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## **Official Report of Debates (Hansard)**

**Wednesday 9 March 2011**

## **Journal des débats (Hansard)**

**Mercredi 9 mars 2011**

**Standing Committee on  
General Government**

Toronto Transit Commission  
Labour Disputes Resolution Act,  
2011

**Comité permanent des  
affaires gouvernementales**

Loi de 2011 sur le règlement  
des conflits de travail  
à la Commission de transport  
de Toronto

Chair: David Orazietti  
Clerk: William Short

Président : David Orazietti  
Greffier : William Short

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Wednesday 9 March 2011

Mercredi 9 mars 2011

*The committee met at 1603 in room 228.*

**SUBCOMMITTEE REPORT**

**The Chair (Mr. David Orazietti):** Good afternoon, folks. Welcome to the Standing Committee on General Government. I understand we've got a subcommittee report in front of us. Could I ask the member to read the report?

**Mr. Shafiq Qaadri:** I enter the subcommittee report as follows:

Your subcommittee met on Friday, March 4, 2011, to consider the method of proceeding on Bill 150, An Act to provide for the resolution of labour disputes involving the Toronto Transit Commission, and recommends the following:

(1) That, pursuant to the order of the House dated Thursday, March 3, 2011, the committee hold public hearings in Toronto on Wednesday, March 9, 2011, and Monday, March 21, 2011, during its regular meeting times.

(2) That the committee clerk, in consultation with the Chair, post information regarding public hearings on Canada NewsWire, the Ontario parliamentary channel and the committee's website.

(3) That interested parties who wish to be considered to make an oral presentation contact the committee clerk by 12 noon on Wednesday, March 16, 2011.

(4) That the committee clerk schedule the witnesses on a first-come, first-served basis.

(5) That witnesses be offered 10 minutes for their presentation, and that witnesses be scheduled in 15-minute intervals to allow for questions from committee members.

(6) That the deadline for written submissions be 4 p.m. on Monday, March 21, 2011.

(7) That the research officer provides a summary of the presentations on Tuesday, March 22, 2011, at 12 noon.

(8) That, pursuant to the order of the House dated Thursday, March 3, 2011, amendments to the bill be filed with the clerk of the committee by 4 p.m. on Tuesday, March 22, 2011.

(9) That, pursuant to the order of the House dated Thursday, March 3, 2011, the committee meet on Wednesday, March 23, 2011, for clause-by-clause consideration of the bill.

(10) That the committee clerk, in consultation with the Chair, be authorized prior to the adoption of the report of

the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

Mr. Chair, that is your subcommittee report.

**The Chair (Mr. David Orazietti):** Thank you, Mr. Qaadri. Questions or comments?

**Mr. Peter Kormos:** Thank you. I spoke briefly with the acting parliamentary assistant about this before we began. Paragraph 5 can be somewhat ambiguous and I'm hoping that we can resolve it simply by agreeing here and now that there are 15-minute slots, that it is recommended that a participant provide the latter five minutes of a 15-minute slot for questions and answers, but that at the end of the day the 15 minutes belongs to the presenter, should they wish to use all of it or part of it.

**Mr. Ted McMeekin:** Absolutely.

**Mr. Shafiq Qaadri:** I think the committee is in agreement.

**Mr. Peter Kormos:** Thank you. That addresses it.

**The Chair (Mr. David Orazietti):** Any other questions or comments on the report? Seeing none, all in favour? Opposed? Carried.

TORONTO TRANSIT COMMISSION  
LABOUR DISPUTES RESOLUTION ACT,  
2011

LOI DE 2011 SUR LE RÈGLEMENT  
DES CONFLITS DE TRAVAIL  
À LA COMMISSION DE TRANSPORT  
DE TORONTO

Consideration of Bill 150, An Act to provide for the resolution of labour disputes involving the Toronto Transit Commission.

AMALGAMATED TRANSIT UNION,  
LOCAL 113

**The Chair (Mr. David Orazietti):** We'll get to the first presentation, Bob Kinnear, Amalgamated Transit Union, Local 113. Good afternoon, Bob. How are you?

