



Ben Williams
President

Terry Dosenih
Financial Secretary

April 9, 2014

Sam MacLeod, Superintendent of Motor Vehicles
PO Box 9254 Stn Prov Govt
Victoria, BC V8W 9J2

Via Facsimile 250 356 5577

Dear Mr. MacLeod:

I am writing to you on behalf of Unifor Local 333 the union, representing Greater Victoria bus drivers employed by BC Transit, to request an urgent ruling from your office on a proposal by the employer that constitutes a serious safety risk for our members, passengers and the general public.

BC Transit intends to implement as of April 22, 2014 orders to bus drivers to call out every stop on every route through the use of a hand-held, cabled microphone connected to a public address system on their buses.

Attached please find the draft letter from BC Transit's Dave Guthrie, General Manager, Victoria Operations that our union received. We have been informed it would go to all bus drivers regarding its policy of calling out every stop on the public address system. Failure to comply would result in disciplinary action against bus drivers.

We have indicated clearly to BC Transit that their proposal is unsafe and unacceptable to our members but have been unable to convince them to withdraw this plan.

Unifor Local 333 strongly believes that this is extremely unsafe and constitutes a clear violation of distracted driving laws, which ironically have been the subject of significant government, media and public attention in recent weeks because of the enormous number of fatal accidents distracted driving causes.

BC Transit has made this decision as its response to an ongoing BC Human Rights Tribunal complaint filed by s.22 and the Canadian Federation of the Blind, who believe it is discriminatory to the visually impaired that stops are not announced on each bus.

Our union is very sympathetic to the issues raised by s.22 and the Canadian Federation of the Blind and we note that Juliana Dailey, the lawyer for s.22 correctly identifies BC Transit's solution as unsafe and unreliable as well. That letter is attached also for your information.

Your office's fact sheet on distracted driving clearly indicates that the use of hand-held microphones is not allowed [bold emphasis added]:

"A person may use a hand microphone while driving if:

- The device is within easy reach of the driver's seat; and
- The device is not held in the hand; and
- Is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle."

From: <http://www.pssg.gov.bc.ca/osmv/shareddocs/electronic-devices-while-driving.pdf>

Since nearly all BC Transit buses are equipped with a corded, handheld microphone for the public address system, as indicated in the attached photo, it is our view that this clearly violates your regulations and bus drivers should not be using this system at all while the vehicle is moving.

Furthermore, regardless of the type of microphone system, it is our belief that forcing bus drivers to call out all stops while safely operating a large vehicle full of passengers and at times in heavy traffic is in itself unsafe.

Most stops are located before or after road intersections, some of them the busiest in Greater Victoria, meaning the bus driver should be completely focused on safely navigating through the intersection, not on calling out a stop on a public address system.

The obvious solution is to install an automated Global Positioning System announcement system in all buses, as used in other transit systems around the world. This is the only safe and reliable way to announce stops.

For these reasons we urgently ask you to make a ruling against BC Transit's intention to implement this plan as of April 22, 2014 and to inform both BC Transit and our union of your position.

We are also copying WorkSafe BC, the Insurance Corporation of BC and BC Attorney-General Suzanne Anton on this correspondence because of their obvious interest and involvement in this critical issue.

Also attached is a letter sent to our union from the lawyer representing s.22 and the Canadian Federation of the Blind dated September 13, 2013, for your information.

We look forward to a positive response from you at your earliest convenience and will cooperate to provide you with any additional information necessary to make a quick ruling on this public safety issue.

Lastly, because this issue is of critical important to our members and other British Columbians, we will be making our request to you known to the public shortly.

Sincerely yours,



Ben Williams
President
Unifor Local 333

cc Scott McCloy
Director, Government, Community and Media Relations
WorkSafe BC Email: scott.mccloy@worksafebc.com

Tamara McLean
Senior Communications Specialist, Vancouver Island
Insurance Corporation of BC Email: tamara.mclean@icbc.com

Suzanne Anton
BC Attorney General and Minister of JusticeB Email: JAG.Minister@gov.bc.ca

Page 4 redacted for the following reason:

s.13



Community Legal Assistance Society

providing specialized legal assistance to promote social justice since 1971

COMMUNITY LAW PROGRAM

Please direct your reply to:
Juliana Dalley
jdalley@clasbc.net

September 23, 2013

Canadian Autoworkers Union (CAW) Local 333
Suite 2 Flr - 4248 Glanford Avenue,
Victoria BC V8Z 4B8

Attn: Ben Williams, President

Dear Mr. Williams:

Re: **s.22 v BC Transit**
Human Rights Tribunal File No. 11751
Confirmation of Union's Position

We are representing **s.22** who is

s.22 has filed a human rights complaint against BC Transit. The complaint concerns the accessibility of the Victoria Regional Transit System to visually impaired customers.

We are writing to you as the president of the union representing Transit Operators employed by BC Transit. It is our understanding that BC Transit's current policy regarding audible stop announcements is that Transit Operators must announce 'Designated Stops' (as identified in each Transit Operators' schedule) and are expected to call out non-designated stops as requested by customers.

We are writing to inquire as to your position on this policy. It is the position of **s.22** and the Canadian Federation of the Blind that the above policy does not adequately address the barriers faced by visually impaired customers. We are advised by **s.22** and others that many Operators forget to announce requested stops. This is understandable, as Operators may be distracted or focusing on their other job duties. However, BC Transit's policy appears to contemplate disciplinary action against Operators who forget to announce stops as requested.

Furthermore, the policy may create safety risks by imposing additional duties on Operators above and beyond their already demanding job requirements. These consequences are not in the interest of Operators, nor in the interest of visually impaired customers.

