decided there would be no discipline or adverse effect in those cases where the failure to meet the quotas was justified.

There is a health and safety risk associated with the quotas as workers are often forced to conduct Level 1 Inspections in the evenings or during inclement weather and they often work alone, even when conducting Level 1 CVSA inspections.

Nova Scotia

Initially, officers had to conduct 32 inspections a year, the minimum required to maintain CVSA accreditation. This has since jumped to 120 a year. Given the difficulty associated with doing inspections during the winter months, this has meant the majority of these occurs during the spring and summer months. Officers may be targeting newer vehicles as in other provinces in an attempt to get more done in a shift, when quota's are set too high; since they get checked much faster if there are few or no mechanical defects.

Officers do not do Level 1 inspections alone.

New Brunswick

There are some 50 officers in the province qualified to conduct Level 1 inspections. Currently, officers must conduct a minimum of 32 inspections a year to maintain CVSA qualifications, but management has been considering the implementation of quotas. In addition, there is a considerable push for officers to issue more tickets to drivers of "unsafe vehicles". Unfortunately, the companies are not being charged but rather the driver, even when the driver has little or no knowledge or control over the maintenance of the vehicle he has been hired to drive.

Right now, officers working at the scales are expected to make 8-10 contacts during a 12-hour shift. Officers with the mobile units are expected to make at least six contacts per day. These must be documented contacts and can be anything from Level 1 to 5. There is a strong push to increase the number of Level 1s conducted.

They are responsible for doing inspections on a sampling of school buses (about 150 per year, province wide) but not for charter or city buses.

Prince Edward Island

The officers working the scales they are expected to conduct 100 Level 1 inspections a year as well as 8-12 Level 3s per shift. They are also expected to inspect vehicles hauling agriculture (e.g. bees, potatoes) as well as forestry products, lobster and dangerous goods.

The mobile/portable units are also expected to conduct 100 Level 1s per year. During the course of a 12 hour shift they are also required to make 12 contacts per shift. Similar to other provinces the bulk of these inspections is done during the summer months as a result of problems with the weather. In addition to the regular duties of commercial vehicle inspection, the province has a policy of integrated policing – which means Highway Safety Officers go out and patrol highway traffic.

The PEIUPSE representative mentioned that there was a court case that required officers to read a stopped driver their charter rights if the length of time exceeds 10 minutes (“Gray vs. the Crown”).

Saskatchewan

The situation in Saskatchewan is similar to Ontario. Officers must conduct 400 inspections a year – 120 Level 1s and 280 Level 2s or 3s. This must be done throughout the year with there being quarterly targets (e.g. 30 Level 1s every three months). There is a threat of discipline for those who do not meet their quota numbers.

This is a problem given the amount of highway that must be covered by the officers – 10 officers cover approximately 40,000 miles of highway. The time required to travel the distances makes it difficult to conduct the number of inspections demanded. Furthermore, there is no accommodation made for officers being ill or away from the job.

There was a push from management to issue more tickets. Fortunately, they are legally prevented from putting a quota on the number of tickets issued.

Officers are feeling quite demoralized. An aspect of this has been the removal of many enforcement responsibilities from them. The policy is that the HSO can no longer arrest a suspect but is expected to contact the RCMP.

Commercial Vehicle Safety Alliance Inspections Level 1, 3 and 5

Ontario

It was requested that this be added to the agenda as it is a common issue for all TEOs. The need to do 32 inspections a year to maintain certification has already been discussed.

One issue they are facing in Ontario is that the legislation is generally much stricter than the CVSA guidelines. With the pressure to do increasing numbers of CVSA Level 1 inspections, many officers are letting vehicles pass that do not meet the standards set out in legislation.

Saskatchewan

A participant pointed out that the province receives federal funding for the number of CVSA Inspections it carries out per year. This may be a considerable part of the motivation for increasing quotas.

The legislation in Saskatchewan largely reflects the CVSA standards. One difference, for example, is that CVSA is stricter on drivers' alcohol levels than the legislation is.