**Mr. Bob Kinnear:** Very well, thank you.

**The Chair (Mr. David Orazietti):** Good. Welcome to the Standing Committee on General Government. As you've heard Mr. Kormos identify, you've got 15 minutes for your presentation. Any time that you don't use

for your presentation will be allotted to members for questions. You can start when you're ready. Just state your name for the purposes of our recording Hansard.

**Mr. Bob Kinnear:** My name is Bob Kinnear, and I am the president and business agent of the Amalgamated Transit Union, Local 113. Local 113 has been part of Toronto since our founding in 1899. Over the last 112 years, an untold number of men and women have served this city as public transit workers, even before there was a TTC.

I am proud to be part of this history. I began working at the TTC as a janitor over 22 years ago. I have also been a collector, a bus operator and a subway operator. I am speaking here today on behalf of my fellow workers, the nearly 10,000 men and women of our union who operate and maintain the Toronto Transit Commission, and also on behalf of the many thousands who will come after us.

This legislation is directed at them. This bill takes away their right to bargain with the only thing they have to bargain with: their labour and their skill. It takes away what little measure of influence they have over their working lives. It reverses centuries of progress in workplace relationships and in democracy in general. And it does so for the lowest of political reasons: to try to save a few votes in a few close ridings in Toronto.

Of course, we don't expect the government to admit this, so let's look at the actual reasons given by the Minister of Labour for why this bill is necessary and why it is necessary to rush it through the legislative process so quickly.

Minister Sousa gave three main reasons for this bill. Let me take you through each in turn.

First of all, he claimed that a TTC strike cost the city \$50 million a day in lost economic activity. Where did this figure come from? This figure was from a September 2008 city of Toronto staff report on whether or not the TTC should be designated as an essential service. It seems that this \$50-million figure was picked out of thin air with no basis in fact.

Don't take my word for this. The distinguished Professor David Doorey at York University has been highly critical of using this figure as justification for this legislation. In Doorey's Workplace Law Blog, Dr. Doorey recently wrote this: "This \$50-million figure has been thrown around recklessly by all of the advocates of a TTC strike ban and the media without any assessment of how it was calculated."

#### 1610

According to Dr. Doorey, we have no idea where this figure came from or how it was arrived at, and yet the minister quoted the \$50 million as if it were gospel. I am sure that if you take a few minutes to read Dr. Doorey's article, which I have provided copies of, you will also come to the conclusion that this \$50-million figure is bogus. There goes the minister's first reason for this bill: strike 1.

The second reason the minister gave for the necessity of this bill was that it is a matter of public health and

safety, but he did not cite one single example where a previous TTC strike had life-threatening or serious health consequences for anyone, nor did he acknowledge that our union has always looked after Wheel-Trans users, such as dialysis patients, for whom our service is actually essential. In fact, in the 2008 staff report, the one I've already quoted, the question of public health and safety was discussed. Let me quote again from that report: "The Toronto Fire Services, Toronto Emergency Medical Services and the Toronto Police Service have each provided their assessment regarding the impact of a strike at the TTC on their ability to effectively respond to emergencies. Each service has reported that there has been no noticeable effect upon their response times or ability to respond due to a strike by TTC employees and the interruption of TTC services."

In the very next paragraph, the report admits that "according to Toronto Public Health ... there is no available data quantifying any health impacts during a transit strike in Toronto...."

There we have it: There is no data and there are no examples of public health being compromised by a TTC strike. The city services actually responsible for public health and safety—the police, fire and emergency services—all report that TTC strikes have not affected their response times, so there goes the minister's public health and safety argument. It was not only made up, but it contradicted evidence on the public record: strike 2.

It is also very ironic that the same city staff report also recommended against making the TTC an essential service. To quote the report: "Based on all the above issues, we believe that the TTC, the city and its residents would be best served by not declaring TTC as an essential service, but by leaving the situation as it is today."

The only report available on the consequences of a TTC strike to Toronto not only pulled the figure of \$50 million out of thin air, so far as we can tell, but it offered no evidence of health and safety impacts and actually recommended against designating the TTC an essential service.

But I guess that doesn't matter to the minister because, as he put it when introducing the bill, "this legislation comes in response to the city council of Toronto motion to prohibit strikes and lockouts at the TTC."