It is the position of the Canadian Federation of the Blind and **s.22** that a far more workable solution would be the installation of an automated GSP-based enunciation system on BC Transit owned buses, as many other jurisdictions have done.

I would appreciate if you could provide your position at your earliest convenience. You can reach me by letter, email or by phone. My direct line is 604-673-3123. If I do not hear from you by September 30, I will follow up with a phone call.

Thank you very much.

David Mossop, Q.C.
Kevin Smith
Diane Nielsen
Frances Kelly
Alison Ward
Aleem Bharmal
Dan Soiseth
Rose Chin
Lindsay Waddell
Kevin Love
Scott Hicks
Kendra Milne
Devyn Cousineau
Katy Cooper
Juliana Dalley
(Articling Student)

Yours truly,

COMMUNITY LEGAL ASSISTANCE SOCIETY

A handwritten signature in black ink, appearing to read 'Juliana Dalley'. The signature is fluid and cursive, with the first name 'Juliana' written in a larger, more prominent script than the last name 'Dalley'.

Per: Juliana Dalley, Articling Student





Fax

TO: Sam MacLeod

FROM: Ben Williams

FAX: 250 356 5577

PAGES: 8

RE: BC Transit

DATE: April 9, 2014

☒ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:



Ministry of Justice

Office of the Superintendent
of Motor Vehicles
www.gov.bc.ca

FAX SHEET

Pages: 2 (including cover)

Date: April 10, 2014

To: Mr. Ben Williams

Branch/Company: President Unifor Local 333-BC

Phone:

Fax: (250) 381-3521

From: Sam MacLeod

Superintendent of Motor Vehicles

Office of the Superintendent

of Motor Vehicles

PO BOX 9254 STN PROV GOVT

VICTORIA BC V8W 9J2

Phone:

Fax: (250) 356-5577

E-Mail ID:

Subject: Use of Hand Microphones by BC Transit Drivers to Communicate with Passengers

Message: Response to April 9th letter attached.



April 10, 2014

Reference No. 501055

Mr. Ben Williams
President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
Victoria BC V8Z 4B8

Dear Mr. Williams:

I write in response to your April 9, 2014 letter, regarding the use of hand microphones by BC Transit drivers to communicate with passengers.

Upon review of your letter, and our online fact sheet developed in 2010, which was created ahead of the introduction of the Use of Electronic Devices While Driving legislation, I would first like to apologize for an error that you have highlighted in that fact sheet. The fact sheet incorrectly states that hand microphones cannot be held in the hand for operation. This mistake has now been corrected in our fact sheet and updated on our website as of April 10, 2014.

The Use of Electronic Devices While Driving Regulation, under the *Motor Vehicle Act*, defines a hand microphone as a communication device in section 3 (2) consisting of a hand-held unit that:

- (a) is both receiver and microphone,
- (b) is operated by a push and hold-to-talk function, and
- (c) allows for oral communication, but not for the transmission and receipt of oral communication at the same time.

The regulation further states that the use of a hand microphone is permitted as long as it meets the following criteria in section 9 (2):

- (a) the device is within easy reach of the driver's seat, and
- (b) is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.

I hope this clarifies the exemption to the regulation. I again apologize for the error contained in our fact sheet and hope that this information has been useful to you.

Yours sincerely,

Sam MacLeod
Superintendent

* * * Communication Result Report (Apr. 10, 2014 1:05PM) * * *

1) OSMV/Management Services
2)

Date/Time: Apr. 10, 2014 1:05PM

File	No. Mode	Destination	Pg(s)	Result	Page Not Sent
5115	Memory TX	92503813521	P. 2	OK	

Reason for error

- 1) Hang up or line fail
- 2) No answer
- 3) Exceeded max. E-mail size

E. 2) Busy
E. 4) No facsimile connection



Ministry of Justice

Office of the Superintendent
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www.osmv.bc.ca

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Pages: 2 (including cover)
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Phone:
Fax: (250) 381-3521

From: Sam MacLeod
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Office of the Superintendent
of Motor Vehicles
PO BOX 9254 STN PROV GOVT
VICTORIA BC V8W 9J2

Phone:
Fax: (250) 356-5577
E-Mail ID:

Subject: Use of Hand Microphones by BC Transit Drivers to Communicate with
Passengers

Message: Response to April 9th letter attached.

The following material is intended only for the use of the individual or organization to whom it is addressed, and it may contain confidential or personal information that is subject to provisions of the Freedom of Information and Protection of Privacy Act. This material must not be distributed, copied or disclosed to other unauthorized persons. If you have received this transmission in error, please contact the sender immediately by telephone.

OSMV-GEN-1006 (2009/05/17)

Belsky, Belle JAG:EX

From: SG OSMV Mailbox SG:EX
Sent: Thursday, April 10, 2014 2:42 PM
To: McCloy, Scott WCB:EX
Subject: RE: use of hand microphones by BC Transit drivers
Attachments: RE hand microphones - Ben Williams Unifor - 501055.pdf

Categories: Jeremy

April 10, 2014

Mr. Ben Williams
President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
Victoria BC V8Z 4B8

Dear Mr. Williams:

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I hope this clarifies the exemption to the regulation. I again apologize for the error contained in our fact sheet and hope that this information has been useful to you.

