

October 4, 2013

To: Unifor Local 114 Members
FirstCanada (Vernon & Salmon Arm)

Greetings Brothers and Sisters,

I'd like to inform all of you that I had a meeting with the Honourable Ralph Goodale, MP, on August 16th, along with leadership from CAW Local 111. The topic of discussion and reason for the meeting was over the issue of creating a Private Member's Bill to better protect bus drivers and other transportation employees who sometimes put themselves in vulnerable positions just because of the necessary work they do.

Based on the presentations he received from the CAW and other Unions, Mr. Goodale has drafted a Private Member's Bill to embed in the Criminal Code, the basic principle of which is that **when any offence is committed against a transit worker, the nature of that workers employment should be taken into account by the Court as an "aggravating factor" in sentencing.**

BILL C-553 is the Bill to amend the Criminal Code (protecting public transportation workers).

The hope here is to have this amended to the Act before Christmas, and as a Private Member's Bill the decision to support can be made in only a few meetings at the House of Commons.

I will keep you all informed as we continue to support tougher laws for those who commit crimes to transit workers across the country.

In Solidarity,

Gord McGarth
Unifor Local 114 President

GTM/dj-unifor 114

encl.

C-533 (bus drivers)

Frequently Asked Questions

Has driving a bus become less safe?

Yes. In spite of industry efforts - such as training and video cameras - the frequency and severity of attacks on bus drivers continues to be a danger. The attacks range from being spat on and punched in the head, to knife attacks and sexual assault. Over 40% of bus operators have been assaulted. 2,061 bus drivers across the country reported being assaulted in 2011 - about five every day.

Bus drivers are particularly vulnerable workers, serving the public. They work alone during all hours of the day and night, in compartments with no escape route. They operate 20 ton vehicles inter-mingling with traffic and pedestrians, so if they are assaulted, there is a greater risk to the public.

What does C-533 do?

This legislation will make the assault of on-duty transit operators an aggravating factor for sentencing purposes.

This approach is one part of the solution advocated by transit workers themselves, and a part that falls under federal jurisdiction.

The circumstances around assaulting a bus driver, which are inherently serious because of possible consequences to both the driver and the public, have already been expressly recognized by Canadian courts as a basis for imposing a higher penalty with the objective of specifically denouncing and deterring such conduct.

What will this change?

C-533 clarifies the law, which will help communicate it to the public. It will allow clear warnings to be put up in a bus that "assaulting a bus driver is a serious criminal offence." This would help prevent assaults.

What support does this proposal have?

This approach is supported by the STM bus drivers union, the British Columbia Police Association, the Council of the City of London (Ontario), the Council of the City of Edmonton and the National Board of Directors of the Federation of Canadian Municipalities.

Please turn over →

How does it compare with other proposals?

In the current Parliament, MP Peter Julian proposed Bill C-402, which covers aggravated assault, assaulting a peace officer and murder of a peace officer - placing public transportation workers in these last two categories. It does **not cover** unlawfully causing bodily harm, simple assault, or assault with a weapon or causing bodily harm.

In the previous Parliament, MP Brent Rathgeber proposed Bill C-637, which provides for the consideration of the victim's work as a public transportation operator when the crimes at issue are simple assault, assault with a weapon or causing bodily harm, aggravated assault and unlawfully causing bodily harm. It does **not cover** murder.

MP John Rafferty has served notice of another Private Member's Bill on the topic, but has not yet tabled the actual text.

By making employment on-duty as a transit operator a sentencing factor, C-533 would apply to **all** offences and not just the provisions listed in C-402 and C-637. This would be a simple - and powerful - approach that could win widespread support. A similar approach was taken by the Government in Bill C-36 (Protecting Canada's Seniors Act).

Could plastic shields around bus drivers solve the problem?

In British Columbia, Coast Mountain Bus company proposed installing full shields around drivers' seats, but abandoned the project in 2010 after the majority of drivers rejected the idea. They complained about glare from the shields and the difficulty of talking to passengers across a plastic barrier. The Edmonton Transit Service has also tested the barriers, which raised similar complaints.