Finally, at last, we have some factual reason for Bill 150: The city asked for it. Is that the principle upon which this legislation is based? Well, not exactly, because that same city asked for an additional \$150 million for the TTC and other things, a request the government turned down. We're not dealing with a principle here, are we? Just because the city asks for something does not obligate the government to respond. Strike 3, Minister.

Your stated reasons for taking away our rights are without any factual or principled foundation whatsoever. It is outrageous that citizens of this province can be stripped of fundamental rights based on such misinformation and twisted principles. If we were in a court of law, the government would lose this case hands down. But we understand the reality. We are not in a court of

law where facts and evidence matter. We are in the court of public opinion where emotion and prejudice matter more than facts.

Over a month ago, our union offered to sign an irrevocable declaration pursuant to section 40 of the Labour Relations Act to refer all unresolved bargaining issues to binding arbitration without any disruption of service. TTC management wanted to sign the deal, but they were shoved aside by city officials who wanted confrontation.

Those city officials, acting under orders from the mayor's office, not only refused our offer to not strike, they insulted the union by demanding that we sign away our full collective bargaining rights forever and give up any recourse to the courts against what we believed were unjust and unconstitutional laws. Because no one in their right mind would have signed such an agreement, the city claimed that there was an impasse in negotiating a no-strike agreement. But that impasse was all on their side, and deliberately so. I just want the record to be clear that the city refused our offer of a no-strike agreement under existing labour law.

I also want the record clear that the minister did not consult with our union about this legislation. The only conversation I ever had with Minister Sousa was very brief, when he called me just before he introduced the bill in the House. So when he says that we were consulted on this bill, it certainly wasn't by him; it was by low-level officials in the Ministry of Labour, and it wasn't much of a meeting. It was yet another insult: "We're taking away your rights. Any questions?"

My 10 minutes are almost up, so I do not have the time to explain why this bill violates an international treaty to which Canada is a signatory. Nor do I have time to explain why recent Supreme Court of Canada decisions provide strong signals that this bill may well contravene the Charter of Rights and Freedoms. The fact that the people whose rights are being stripped away have only been given 10 minutes to defend themselves is shameful and undemocratic in the extreme.

Anyone who votes for this bill is on the wrong side of history. If you do so on the grounds that have been presented by the minister, you are on the wrong side of the truth because those grounds are without foundation.

You can take away our rights, but you cannot take away our voices. We will continue to protest this legislation and the anti-worker sentiment it reflects. Our union will work with other like-minded individuals and organizations to promote public understanding of the legitimate, hard-won and democratic rights of workers to be free to associate and co-operate in improving their lives and those of their children.

I will now take any questions, if there are any.

**The Chair (Mr. David Oraziotti):** Thank you very much. We only have a very brief time to get around here, so if you've got something quick, Norm and Ted—

**Mr. Randy Hillier:** Thank you, Mr. Kinnear. I'd just like to have clarification here. You say one of the staff reports is saying that the \$50 million is bogus and should

be dismissed, and the other staff report, that says that the TTC ought not to be an essential service, is acceptable. So one staff report is good, one is bad, but both are staff reports.

**Mr. Bob Kinnear:** It's actually the same report where they make reference to the \$50 million. In that same report, they—

**Mr. Randy Hillier:** So one part of the report of the bogus, and the other part is acceptable to you?

**Mr. Bob Kinnear:** I'm not saying whether it's acceptable or not; I'm just simply telegraphing what the report stipulates. I didn't produce the report. That's what the report—

**Mr. Randy Hillier:** No, but you're suggesting that the report is bogus, this \$50 million—

**Mr. Bob Kinnear:** It is.

**Mr. Randy Hillier:** But you're also using that same report to justify your position.

**Mr. Bob Kinnear:** I'm simply reiterating what the report says as far as deeming transit work as an essential service. The report very clearly said that it would not be in the best interests of the TTC or its residents.

**Mr. Randy Hillier:** What about the electoral—

**The Chair (Mr. David Oraziotti):** Mr. Hillier, we need to move on, or we're not going to have enough time as a result. Thank you for your question.

Mr. Kormos, go ahead.

**Mr. Peter Kormos:** People know where the New Democrats are on this legislation. I think it would be far more interesting to hear you engage with the government members here. I'll give them my time.