Yours sincerely,

Sam MacLeod
Superintendent

Reference No. 501055

cc Scott McCloy
Director, Government, Community and Media Relations
WorkSafe BC

Tarmara McLean
Senior Communications Specialist, Vancouver Island
Insurance Corporation of BC

Suzanne Anton
Minister of Justice and Attorney General



April 10, 2014

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President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
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Director, Government, Community and Media Relations
WorkSafe BC

Tarmara McLean
Senior Communications Specialist, Vancouver Island
Insurance Corporation of BC

Suzanne Anton
Minister of Justice and Attorney General

Belsky, Belle JAG:EX

From: SG OSMV Mailbox SG:EX
Sent: Thursday, April 10, 2014 2:45 PM
To: 'tamara.mclean@icbc.com'
Subject: RE: use of hand microphones by BC Transit drivers
Attachments: RE hand microphones - Ben Williams Unifor - 501055.pdf

Categories: Jeremy

April 10, 2014

Mr. Ben Williams
President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
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cc Scott McCloy
Director, Government, Community and Media Relations
WorkSafe BC

Tarmara McLean
Senior Communications Specialist, Vancouver Island
Insurance Corporation of BC

Suzanne Anton
Minister of Justice and Attorney General

Belsky, Belle JAG:EX

From: SG OSMV Mailbox SG:EX
Sent: Thursday, April 10, 2014 2:51 PM
To: Minister, JAG JAG:EX
Subject: RE: use of hand microphones by BC Transit drivers
Attachments: RE hand microphones - Ben Williams Unifor - 501055.pdf

Categories: Jeremy

April 10, 2014

Mr. Ben Williams
President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
Victoria BC V8Z 4B8

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Sam MacLeod
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Director, Government, Community and Media Relations
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Tamara McLean
Senior Communications Specialist, Vancouver Island
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Minister of Justice and Attorney General



April 10, 2014

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Mr. Ben Williams
President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
Victoria BC V8Z 4B8

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Tamara McLean
Senior Communications Specialist, Vancouver Island
Insurance Corporation of BC

Suzanne Anton
Minister of Justice and Attorney General



Ben Williams
President

Terry Dosanjh
Financial Secretary

April 10, 2014

Sam MacLeod
Superintendent of Motor Vehicles
PO Box 9254 Stn
Prov Govt
Victoria, BC
V8W 9J2

By Facsimile 250-356-5577

Dear Mr. MacLeod:

Thank you very much for your quick response to my letter of April 9, 2014 regarding BC Transit's plan to impose what our union believes will force bus drivers to break laws against distracted driving.

We are disappointed to learn that the Superintendent of Motor Vehicles website's "Fact Sheet" on distracted driving was apparently incorrect – and we appreciate that you have now promptly corrected it following receipt of our letter and accept your apology for the error.

However, your letter of clarification would appear to confirm our grave concern that BC Transit's plan does indeed violate distracted driving rules, even though you do not clearly state that.

Therefore I would like to again draw your attention to key points in BC Transit's plan and ask that you respond on an urgent basis.

Your letter states that:

The regulations further states that the use of a hand microphone is permitted as long as it meets the following criteria in section 9 (2):

- (a) the device is within easy reach of the driver's seat, and*
- (b) is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or the sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.*

The photo attached to our letter of April 9, 2014 clearly shows what is the typical configuration of most BC Transit buses in Victoria. The hand-held microphone is located behind and to the left hand side of the driver's seat, hanging on a peg on the bus interior cabin.

To use that microphone, a driver would need to reach backwards with either the left or right hand while maintaining the other hand on the steering wheel.

That would appear to violate Section 9 (2) (a) – i.e. that it is “within easy reach of the driver seat”.

Secondly, the hand-held microphone hangs on a peg and therefore is not, as required in Section 9 (2) (b): “securely fixed to the motor vehicle or worn securely on the person's body...”

Therefore, our view is that while your letter does not directly say so, based on the evidence we have provided, the BC Transit plan does indeed violate the regulations in two different ways.

We also believe that in addition, the BC Transit plan does not meet a “common sense” test that surely must be extremely important to the safety of drivers, passengers and the public – that bus drivers reaching backwards for a hand-held microphone and being asked to call out stops while navigating through heavy traffic and proceeding through intersections is simply unsafe.

I would like to ask you once again to indicate clearly the status of the BC Transit plan as quickly as possible – either it violates the regulation, as we believe, or it does not and is in your view as the Superintendent of Motor Vehicles acceptably safe and not a serious risk.

I would appreciate a response at your earliest opportunity and am willing to discuss this matter further in person or by telephone if it would be helpful to your decision making process, including demonstrating our concerns about this plan by taking you on board a BC Transit bus in Victoria.

Sincerely yours,



Ben Williams
President
Unifor Local 333

cc Scott McCloy
Director, Government, Community and Media Relations
WorkSafe BC Email: scott.mccloy@worksafebc.com

Tamara McLean
Senior Communications Specialist, Vancouver Island
Insurance Corporation of BC Email: tamara.mclean@icbc.com

Suzanne Anton
BC Attorney General and Minister of JusticeB Email: JAG.Minister@gov.bc.ca



Fax

TO: Sam MacLeod

FROM: Susan Atkinson

FAX: 250 356 5577

PAGES: 4

RE:

DATE: April 10, 2014

☐ Urgent ☐ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Comments:





Ministry of Justice

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Phone:
Fax: 250-381-3521

From: Sam MacLeod
Superintendent of Motor Vehicles
PO BOX 9254 STN PROV GOVT
VICTORIA BC V8W 9J2

Phone:
Fax: 250-356-5577
E-Mail ID:

Subject:

Message:

* * * Communication Result Report (Apr. 11. 2014 2:05PM) * * *

1) OSMV/Management Services
2)

Date/Time: Apr. 11. 2014 2:04PM

File	No. Mode	Destination	Pg(s)	Result	Page Not Sent
5180	Memory TX	92503813521	P. 2	OK	

Reason for error

- 1) Hang up or line fail
- 2) No answer
- 3) Exceeded max. E-mail size

- E. 2) Busy
- E. 4) No facsimile connection



Ministry of Justice

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To: Mr. Ben Williams
Branch/Company: Unifor Local 333-BC
Phone:
Fax: 250-381-3521

From: Sam MacLeod
Superintendent of Motor Vehicles
PO BOX 9254 STN PROV GOVT
VICTORIA BC V8W 5J2

Phone:
Fax: 250-358-5577
E-Mail ID:

Subject:

Message:

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OSMV-GEN-1008 (2008/06/17)



April 11, 2014

Reference No. 501089

Mr. Ben Williams
President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
Victoria BC V8Z 4B8

Dear Mr. Williams:

I write in response to your further letter of April 10, 2014, regarding the Use of Electronic Devices while Driving.

