



Myron Becker  
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## **LETTER OF UNDERSTANDING**

June 26, 2020

**Delivered Via Email**

Dave Fulton  
General Chairman CTY West  
101-10820 24 Street SE  
Calgary, AB  
T2Z 4C9

Wayne Apsey  
General Chairman CTY East  
5334-361 Queen Street  
Smiths Falls, ON  
K7A 0A6

### **Re: Amended - Coronavirus/ COVID-19 Unemployment Assistance**

Dear Sirs:

As you are aware, the situation around the globe continues to be fluid and CP is responding with equal levels of caution and flexibility. We are today and always will be an operating Company with a shared commitment to the safety and well-being of our employees. The scope and impact of the global COVID-19 (Coronavirus) pandemic is something no one could have predicted. As you are aware there remains a significant degree of uncertainty in the Global marketplace, which has resulted in the unfortunate decision to lay off employees at various terminals.

During our discussion on the foregoing, the Company expressed its desire to assist Conductors and Conductor Trainees laid-off on March 23, 2020, or thereafter, as a direct result of the economic downturn we are experiencing due to the Covid-19 crisis. This Letter of Understanding amends the original agreement on this matter and will remain in effect until September 30, 2020.

In order to achieve the above objective, while employees remain in laid off status the Union and the Company have agreed to the following:

1. The Company and the Union recognize this Letter of Understanding is without prejudice or precedent to either party and is solely due to the unforeseen economic global impact due to Covid-19. This Letter of Understanding may be extended beyond September 30, 2020 if mutually agreed upon by both parties.



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2. The terms and conditions of the current agreement dated March 27, 2020 governing this matter will remain in effect until July 4, 2020.
3. The terms and conditions of this letter of Understanding will be bulletined to all terminals on June 26, 2020 and CMC will contact any employee who does not provide their declaration notice by close of business on July 1, 2020.
4. A seven (7) day cancellation notice of this agreement may be served by the Company for a specific terminal(s) if it is determined that the terminal(s) does not have a minimum of 50% of laid off employees who have declared for the 72 hour recall.

#### **Employee Declaration**

1. Employees laid-off on or after March 23, 2020 will have until 18:00 Friday July 3, 2020 to advise CMC (who) of their declaration of either a 15 day recall notice or a 72 hour recall notice.
  - a) Employees who elect the 72-recall notice will continue to receive the \$248 top up and the healthcare benefits.
  - b) Employees who elect the 15-day recall notice will not be eligible to receive the \$248 top up and continuation of healthcare benefits beyond July 4, 2020.
2. The results of the foregoing application will be displayed on the weekly placement notice.
3. Employees who are laid off subsequent to July 4, 2020 will be required to make their declaration with CMC at the time of layoff.
4. In the event an employee who is laid-off on or after March 23, 2020 fails to make their declaration under the terms of this agreement and is currently receiving or is in the process of applying for the \$248 and H&W Benefits will not have their status changed and will be subject to the 72 hour recall provision.

#### **Recall**

1. Recall will occur in seniority order and will take into consideration the employee designation (example 15 day or 72 hour).



- a. **At the time of recall**, employees who have elected a 15-day recall will be given the option of reporting within 72 hours or for the actual date of recall within 15 days. Employees will be required to provide CMC with an immediate decision.
2. If the employee elects to return within 15 days, a junior employee will be recalled to fill the position for the 15-day period.
3. Employees who made their declaration to report within 72 hours will be required to return to work accordingly. These employees will be subject to a 10-day notice of layoff.
4. On June 1, the Company needs to recall one laid off employee, what will happen at the time of recall given the following example:
  - a. Bill Elected to not take the \$248 – 15 day recall  
John Elected to not take the \$248 – 15 day recall  
Mike Elected to take the \$248 – 72 hours recall
  - b. Call Bill the senior employee and offer the recall in 72 hours or earlier and if Bill accepts, he reports to work by June 4<sup>th</sup> for a 35 day period.
    - i. If Bill advises that he wants the 15 day recall, his recall date is effective June 15<sup>th</sup> and another employee is called to fill the period from June 1 – 15.
  - c. John is the next employee in line for recall, he is also offered the recall for 72 hours or earlier, and if he accepts, he reports to work by June 4 and will be subject to the 10-day layoff notice (concurrent with Bill reporting).
    - i. If John wanted the 15-day recall, he will not be recalled (as only one employee is required) and CMC moves to the next junior employee.
  - d. Mike, elected the 72-hour notice and is required to fill the position within 72 hours concurrent with Bill reporting. Mike may be subject total a 10 day layoff notice to fill the position; which can be given at time of recall.
  - e. In the event additional employees are subsequently required, on or before June 15<sup>th</sup>, the foregoing example would apply and CMC would commence with recalling John.



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The terms and conditions of this agreement will be in effect as provided for herein on July 4, 2020. If the foregoing reflects our discussions, please indicate by providing your concurrence in the space below.

Yours Truly,

Myron Becker  
Chief Labour Officer  
Labour Relations, CP

Mark Redd  
Executive Vice President, Operations

I concur:

Dave Fulton, General Chairman  
TCRC – CTY West

Date: June 26, 2020

I concur:

Wayne Apsey, General Chairman  
TCRC – CTY East

Date: June 26, 2020