**The Chair (Mr. David Oraziotti):** That's very generous of you, Mr. Kormos.

**Mr. Peter Kormos:** That's the kind of guy I am.

**The Chair (Mr. David Oraziotti):** Mr. McMeekin, go ahead.

**Mr. Ted McMeekin:** You're a very generous guy, Peter. Thank you for that.

Mr. Kinnear, I share your interest in seeing, ideally, parties come together, go through the collective bargaining process and come up with solutions, but I also remember that Sunday back in 2008 when we came to this place and all three parties agreed that we would order the strikers back. I'm wondering how this legislation, from a process perspective, differs from what we did in 2008.

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**Mr. Bob Kinnear:** In 2008 we had the ability to go on strike. Obviously, you're right; the Legislature reconvened and ordered us back to work. By enabling us to have the right to strike, there's an incentive from the city and the TTC's perspective, because obviously they want to avoid a strike and the potential inconvenience to the public. So there is incentive for us to sit down and bargain hard. We have recently commenced bargaining about three weeks ago, and I can tell you that those negotiations have been completely stagnant because of the parties waiting for the legislation.

**Mr. Ted McMeekin:** The legislation does acknowledge and, I think, sets out the potential for collective bargaining to continue. I understand that, in situations in law where this kind of essential service legislation is in place, about 81% of those situations in fact get resolved through the collective bargaining process. Would you agree that the bill doesn't prohibit collective bargaining and, in fact, still was set up as the ideal?

**Mr. Bob Kinnear:** It doesn't prohibit it legally, but I can tell you—we're experiencing it right now, as a matter of fact. You can feel free to touch base with the employer. There is no incentive for what I call hard bargaining, where there is a deadline, where, potentially, there could be a major inconvenience, which encourages both parties, quite frankly, to come closer to an agreement. Right now, there's no incentive to do that, and we're experiencing it. Negotiations have been completely stagnant so far.

**The Chair (Mr. David Oraziotti):** That's the time we have. Thank you, Mr. Kinnear, for coming in today. That's the time for your presentation.

**Mr. Bob Kinnear:** Thank you.

#### TORONTO AND YORK REGION LABOUR COUNCIL

**The Chair (Mr. David Oraziotti):** Next presentation: Toronto and York Region Labour Council, John Cartwright. Good afternoon, Mr. Cartwright. Welcome to the Standing Committee on General Government. If you've been listening, as you've heard, you have 15 minutes for your presentation.

**Mr. John Cartwright:** I thought there was a time clock up somewhere, no? I don't see one.

Thank you and good afternoon, committee members. I'm here on behalf of the Toronto and York Region Labour Council, representing about 195,000 women and men who work in every sector of the economy: public sector workers and private sector workers. I'm a construction worker, as some of you know.

I'm here to talk about a very troubling aspect of what the Liberal government of Ontario is choosing to do in March 2011, and that is to strip a basic labour right from thousands of Toronto citizens and residents, masking the stripping of that right in the words "essential services," when the broad definition accepted in Ontario jurisprudence is that essential services are only required in the case of public safety and public health being jeopardized.

It's ironic that the labour movement in this city traces its roots back to 1872, when 24 union printers working for The Globe newspaper—owned by George Brown, who I believe was a Liberal—exercised their right to strike in order to win a shorter workday. Mr. Brown had them charged and thrown in jail for exercising that right. Some 10,000 Torontonians packed the streets at a time when the entire city population was 50,000, most of whom were children, and demanded the freedom of those 24 printers. A guy called John A. Macdonald, a Conservative, promised that if the people of Canada elected

him, he would bring in trade union laws that would allow workers to organize, to bargain and to strike. He was elected subsequently and the laws changed. Since then, over a century ago, workers in this province have had the right to strike as a basic civil right.

Not all workers have had the right to strike. For decades and centuries, people who went to work were held in indenturement by their employers, to say, "You do not have the right to withdraw your labour; you serve here at my pleasure and my pleasure only."

It wasn't until 1806 that Great Britain decided that it was wrong to have slave trading as a commercial practice in the empire, and they decided to abolish slave trading. It was interesting that in May of that year, a petition went to the House of Lords signed by the 100 richest cotton merchants in Manchester demanding that that bill be stopped because they needed the commercial freedom to have slaves picking cotton in the southern States. Two days later, a petition containing 3,000 names of ordinary working people and faith leaders from Manchester arrived, demanding that those working people, called slaves, be given their freedom.