While my office drafted the Use of Electronic Devices while Driving legislation and regulations, we do not adjudicate or interpret how they are applied in individual cases.

The enforcement of this legislation is the responsibility of police, and any violations issued are subject to dispute in court. If you are looking for a detailed interpretation of how the legislation may apply in your specific circumstances then you should consider seeking independent legal advice.

I would draw your attention to the fact that the Use of Electronic Devices While Driving legislation and regulations only cover certain prescribed electronic devices and so devices that fall outside those prescribed would not be covered by this legislation, for example devices such as two-way radios. You may wish to seek legal advice on whether the specific devices you are concerned about are covered under the Use of Electronic Devices while Driving legislation and regulations.

Prescribed electronic devices are detailed in B.C. Reg. 308/2009. To view the legislation in its entirety, visit the BC Laws website at: www.bclaws.ca

Regarding your overall concerns with BC Transit's plan, I am unable to comment any further. This matter is between the employer and the union, and my office will not be intervening or providing an opinion on this matter.

Yours sincerely,

Sam MacLeod
Superintendent

Schmidt, Jeremy JAG:EX

From: SG OSMV Mailbox SG:EX
Sent: Friday, April 11, 2014 2:27 PM
To: 'tamara.mclean@icbc.com'
Subject: RE: further correspondence on electronic devices
Attachments: 501089 - Ben Williams - BC Transit drivers follow-up.pdf

April 11, 2014

Mr. Ben Williams
President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
Victoria BC V8Z 4B8

Dear Mr. Williams:

I write in response to your further letter of April 10, 2014, regarding the Use of Electronic Devices while Driving.

While my office drafted the Use of Electronic Devices while Driving legislation and regulations, we do not adjudicate or interpret how they are applied in individual cases.

The enforcement of this legislation is the responsibility of police, and any violations issued are subject to dispute in court. If you are looking for a detailed interpretation of how the legislation may apply in your specific circumstances then you should consider seeking independent legal advice.

I would draw your attention to the fact that the Use of Electronic Devices While Driving legislation and regulations only cover certain prescribed electronic devices and so devices that fall outside those prescribed would not be covered by this legislation, for example devices such as two-way radios. You may wish to seek legal advice on whether the specific devices you are concerned about are covered under the Use of Electronic Devices while Driving legislation and regulations.

Prescribed electronic devices are detailed in B.C. Reg. 308/2009. To view the legislation in its entirety, visit the BC Laws website at: www.bclaws.ca

Regarding your overall concerns with BC Transit's plan, I am unable to comment any further. This matter is between the employer and the union, and my office will not be intervening or providing an opinion on this matter.

Yours sincerely,

Sam MacLeod
Superintendent

Reference No. 501089

cc The Honourable Suzanne Anton
Mr. Scott McCloy
Ms. Tamara McLean

Schmidt, Jeremy JAG:EX

From: SG OSMV Mailbox SG:EX
Sent: Friday, April 11, 2014 2:34 PM
To: Minister, JAG JAG:EX
Subject: RE: further correspondence on electronic devices
Attachments: 501089 - Ben Williams - BC Transit drivers follow-up.pdf

April 11, 2014

Mr. Ben Williams
President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
Victoria BC V8Z 4B8

Dear Mr. Williams:

I write in response to your further letter of April 10, 2014, regarding the Use of Electronic Devices while Driving.

While my office drafted the Use of Electronic Devices while Driving legislation and regulations, we do not adjudicate or interpret how they are applied in individual cases.

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Yours sincerely,

Sam MacLeod
Superintendent

Reference No. 501089

cc The Honourable Suzanne Anton
Mr. Scott McCloy
Ms. Tamara McLean

Schmidt, Jeremy JAG:EX

From: SG OSMV Mailbox SG:EX
Sent: Friday, April 11, 2014 2:41 PM
To: McCloy, Scott WCB:EX
Subject: RE: further correspondence on electronic devices
Attachments: 501089 - Ben Williams - BC Transit drivers follow-up.pdf

April 11, 2014

Mr. Ben Williams
President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
Victoria BC V8Z 4B8

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I write in response to your further letter of April 10, 2014, regarding the Use of Electronic Devices while Driving.

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Yours sincerely,

Sam MacLeod
Superintendent

Reference No. 501089

cc The Honourable Suzanne Anton
Mr. Scott McCloy
Ms. Tamara McLean

Roberts, Steven JAG:EX

From: MacLeod, Sam JAG:EX
Sent: Thursday, April 17, 2014 2:26 PM
To: Smith, Curtis M JAG:EX
Cc: Roberts, Steven JAG:EX
Subject: OSMV - Distracted driving - IN - 16Apr14 (2) - clean
Attachments: OSMV - Distracted driving - IN - 16Apr14 (2) - clean.docx

Changes in red.