Prince Edward Island

This has already been touched on for the most part. Legislation largely reflects/references CVSA standards. The only significant difference is the legislation covering the inspections for farm plate holders is considerably less than CVSA. Many drivers try to get around inspections by purchasing the farm plates.

New Brunswick

The province does not have adequate legislation or regulations to cover a great deal of equipment related violations. For example, when a wheel separation occurs charges have probably never been laid in NB. This is an ongoing problem that sometimes gets recorded, and sometimes not, on a "wheel separation incident report" which was developed several years to track these incidents. Drivers from Ontario have told us of the steep fines imposed there for this event but in NB they drive away scot-free after effecting the repairs.

There is a fairly strict provincial regulation regarding load security but this may get somewhat watered down with the adoption of the North American standard for load security which NB is now in the process of teaching to its officers as the implementation date for all of CANADA was suppose to be set for January 2005. The USA has been using this new standard since the beginning of 2004.

Nova Scotia

CVSA standards have been incorporated into the National Safety Code but Nova Scotia Motor Vehicle Act inspection stickers are not included in the criteria for doing Level I CVSA Inspections.

Similar to PEI, there is a lower legislative standard in place for farm vehicles.

Health and Safety

1. Dispute in Saskatchewan

There is an ongoing dispute between officers/union and the Ministry around the availability of protective equipment.

When the process started, the management was fairly sympathetic to enforcement perspective and largely supported equipping officers with protective devices. Initially, they were provided with pepper spray and the baton and told that they would be given side arms following the report from a risk assessment. Unfortunately, the Ministry has been stonewalling them ever since.

In 2002, the Union decided to pursue this again. The new Deputy Minister and Director are opposed to issuing side arms to HSOs. Under s. 23 of the Occupational Health and Safety Act, workers can refuse to do unusually dangerous work. Many officers started to refuse some work as it was felt to be too dangerous without the appropriate protective device – i.e. side arm.

Following the protest, those workers who evoked s. 23 have been systematically targeted at work. This includes being sidelined and exposed to an increased level of supervision.

The participant from Nova Scotia mentioned that they have been provided with the training in firearms for enforcement purposes but the upper echelons of the Ministry are opposed to issuing side arms.

New Brunswick

A study was done about two years ago named "Code of Practice", following a similar review in the provincial Sheriff's department, to examine potential health and safety risks associated with these job requirements.

Officers in both departments had been asking for better training and equipment. A select number of persons from the employer and the employees were asked for input. When the study was completed, they identified certain training and equipment which should be forthcoming, which included:

- a) Policemans defensive driving course,
- b) Overtake stop and approach training,
- c) Verbal crisis intervention,
- d) Force continuum,
- e) PPCT (pressure points control tactics,
- f) possibly Pepper Spray and Asp Batons.

The Sheriff's department did get some of their identified training and equipment prior to the survey being done in CVE. As for CVE, all they have received to date is the verbal crisis course about 1 ½ years ago and the rest got pushed aside "due to budget cuts" in the past few years.

Some officers have mentioned side arms over the years but this raises a major reaction from management - as does some of the more mundane requests such as proper tires for our vehicles. CVE's are told that the police pursuit tires they had fought hard to get, and found to be working well, were much too costly and that "they have no business speeding" as they should be simply parking on the side of the road and waving drivers over.