I mention that because it's part of a history of how society looks at people who work for a living. It's interesting that the labour movement in Jamaica doesn't trace its history to an event like what I described a few minutes ago; it traces its history to the slave revolts, because working people rising up against something that was wrong is the history of labour.

Of course, the Brits, once they outlawed slave trading, had to find another way of having labour that had to do what employers wanted, and that was called indenturement. Most of the folks of South Asian heritage who were in the West Indies, and many of British and Scottish heritage who came to this country at first, were indentured servants. Their employer could refuse to allow them to do anything. They could not withdraw their labour until indenturement was gotten rid of.

Why do I talk about these broad issues? Because the Liberal Party of Ontario and the Liberal Party of Canada talks about itself as a leader in civil rights. Your government would never dream of stripping civil rights that women have fought for and won, that people of colour have fought for and won, that LGBT communities have fought for and won. But today you say it's all right to strip the rights of working people. I ask you to think long and hard about that.

The Supreme Court ruled just a few years ago, on June 8, 2007, in the document that I provided you with, where a government of the day, and it was actually a Liberal government in British Columbia, decided to strip the rights of working people around collective bargaining. Because it was the government, it could do so, and those people were indirectly working for it. The Supreme Court finally overruled that Liberal government's decision to strip workers of their rights.

It's ironic, as somebody who has spent a lot of time in picket lines and demonstrations in front of this building, during the Harris government, side by side with some of

my friends who now find themselves in the government benches, railing against the injustices of the Harris government—the Harris government never stripped the right to strike from transit workers; yet your government is choosing to do so. You're going to come back to the trade union movement in October and say, "Help us, because we're the friend of labour." How can a friend strip your basic civil rights and expect to come back and say, "Help us"?"

At the same time, this government has said, "We're going to move to binding arbitration." Every day in the leading newspapers that we read, there are articles by Bay Street lawyers and lobbyists and politicians saying, "Arbitrators must have their hands tied with the ability to pay." This government wanted workers to have their wages frozen for two years, while giving a \$2.4-billion tax cut to corporations, even though inflation has increased 2.4%. You wanted workers to eat that, while giving a huge benefit to Bay Street.

The question that we ask as a labour movement is, you've deemed that transit workers—and if I have a moment, I'll quote later on from the minister when he introduced this—are essential, because people will be inconvenienced if they withdrew their labour, as is their basic labour right. Who's next—teachers, child care workers, hydro workers?

I'll leave you with this thought: I was part of a delegation that went to the People's Republic of China in December, at the invitation of the labour movement there. We stopped in Hong Kong first and talked to some of those brave democracy activists in Hong Kong, some of whom had been in jail in China for standing up for labour rights. They said, "When you go there and you meet with some of these people who belong to the official union in China, ask them the question. The litmus test is not, 'Can you belong to a government-sponsored union?' but, 'Can you strike?'" Exercising your right to strike is a litmus test of a free and democratic society and a free and independent union movement.

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My friends, in March 2011, the Ontario Liberal government will fail that litmus test for Ontario workers, for men and women who provide services to 1.5 million Torontonians a day. "Because it may inconvenience us," is no reason why you should take away our basic labour rights, anymore than you would dream of taking away the basic civil rights of Ontarians.

**The Chair (Mr. David Oraziotti):** Thank you for your comments.

Mr. Kormos, any questions?

**Mr. Peter Kormos:** I'll surrender my time to the Liberal government caucus. Should they not use all of it, I'll pick up the remnant.

**The Chair (Mr. David Oraziotti):** Ms. Mangat, go ahead.

**Mrs. Amrit Mangat:** I understand that there has been a history over the last 10 years that approximately 80% to 81% of collective agreements have been resolved through negotiations without going to binding arbitration. Can

you shed some light, based on your experience, on the outcomes for workers of binding arbitration?

**Mr. John Cartwright:** It's interesting, because one of the reasons that TTC management originally said they don't want binding arbitration is because arbitrators, at this point, provide workers, in some cases, with rulings that defy the government; that say, "Your attempt of a wage freeze is bogus. There's a cost of living to be looked at, and there are productivity interests to be looked at." That's in today's atmosphere.