Sam

Roberts, Steven JAG:EX

From: MacLeod, Sam JAG:EX
Sent: Wednesday, April 16, 2014 11:36 AM
To: Groot, Jeff GCPE:EX
Cc: Roberts, Steven JAG:EX; Anness, Glenn JAG:EX
Subject: Re: Transit/distracted

Jeff

It would impact taxis, commercial vehicles (trucks), all emergency vehicles - fire, ambulance, police, search and rescue.

That's why the legislation was crafted to exclude. Ontario made the mistake of trying to regulate this way back when and had to amend their legislation to specifically exclude.

Steve/Glenn - anything to add?

Sam

Sent from my iPhone

On Apr 16, 2014, at 11:26 AM, "Groot, Jeff GCPE:EX" <Jeff.Groot@gov.bc.ca> wrote:

Hey Sam – I just got a call from the CD at MOTI. We're going to make sure MSA has the same messaging that BC Transit is using along with ours about distracted driving.

A question for you though, is there any consideration of changing the legislation to include these kinds of mics?

s.13

Thx!

Jeff Groot | Director of Communications
Ministry of Justice | 250 920 9203

Roberts, Steven JAG:EX

From: MacLeod, Sam JAG:EX
Sent: Monday, April 14, 2014 8:34 PM
To: Roberts, Steven JAG:EX
Cc: Anness, Glenn JAG:EX; Chapman, Kathryn JAG:EX
Subject: Fwd: BC Transit Serious Safety Concerns
Attachments: Suzanne Anton letter April 14 2014 with attachements.pdf; ATT00001.htm

For info.

Sent from my iPhone

Begin forwarded message:

From: "Minister, JAG JAG:EX" <JAG.Minister@gov.bc.ca>
Date: April 14, 2014, 4:56:15 PM PDT
To: "MacLeod, Sam JAG:EX" <Sam.MacLeod@gov.bc.ca>
Cc: "Thompson, Angella N JAG:EX" <Angella.Thompson@gov.bc.ca>
Subject: FW: BC Transit Serious Safety Concerns

Hi Sam,

I sent this earlier to Jarett and Evan for their information – and we have requested an SG Draft Reply through Angella Thompson – we wanted you to see this latest correspondence as well.

Candice

From: Ben Williams [<mailto:ben@unifor333bc.ca>]
Sent: April-14-14 4:05 PM
To: Minister, JAG JAG:EX
Cc: Transportation, Minister TRAN:EX; todd.stone.mla@leg.bc.ca; McCloy, Scott WCB:EX; tamara.mclean@icbc.com
Subject: BC Transit Serious Safety Concerns



Ben Williams
President

Terry Dosanjh
Financial Secretary

April 14, 2014

Hon. Suzanne Anton
Attorney General and Minister of Justice
Room 232 Parliament Buildings
Victoria, BC V8V 1X4

By Facsimile 250 387-6411

Dear Minister Anton:

I am writing to you on behalf of Unifor Local 333 the union, representing Greater Victoria bus drivers employed by BC Transit, to request that you intervene quickly on plans by the employer that will force drivers to engage in distracted driving as of April 22, 2014.

We believe this BC Transit plan represents a serious safety risk for our members, passengers and the general public.

As you may already be aware from correspondence previously copied to your office, BC Transit intends to implement as of April 22, 2014 orders for bus drivers to call out every stop on every route through the use of a hand-held, cabled microphone connected to a public address system on their buses.

We have indicated clearly to BC Transit that their proposal is unsafe and unacceptable to our members but have been unable to convince them to withdraw this plan.

Regrettably, BC Superintendent of Motor Vehicles Sam MacLeod has as of late Friday written to the union advising he will not interpret or rule on the BC Transit plan, leaving us with little choice but to ask for your intervention as a matter of public safety. That letter from Mr MacLeod follows another letter in which he apologizes for incorrect information posted on his office's website as to what constitutes distracted driving. Both letters are attached.

Unifor Local 333 strongly believes that this is extremely unsafe and constitutes a clear violation of distracted driving laws, which ironically have been the subject of significant government, media and public attention in recent weeks because of the enormous number of fatal accidents distracted driving causes.

As you may know, BC Transit has made this decision as its response to an ongoing BC Human Rights Tribunal complaint filed by s.22 and the Canadian Federation of the Blind, who believe it is discriminatory to the visually impaired that stops are not announced on each bus.

Our union is very sympathetic to the issues raised by s.22 and the Canadian Federation of the Blind and we note that Juliana Dailey, the lawyer for s.22 correctly identifies BC Transit's solution as unsafe and unreliable as well. That letter is attached also for your information.

Since nearly all BC Transit buses are equipped with a corded, handheld microphone for the public address system, it is our view that this clearly violates safety regulations and bus drivers should not be using this system at all while the vehicle is moving.

Furthermore, regardless of the type of microphone system, it is our belief that forcing bus drivers to call out all stops while safely operating a large vehicle full of passengers in at times heavy traffic is in itself unsafe.

Most stops are located before or after road intersections, some of them the busiest in Greater Victoria, meaning the bus driver should be completely focused on safely navigating through the intersection, not on calling out a stop on a public address system.

The obvious solution is to install an automated Global Positioning System announcement system in all buses, as used in other transit systems around the world. This is the only safe and reliable way to announce stops.

For these reasons we urgently ask you to intervene on public safety grounds before BC Transit implements this plan as of April 22, 2014.

Our union will also approach WorkSafe BC and the Insurance Corporation of BC because of the safety concerns.

If no action is taken by April 22, our union will instruct all bus drivers to comply with BC Transit's order by pulling safely to the side of the road, making the stop announcement and then returning to the route.