2. Equipment and Training

Component	Equipment	Training
<p>Saskatchewan</p>	<p>Peace officer and special constables</p> <ul style="list-style-type: none"> - armoured vest - pepper spray - baton - handcuffs <p>road side screening</p> <ul style="list-style-type: none"> - alcohol detection <ul style="list-style-type: none"> ▪ policy not to use - computerized reports <ul style="list-style-type: none"> ▪ access to database <p>central dispatch pursuit package portable scales</p> <p style="text-align: center;"><u>Equipment wanted</u></p> <p>side arms</p>	<p>Pressure Point Control Tactics pursuit driving Police College or equivalent</p> <ul style="list-style-type: none"> - two-year course <p>CVSA</p> <ul style="list-style-type: none"> - ongoing <p>first aid "respectful workplace" pepper spray</p> <ul style="list-style-type: none"> - must re-certify biannually - exposure not required - considered OH&S issue
<p>Ontario</p>	<p>Five - six years ago Quinlan Report made recommendations about equipment</p> <p>uniform</p> <ul style="list-style-type: none"> - problem because it looks like OPP <p>armoured vest collapsible baton handcuffs (2) cruiser (looks like OPP)</p> <ul style="list-style-type: none"> - radio, lights, siren, onboard computer, connection to OPP database <p>Provincial Offence Tickets</p> <ul style="list-style-type: none"> - up to \$500 <p style="text-align: center;"><u>Equipment wanted</u></p> <p>have been arguing for pepper spray</p> <ul style="list-style-type: none"> - taken to Ontario Labour Relations Board 	<p>NB – training has been on hold</p> <ul style="list-style-type: none"> - WSB complaint too many injuries during training - officers to help develop modules - retraining to start January 2005 <p>use of force module</p> <ul style="list-style-type: none"> - continuum - to be trained every 12 months but way this is enforced can mean up to two years' lag <p>trained how to take down vehicles</p> <ul style="list-style-type: none"> - policy no speeding <p>trained in making arrests</p> <ul style="list-style-type: none"> - policy of only if assaulted - not for impaired driving - not for speeding or traffic violations

Component	Equipment	Training
New Brunswick	<p>Uniform – similar to RCMP (grey shirt /tie for winter kit, navy pants with blue piping) Kit and upkeep provided as required</p> <p>handcuffs – one pair per officer</p> <p>Permanent scales 8 province wide central radio dispatch (provincial PMCC) loudspeaker and CB radio ¼” plexiglass between officer (working alone) and driver</p> <p>patrol vehicles 20 plus province wide</p> <ul style="list-style-type: none"> - vans Chev Astro - portable weigh scales 8 per van - lights/sirens - 2-way radio central dispatch for the province. Access to police forces is through a radio-phone patch (slow and annoying) - cell phone in vehicle 	<p>NB – a lot of officers were hired after police or military experience in the past especially after the disbanding of the NB Highway Patrol in 1988 but now, we’re seeing more correctional officers transfer in, weather they had formal training or just the in house version at the correctional facility.</p> <p>The Federal TDG inspectors were hired to provide the training for TDG inspection.</p> <p>Most other training is adhoc, some in house and some contracted out but very little is forthcoming.</p>
Nova Scotia	<p>Peace officers/special constables trucks computer access to CV Safety Alliance</p> <ul style="list-style-type: none"> - database – recent development - computerized reports - tickets <p>no armour</p> <p style="text-align: center;"><u>Equipment wanted</u></p> <p>pepper spray handcuffs</p>	<p>Pepper spray</p> <ul style="list-style-type: none"> - exposure required <p>training with using handcuffs transportation of dangerous goods giving evidence and court proceedings self-defence some weapons St. John’s Ambulance computer software high speed pursuit yearly upgrade traffic control designation</p> <ul style="list-style-type: none"> - must recertify every three years <p>CVSA</p>
Prince Edward Island	<p>CVO – police officer uniforms vehicles hard hats central radio dispatch</p> <p style="text-align: center;"><u>Equipment wanted</u></p> <p>pepper spray baton</p>	<p>Two year police science CVSA – after hire high speed pursuit driving course</p>

3. Inspection safety procedures

New Brunswick

Two officer teams required for Level 1 CVSA inspections.

Ontario

It was asked how workers at the scale, while doing inspections, were protected from incoming traffic. In Ontario, it used to be only a yellow line dividing the truck lanes from each other. After considerable effort from the Union, management introduced cement barriers between lanes.

Prince Edward Island

Participants reported that each lane is demarcated by orange pylons and that there is always an empty lane between trucks.

Saskatchewan

This is a serious issue for some members. At present, there is no mechanism in place to ensure that trucks are separated from each other at an appropriate distance to allow inspections. Workers are not supposed to conduct inspections alone, providing for some safety cautions, but this is not always the case.

Transport Canada: Regulatory Harmonization with the United States

Security

Len Bush provided a brief account of recent efforts by Transport Canada to enact security related regulations to bring Canada's policies more in line with the United States.