The same loud Bay Street voices that have urged you to strip the right to strike away from workers today will urge you tomorrow to change the basis of arbitration so that arbitrators are restricted by inability to pay when the government chooses to have a tax freeze, for instance, as the Toronto government did just before they came back to you asking for more money, or chooses to give away \$2.4 billion to corporations and then says, "We don't have money." There's a danger that arbitrators' parameters of making rulings would be changed by you or future governments.

The point is, once you take away a right such as this, it's gone forever. If you lose to the Hudak government or if they're a minority government in the future, those workers will not get their rights back if arbitrators start to bring in arbitrations that cheat workers of what they need.

Ms. Mangat, if your rights, as a woman, some of which have only been won in the last 30 years—because you remember, 35 years ago a woman had to have her husband's signing authority to have a mortgage or to take out a credit card. If somebody said to you, "We're going to take that away just for a little while, but we think you'll be all right because you can use cash," you would never agree to that.

If people's right to go to the Human Rights Code and talk about discrimination—as in the 1940s, when the Toronto labour committee on human rights did time and time and time again before we forced this government to have a Human Rights Code. If a restaurant said, "We'll let you in today, but perhaps not tomorrow," you would not agree to that arbitrary and occasional offering of your rights as a human being. Why would you say that workers should agree to an arbitrary and occasional exercise of rights as Ontario residents?

**Mrs. Amrit Mangat:** When it comes to the TTC, there has been repeated back-to-work legislation for binding arbitration. Don't you think that this legislative framework provides certainty to the parties?

**Mr. John Cartwright:** No. In the same way that we had indenturement when people were brought to Canada or the West Indies, and your certainty was seven years that you could not leave the master or you'd be thrown in jail—that was a kind of certainty? We're not interested in certainty that strips workers of basic civil rights.

**The Chair (Mr. David Oraziotti):** Mr. Hillier, go ahead.

**Mr. Randy Hillier:** You spoke much about and referred to the Liberal government as a defender of civil

liberties. It just confuses me how you could say that after their role in the G20 last year, with the suspension of civil liberties in downtown Toronto. I'm a little bit confused that you see them as a defender of civil liberties.

I would like to ask this question: Do you recognize or see any difference between the right to strike in the private sector, where you can access services from other providers, as compared to the right to strike with a monopoly service provider?

**Mr. John Cartwright:** More and more in our world, private sectors have become monopolies themselves in their own way. We've seen what happens when you try to open up something that's not a Microsoft product and you get chewed out by your own computer. More and more we see the provision of services by global multinationals like Suez or Veolia, which have virtual monopolies, massive tax subsidies and outsourcing.

The right to strike, for instance—David Caplan's bill originally was the right to strike of all transit services. In York region, some of those are provided by global monopolies, ripping off the taxpayer, ripping off the public and ripping off the workers. Yet you would say that maybe that right to strike should be taken away even though they're working for a private company.

**Mr. Randy Hillier:** So do you not see any difference between the private sector, where there is access to other services or other providers, as compared to a monopoly public sector provider?

**Mr. John Cartwright:** No. If you go back to my basic assertion that labour rights are basic civil rights—you don't take away somebody's civil rights by saying, "We don't like your kind in this restaurant. You can go to three more other restaurants." Your civil rights are basic rights as a human being.

One of the disturbing things about the 21st century is how the wealthiest corporations, many of whom donate to your party and want your party to be elected so they can continue the war on labour that they had during the Harris times, want to strip people's rights.

And sadly, yes, a Liberal Party that says it has a proud record of civil rights is now losing that legacy because it's only workers' rights they're taking away. That is very, very disturbing. I'm glad you brought that up and asked me to reinforce that point, because it is very disturbing when a government that says it cherishes human rights walks away from human rights when they are workers' rights.

**The Chair (Mr. David Orazietti):** Thank you, Mr. Cartwright. That's time for your presentation.

**Mr. John Cartwright:** Thank you.

#### CITY OF TORONTO

**The Chair (Mr. David Orazietti):** The next presentation is the city of Toronto, Karen Stintz. Good afternoon. Welcome to the Standing Committee on General Government. As you're aware, you have 15 minutes for your presentation. Any time you leave will

be divided among members for questions. You can start by stating your name and proceed when you're ready.