This is unfortunately the only way we can safely drive the bus and comply with orders to announce every stop – and it will obviously slow down service on every route significantly but bus drivers will not break their professional driver's license rules by engaging in distracted driving

I would be happy to talk with you or your staff at any time in order to solve this impending safety problem.

Lastly, because this issue is of critical important to our members and other British Columbians and time is running out, we will be making our request to you known to the public shortly.

Sincerely yours,



Ben Williams
President
Unifor Local 333

cc Scott McCloy
Director, Government, Community and Media Relations
WorkSafe BC Email: scott.mccloy@worksafebc.com

Tamara McLean
Senior Communications Specialist, Vancouver Island
Insurance Corporation of BC Email: tamara.mclean@icbc.com

Todd Stone
BC Minister of Transportation Email: todd.stone.mla@leg.bc.ca & Minister.Transportation@gov.bc.ca



April 10, 2014

Reference No. 501055

Mr. Ben Williams
President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
Victoria BC V8Z 4B8

Dear Mr. Williams:

I write in response to your April 9, 2014 letter, regarding the use of hand microphones by BC Transit drivers to communicate with passengers.

Upon review of your letter, and our online fact sheet developed in 2010, which was created ahead of the introduction of the Use of Electronic Devices While Driving legislation, I would first like to apologize for an error that you have highlighted in that fact sheet. The fact sheet incorrectly states that hand microphones cannot be held in the hand for operation. This mistake has now been corrected in our fact sheet and updated on our website as of April 10, 2014.

The Use of Electronic Devices While Driving Regulation, under the *Motor Vehicle Act*, defines a hand microphone as a communication device in section 3 (2) consisting of a hand-held unit that:

- (a) is both receiver and microphone,
- (b) is operated by a push and hold-to-talk function, and
- (c) allows for oral communication, but not for the transmission and receipt of oral communication at the same time.

The regulation further states that the use of a hand microphone is permitted as long as it meets the following criteria in section 9 (2):

- (a) the device is within easy reach of the driver's seat, and
- (b) is securely fixed to the motor vehicle or worn securely on the person's body in a manner that does not obstruct the person's view of the front or sides of the motor vehicle or interfere with the safety or operating equipment of the motor vehicle.

I hope this clarifies the exemption to the regulation. I again apologize for the error contained in our fact sheet and hope that this information has been useful to you.

Yours sincerely,

Sam MacLeod
Superintendent



April 11, 2014

Reference No. 501089

Mr. Ben Williams
President Unifor Local 333-BC
2nd Floor 4248 Glanford Avenue
Victoria BC V8Z 4B8

Dear Mr. Williams:

I write in response to your further letter of April 10, 2014, regarding the Use of Electronic Devices while Driving.

While my office drafted the Use of Electronic Devices while Driving legislation and regulations, we do not adjudicate or interpret how they are applied in individual cases.

The enforcement of this legislation is the responsibility of police, and any violations issued are subject to dispute in court. If you are looking for a detailed interpretation of how the legislation may apply in your specific circumstances then you should consider seeking independent legal advice.

I would draw your attention to the fact that the Use of Electronic Devices While Driving legislation and regulations only cover certain prescribed electronic devices and so devices that fall outside those prescribed would not be covered by this legislation, for example devices such as two-way radios. You may wish to seek legal advice on whether the specific devices you are concerned about are covered under the Use of Electronic Devices while Driving legislation and regulations.

Prescribed electronic devices are detailed in B.C. Reg. 308/2009. To view the legislation in its entirety, visit the BC Laws website at: www.bclaws.ca

Regarding your overall concerns with BC Transit's plan, I am unable to comment any further. This matter is between the employer and the union, and my office will not be intervening or providing an opinion on this matter.

Yours sincerely,

Sam MacLeod
Superintendent

pc: The Honourable Suzanne Anton
Mr. Scott McCloy
Ms. Tamara McLean



Community Legal Assistance Society

providing specialized legal assistance to promote social justice since 1971

COMMUNITY LAW PROGRAM

Please direct your reply to:
Juliana Dalley
jdalley@clasbc.net

September 23, 2013

Canadian Autoworkers Union (CAW) Local 333
Suite 2 Flr – 4248 Glanford Avenue,
Victoria BC V8Z 4B8

Attn: Ben Williams, President

Dear Mr. Williams:

**Re: s.22 v BC Transit
Human Rights Tribunal File No. 11751
Confirmation of Union's Position**

David Mossop, Q.C.
Kevin Smith
Diane Nielsen
Frances Kelly
Alison Ward
Aleem Bharmal
Dan Soiseth
Rose Chin
Lindsay Waddell
Kevin Love
Scott Hicks
Kendra Milne
Devyn Cousineau
Kaity Cooper
Juliana Dalley
(Articling Student)

We are representing s.22 who is s.22
s.22 has filed a human rights complaint against BC Transit.
The complaint concerns the accessibility of the Victoria Regional Transit System to visually impaired customers.

We are writing to you as the president of the union representing Transit Operators employed by BC Transit. It is our understanding that BC Transit's current policy regarding audible stop announcements is that Transit Operators must announce 'Designated Stops' (as identified in each Transit Operators' schedule) and are expected to call out non-designated stops as requested by customers.

We are writing to inquire as to your position on this policy. It is the position of s.22 and the Canadian Federation of the Blind that the above policy does not adequately address the barriers faced by visually impaired customers. We are advised by s.22 and others that many Operators forget to announce requested stops. This is understandable, as Operators may be distracted or focusing on their other job duties. However, BC Transit's policy appears to contemplate disciplinary action against Operators who forget to announce stops as requested.

