

SYSTEM BULLETIN**To: All Operations Employees****All Regions - Canada****Date: September 1, 2022****SUBJECT: Locomotive Voice and Video Recording**

On September 2 2022, Transport Canada *Locomotive Voice and Video Recorder Regulations (TC LVVR Regulations)* come into effect across Canada. *TC LVVR Regulations* require CP to capture audio and video recordings from within locomotive cabs, and to provide recordings to various government agencies subject to prescribed conditions. This bulletin outlines details of CP's LVVR System, including when recordings may occur, when they must be shared, and when they can be used.

When is the LVVR System recording?

TC LVVR Regulations require that the LVVR system record continuously while the locomotive engine is on. When the engine is off, no recording occurs.

What is being recorded?

One or more microphones will record audio within the locomotive cab. Two or more cameras will record video within the locomotive cab. Recordings cannot be viewed in real time.

It is prohibited by law for any person to do anything, including altering the locomotive voice and video recorder system, with the intent to prevent information from being recorded, collected or preserved.

Any intent to prevent recording will be subject to both CP's internal discipline process (up to and including dismissal), and to potential action under the *Railway Safety Act* (up to a \$50,000 penalty).

Who can view or use recordings?

Subject to conditions, recordings from a controlling locomotive may be used by:

- the Transportation Safety Board (TSB);
- the Minister of Transport;
- a Transport Canada (TC) Railway Safety Inspector (TC RSI);
- by authorized members of CP's Operations Standards & Rules team; and/or
- by CP managers of operating employees.

How can I be assured that recordings will be kept secure?

Data recorded on crash-protected memory modules, and any recordings made from such data, are encrypted to prevent access to any unauthorized persons not listed above. This encryption also prevents the altering or editing of recordings.

What if I object to the recording of my voice or person?

The compliance of CP and its employees to the *TC LVVR Regulations* is a regulatory requirement.

How will recordings be used?

TC and CP may only use recordings made in a controlling locomotive.

Following any occurrence that CP is required to report to the TSB, recordings may be used by the TSB if they choose to investigate the occurrence. If the TSB indicates they will not be investigating, the recordings may be used:

- by the Minister of Transport, to develop policies, determine causes and contributing factors, and to verify compliance with *TC LVVR Regulations*;
- by TC RSI, to determine causes and contributing factors, and to verify compliance with *TC LVVR Regulations*; and
- by CP, to determine causes and contributing factors, provided CP has reason to believe that activities in the locomotive cab caused or contributed to the accident or incident.

Subject to conditions, CP may use randomly selected recordings from one day each month to analyze railway operations as required under TC's *Railway Safety Management System Regulations* to identify safety concerns, including any trends, emerging trends, or any repetitive situations. This analysis may result in changes to CP's internal policies, procedures, rules, instructions, or other guidelines.

During review of a reportable occurrence or randomly selected recordings, any of the above parties may also use a recording to address any of the following prescribed threats to the safety of railway operations:

- an operating employee who:
 - uses a cellular telephone while on duty when normal railway radio communication systems are available, except as provided for in company policies;
 - assumes a sleeping position while on duty, except as provided for in company policies;
 - uses a personal entertainment device while on duty, except as provided for in company policies;
 - is consuming or using intoxicants or impairing drugs;
 - reads materials not required in the performance of their duties while on duty, except as provided for in company policies; or
 - are within hearing range of each other but who are not verbally communicating, in a clear and audible manner, information they are required to verbally communicate in accordance with rules approved by the Minister of Transport; or
- the presence of an unauthorized person in the controlling locomotive.

Only the authorized members of CP's Operations Standards & Rules team have the ability to collect recordings. As required, these recordings may be shared with CP managers for review of a reportable occurrence, or when a prescribed safety threat is identified. CP managers do not have the ability to collect or view recordings apart from the above oversight.

Each month, CP will make available a report detailing the use of data, including the date, time, and identification of the controlling locomotive. This report and other information on LVVR can be found on CP Station on the Operating Rules and Practices page

<https://cprca.sharepoint.com/teams/CORP-I-OperatingRulesPractices> under the "Canadian Operating Rules & Practices" expandable menu.

The Minister of Transport may use randomly selected recordings for the purpose of developing policies.

Both the Minister of Transport and TC RSI may use randomly selected recordings for the purpose of verifying compliance with TC LVVR Regulations.

Will I know when I appear in a recording?

When CP identifies a prescribed safety threat during the review of a recording, all persons identified on that recording will be notified.

If an employee is identified as contributing towards that safety threat, they will again be notified within 30 days that the recording will be used to address the safety threat. When so notified, such employee may request a copy of this recording – instructions for requesting will accompany the notification. This is the only time employees may request a copy of a recording. When so requested, all identifiable persons present on the recording will again be notified.

In the event that recordings from the previous shift on the controlling locomotive are required by CP to determine causes and contributing factors of a TSB reportable occurrence, those operating (T&E) employees and their respective bargaining agents will be notified prior to use.

Employees appearing in a recording other than as identified above will not receive notification from CP when that recording is used.

The TSB, Minister of Transport, and TC RSI are not required to notify employees of recording use.

How will I be notified?

Employees will receive notification in writing via the email address provided to CP.

How long are recordings kept?

Randomly selected recordings are kept for a maximum of 30 days, then permanently deleted.

All other recordings must be permanently deleted when no longer required for the purpose they were obtained. If a recording is used to address a threat to the safety of railway operations, it must be kept for at least two years after the decision was made to address the threat, then deleted when no longer required for that purpose.

Can recordings be used in a formal investigation?

Recordings that contain a threat to the safety of railway operations will be used to address the threat as part of CP's discipline process.

For More Information

CP is required to make available the details of our LVVR procedures to all employees. These details can be found on CP Station on the Operating Rules and Practices page <https://cprca.sharepoint.com/teams/CORP-I-OperatingRulesPractices> under the "Canadian Operating Rules & Practices" expandable menu.

If you require more information, please review the procedures found on CP Station. After reviewing, if you have further questions, please contact your supervisor.

Home Safe is a commitment to be vigilant about personal safety and the safety of co-workers.