Following the terrorist attack on the United States on September 11, 2001, the Canadian government initiated a process intended to increase security measures. Transport Canada has already engaged in multi-stakeholder consultations and security regulation development in the airports and in marine facilities.

In both of these cases, it is felt by the labour representatives that one of the goals of the process was to harmonize Canada's transportation security regulations

with those adopted by the United States. For example, Transport Canada drafted new regulations regarding marine security that are intended to conform with the International Ship and Port Security (ISPS) regulations followed by the United States.

It can also be said that for both review processes, the voice of labour was keenly sought but largely ignored. Indeed the consultation process with regards to Marine security is that the focus of the security measures discussed became more one of addressing “organized crime” on the docks than actually dealing with a terrorist threat. This in part was fuelled by Senator Colin Kenny’s personal campaign to accuse dock workers of being closely aligned with “bike gangs” and the “mafia”.

This change in focus resulted in much of the debate between Transport Canada and the labour representatives over security checks for workers in the ports. The proposed guidelines to conduct security checks were very intrusive and without any substantive appeal or review process.

It appears that Transport Canada started with air and marine facilities security because these were the most pressing issues (and sore points with the Americans) but that all transportation modes will eventually be reviewed. The expectation is that rail transport will likely be next as it will be an easier process than looking at highway.

An initial part of this process was the Smart Border Declaration which was the initiative of John Manley. Fundamentally, this is an identification program for frequent travelers between the U.S. and Canada involving passes for “pre-approved, low-risk travelers and commercial traffic”.

Still, it is highly likely that Transport Canada will be looking at road security in the near future. Len has spoken with Bill Chedore at the Canadian Labour Congress about this and made it clear the National Union would want to be part of any consultative process.

Load Security

New Brunswick provided some background on the load security regulations that are being implemented in the province. It is their understanding that the new regulations, intended to harmonize those existing in Canada with those in the United States, will be extended to all provinces in 2005. It may be the case that some provinces will be staggering the implementation in over a period of time.

Officers in New Brunswick have been told that for the first three months there will be fairly “soft” enforcement of the regulations but eventually it will be fully implemented. Some growing pains are expected.

Compensation

Component	Wage range	Hours of work	Shift premium
Saskatchewan	Start \$38,636 after five years \$47,008	37 1/3 8 hour/day - occasionally 10-12 - ave. - flex	6 pm – 7 am + \$1.25 weekends – 6 pm + \$0.25
Ontario January 1, 2004	TEO1 (2 step training position – takes 1 year) – \$949.40 (entry) \$1,001.29/wk (top level) TEO2 –\$1,096.01 / week + \$700 if mechanics license required – must maintain each year job competition required to move from TEO2→TEO3 3 steps – takes 3 years TEO3 – \$1,160.08	36 1/4 week 7 1/4 hours / day	Overtime after 7 1/4 hours 1 1/2 times pay If majority of hours after 5 pm get an additional \$0.78 / hour for all hours worked
New Brunswick	Commercial Vehicle 1 start \$36,400 / year 17 steps – 2 steps / year top \$44,096 takes 8-9 years CV 2 Supervisors extra four steps \$46,280 CA expires in 2004	40 hours / week not docked for lunch 10 hour shifts – mobile 12 hr shifts - scales	Weekend premium Sat + Sun +\$0.75/hr regular shifts – if majority after 5 pm +\$2.60 / shift
Nova Scotia Note contract expired March 31, 2004 and is currently in negotiations.	Start \$34,500 / year top of \$42,165 /year five increments takes five years if goes right - some people brought in higher than first level	40 hours / week 8 1/2 hours / shift get extra week vacation no lunch or coffee	6 pm – 6 am shift + \$5.73 / shift
Prince Edward Island	Start at \$16.45 / hour five steps five years to climb negotiations currently underway	37.5 hour / week 12 hour / shift	+ \$1.75 /hour outside normal day (8-4 or 7-3)

Conclusion

Participants wanted to express their appreciation to the National Union for organizing this conference call. They also requested that consideration be given to hosting another call in the new year – perhaps with representation from the provinces who had not participated in this call.