Furthermore, the policy may create safety risks by imposing additional duties on Operators above and beyond their already demanding job requirements. These consequences are not in the interest of Operators, nor in the interest of visually impaired customers.

It is the position of the Canadian Federation of the Blind and s.22 that a far more workable solution would be the installation of an automated GSP-based enunciation system on BC Transit owned buses, as many other jurisdictions have done.

I would appreciate if you could provide your position at your earliest convenience. You can reach me by letter, email or by phone. My direct line is 604-673-3123. If I do not hear from you by September 30, I will follow up with a phone call.

Thank you very much.

Yours truly,

COMMUNITY LEGAL ASSISTANCE SOCIETY

A handwritten signature in black ink, appearing to read "Juliana Dally". The signature is fluid and cursive, with the first name "Juliana" written in a more compact, stylized manner and the last name "Dally" written more fully.

Per: Juliana Dally, Articling Student

Smith, Curtis M JAG:EX

From: Belsky, Belle JAG:EX
Sent: Thursday, April 10, 2014 12:55 PM
To: MacLeod, Sam JAG:EX
Cc: LeBlanc, Catherine JAG:EX; Smith, Curtis M JAG:EX
Subject: BC Transit Drivers Hand Microphones
Attachments: 1672612[2].pdf; 501055 - Ben Williams - BC Transit Drivers Hand Microphones signed.pdf

Hi Sam,

Here's the BC Transit letters. I've attached the incoming along with your signed response.

Belle

Smith, Curtis M JAG:EX

From: MacLeod, Sam JAG:EX
Sent: Thursday, April 10, 2014 1:29 PM
To: Belsky, Belle JAG:EX
Cc: LeBlanc, Catherine JAG:EX; Smith, Curtis M JAG:EX
Subject: RE: BC Transit Drivers Hand Microphones

Cathy

Could I get copies of these for my meeting with the Minister – in the event she asks.

Thanks

Sam

Sam MacLeod
Superintendent of Motor Vehicles
BC Ministry of Justice
Ph 250-387-5692 or 250-882-2347 (cell)
<http://www.pssg.gov.bc.ca/osmv/>
<http://twitter.com/#!/RoadSafetyBC>

From: Belsky, Belle JAG:EX
Sent: Thursday, April 10, 2014 12:55 PM
To: MacLeod, Sam JAG:EX
Cc: LeBlanc, Catherine JAG:EX; Smith, Curtis M JAG:EX
Subject: BC Transit Drivers Hand Microphones

Hi Sam,

Here's the BC Transit letters. I've attached the incoming along with your signed response.

Belle

Smith, Curtis M JAG:EX

From: Smith, Curtis M JAG:EX
Sent: Thursday, April 10, 2014 9:05 AM
To: MacLeod, Sam JAG:EX
Cc: Roberts, Steven JAG:EX; Chapman, Kathryn JAG:EX; LeBlanc, Catherine JAG:EX
Subject: For Sign Off - Distracted Driving Messages

Importance: High

Hi Sam,

Below is some messages to provide to GCPE for the Minister on this issue. We discovered that the document posted to web from the launch of the distracted driving laws incorrectly identified 'not held in the hand' as a requirement for hand microphones (as it is for hand held audio players and GPS devices). We've corrected the document and sent it to ITSD to be updated on the web.

- The Superintendent of Motor Vehicles has received a letter from the union representing Greater Victoria BC Transit bus drivers expressing concerns about their drivers operating a hand microphone to communicate to passengers.
- We have looked into the issue, and discovered the Superintendent's fact sheet on the Use of Electronic Device While Driving incorrectly stated that these types of devices could not be held in the hand.
- The Motor Vehicle Act Regulation on the Use of Electronic Device While Driving requires that a hand microphone is within easy reach of the driver's seat and does not obstruct or interfere with driving safely but does not include reference to not being held in the hand.
- The Superintendent of Motor Vehicles will be in direct communication with the union representing Greater Victoria BC Transit drivers to clarify the regulation and has updated its' fact sheet on the issue to ensure it accurately reflects the regulation.

Curtis Smith
Correspondence & Program Issues Officer
Stakeholder Relations | Office of the Superintendent of Motor Vehicles
Ministry of Justice, Victoria BC
Tel: 250-387-7566 *New | Mobile: 250-580-4217

 Please consider the environment before printing this email

MacLeod, Sam JAG:EX

From: Dawes, Jacquie TRAN:EX
Sent: Monday, April 14, 2014 6:27 PM
To: MacLeod, Sam JAG:EX
Cc: Volk, Kevin TRAN:EX; Bicknell, Liz M GCPE:EX
Subject: FW: Update - BCT Handheld devices
Attachments: 14-04-14 Calling Out Stops_Backgrounder_FAQ.pdf

Hi Sam

I thought given the Unifor 333 letter into MSA, this backgrounder might be helpful - in case our messaging is not in sync.

Thanks
Jacquie

Pages 47 through 50 redacted for the following reasons:

s.13

MacLeod, Sam JAG:EX

From: MacLeod, Sam JAG:EX
Sent: Monday, April 14, 2014 8:20 PM
To: Minister, JAG JAG:EX
Cc: Thompson, Angella N JAG:EX
Subject: Re: BC Transit Serious Safety Concerns

Thanks Candice

Sent from my iPhone

On Apr 14, 2014, at 4:56 PM, "Minister, JAG JAG:EX" <JAG.Minister@gov.bc.ca> wrote:

Hi Sam,

I sent this earlier to Jarett and Evan for their information – and we have requested an SG Draft Reply through Angella Thompson – we wanted you to see this latest correspondence as well.

Candice

From: Ben Williams [<mailto:ben@unifor333bc.ca>]
Sent: April-14-14 4:05 PM
To: Minister, JAG JAG:EX
Cc: Transportation, Minister TRAN:EX; todd.stone.mla@leg.bc.ca; McCloy, Scott WCB:EX; tamara.mclean@icbc.com
Subject: BC Transit Serious Safety Concerns

<Suzanne Anton letter April 14 2014 with attachements.pdf>

MacLeod, Sam JAG:EX

From: Groot, Jeff GCPE:EX
Sent: Wednesday, April 16, 2014 11:27 AM
To: MacLeod, Sam JAG:EX
Subject: Transit/distracted

Hey Sam – I just got a call from the CD at MOTI. We're going to make sure MSA has the same messaging that BC Transit is using along with ours about distracted driving.

A question for you though, is there any consideration of changing the legislation to include these kinds of mics?

s.13

Thx!

Jeff Groot | Director of Communications
Ministry of Justice | 250 920 9203

MacLeod, Sam JAG:EX

From: MacLeod, Sam JAG:EX
Sent: Sunday, April 20, 2014 6:23 PM
To: Groot, Jeff GCPE:EX
Cc: Lalonde, Jarett JAG:EX; Bates Gibbs, Bonnie GCPE:EX; Southern, Evan JAG:EX; Roberts, Steven JAG:EX
Subject: Re: final draft offer2

Excellent Jeff - thanks.

Sam

Sent from my iPhone

On Apr 20, 2014, at 7:37 PM, "Groot, Jeff GCPE:EX" <Jeff.Groot@gov.bc.ca> wrote:

Good news here.

Begin forwarded message:

From: "Bicknell, Liz M GCPE:EX" <Liz.Bicknell@gov.bc.ca>
Date: April 20, 2014 at 4:22:34 PM PDT
To: "Trotter, Kate GCPE:EX" <Kate.Trotter@gov.bc.ca>, "Knight, Jeff J GCPE:EX" <Jeff.Knight@gov.bc.ca>, "Groot, Jeff GCPE:EX" <Jeff.Groot@gov.bc.ca>
Cc: "Gleeson, Kelly T GCPE:EX" <Kelly.Gleeson@gov.bc.ca>
Subject: final draft offer2

FYI. Looks like we won't have any problems with Union and call outs on Tues or thereafter. This is good news.

From: Dawes, Jacquie TRAN:EX
Sent: Saturday, April 19, 2014 02:14 PM
To: XT:Achadinha, Manuel FIN:IN
Cc: Volk, Kevin TRAN:EX; Bicknell, Liz M GCPE:EX
Subject: Fwd: final draft offer2

Thanks Manuel

We will update our note on this and let you know if we have any questions.

Jacqueline Dawes
Assistant Deputy Minister, Partnerships Department
Ministry of Transportation & Infrastructure

Begin forwarded message:

From: "XT:Achadinha, Manuel FIN:IN" <Manuel_Achadinha@BCTransit.Com>
Date: April 18, 2014 at 4:58:18 PM PDT
To: "Dawes, Jacquie TRAN:EX" <Jacquie.Dawes@gov.bc.ca>
Subject: Fw: final draft offer2

Jacque,

We have made some progress with the union regarding call outs. Attached is a notice to drivers that has been agreed to by both parties and will be posted immediately.

Manuel

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Johal, Randie <Randie_Johal@bctransit.com>

Sent: Friday, April 18, 2014 2:56 PM

To: Achadinha, Manuel; Wick, Leanne; Anderson, Brian; Guthrie, David; Palmer, John

Cc: Johal, Randie

Subject: final draft offer2

The union has formally accepted this version, they have agreed to allow us to remove the notice that Ben put up in both locations. Tana has withdrawn the unsafe working declaration on behalf of the membership and Ben has agreed to email his membership this notice by Tuesday morning.

JP

The information in this Email is confidential and may be legally privileged. It is intended solely for the named recipient. Access to this Email by anyone else is unauthorized. If you are not the intended recipient or the employee or agent responsible for delivering the message to the recipient named, please note that any use, disclosure, copying, distribution of this Email or any action taken or omitted to be taken in reliance on it is prohibited. If you are not the intended recipient, please inform us by returning a copy of the Email with the subject line marked "wrong address" and then deleting the Email, and any attachments and any copies of it.

<final draft offer2.docx>

UPDATED FRIDAY APRIL 18, 2014

Notice to Operators

Human Rights Legislation requires all Operators to audibly call-out all bus stops, with or **without** the use of a microphone/PA.

- Effective April 22, 2014 BC Transit operators in the Victoria Regional Transit System will be calling- out all stops. We expect it will take time for operators to feel entirely comfortable with the call-out script and so on-going training and support will be provided. Operators making their best efforts will not be disciplined.
- BC Transit will continue an ongoing effort in pursuing technology options including an automated onboard enunciator system. We will be seeking operator feedback and suggestions to support the program.
- In addition, after consultation with Unifor 333BC a discussion group has been formed to look at suggestions and ideas on how to improve the "Calling out Stops "program. The next meeting for the group is scheduled within 3 weeks. The group is comprised of the Unifor President, Unifor OHS committee members, Safety and Training and Senior Management.
- The BC Transit / Unifor discussion group will actively pursue the following :
 1. Review and redesign the guide reference book if necessary
 2. Examine the paddles for possible changes
 3. Calling-Out Stop content in the 2014 On Road Operator Workshop

Please bring ideas/suggestions on how to improve this program to your Unifor Union Representative or Service Delivery Manager or a member of the Discussion Group.

Tana Mackay Jim Pullan Unifor333bc Representatives

Colin Birnie Occupational Health and Safety Officer

Randie Johal Service Delivery Manager