**Ms. Karen Stintz:** My name is Karen Stintz. I'm a city councillor for ward 16 and chair of the TTC. I want to thank you very much for inviting me here today to give a presentation on the city's position and why we think it is so important that Bill 150 be passed.

I think it's important to consider the essential service legislation from the perspective of those who rely on the TTC every day. If you can't get to your job or you can't get to school or you can't get to where you need to go, it's not just an inconvenience, it's a major disruption of your life.

The people of Toronto rely on the TTC to get to where they want to go. The reality is that 25% of Torontonians rely on the TTC to get to work every single day; 25% of Torontonians don't actually own a car. The TTC is an essential part of their daily lives.

The issue at hand is the fact that the residents of our city see a disconnect between the technical definition of essential service and their definition of essential service. They believe that their ability to access public transit to do their work and to fulfill their daily duties, obligations and responsibilities should not be compromised, and, if it is, the social and economic consequences are too high and in fact are estimated at \$50 million a day.

I know that my friend Mr. Kinnear was here earlier to suggest that perhaps that number was not correct, but in fact that was the number that's also been verified by a document that his union commissioned from Marilyn Churley, which estimated that the TTC is worth nearly \$12 billion a year. Math was not my first subject at school, but if you take \$12 billion a year and you divide it by the working days in the year, you get about \$50 million a day. Those are her numbers based on the study that was commissioned by his union. Again, I can submit this document for evidence as well.

There was another notation here that in the GTA, an average increase of only 12 minutes to commute to work would mean an extra \$28 million per day in congestion costs. These are not small costs; these are significant economic costs to our city. These are not our numbers; these are their numbers.

There is a new public perception. The 39-day strike recently experienced by Toronto residents has made them aware of the impact that labour disruptions have on their day-to-day lives. It is true that residents can find alternatives for garbage collection; they cannot find alternatives for the TTC. The people of Toronto want protection, and they have looked to us, as their politicians, to address their concerns. We have an obligation to respond.

**1640**

Are their concerns valid? I believe they are, and as Chair of the TTC, faced with a \$2-billion state of good repair backlog and significant operating budget challenges, I can tell you that the commission has financial pressures to which we need to respond. While the commission aims to address our problems creatively and in partnership with those who deliver the service, we all know that there will be tough decisions ahead.

I'd also like to bring to your attention that there are 22 days remaining in the current collective agreement, and that we are working with the union in the hopes of reaching a negotiated settlement. The city of Toronto has a history of reaching a negotiated settlement with our unions even when they have an essential service designation. We have collectively done so with two firefighter contracts in the last seven years. I believe we can work collaboratively towards another negotiated settlement.

But if we're not able to, and reaching that settlement proves more difficult and the commitment of the union not to strike is no longer honoured, then we will have 1.5 million daily riders who will not be able to get to where they need to go. That's 1.5 million daily riders, and these are our residents. And if history is any guide to the future, as was stated here, council will be back requesting your assistance in legislating workers back to work as we did in 1999, after two days of a walkout; as we did in 2006, after one day of a walkout; and as we did in 2008, after two days of a walkout. So, to suggest that there's an unfettered right to strike I think does not reflect the reality that we all know we have to deal with.

If we're not able to reach a negotiated settlement and if this essential service legislation is not passed and the membership chose to exercise their right to strike, my guess is we would be back again and we would ask that our unresolved issues be forwarded to an arbitrator. That's exactly what we're asking for today.

In light of these realities, I respectfully ask that you support the Toronto city council's request to make the Toronto Transit Commission an essential service. We acknowledge that this is not a perfect solution to the problem before us; we know that. We know what we're asking you to do is difficult. We know that sometimes when we go to arbitration, we don't get exactly what we want. We know that we have to work in good faith with our parties to negotiate a settlement so we don't rely on that course of action. We know that we are asking to potentially remove a fundamental right of the union, but as I suggested, there is no unfettered right to strike. It doesn't exist now.

I would like to be clear that I make my request because it reflects the wishes of the people we serve collectively and our collective commitment to service excellence of our city's public transit system. We know at the commission we have many issues that we need to tackle. We need to tackle cleanliness, service improvements and implementing conveniences such as the electronic fare card, but job one, our priority as well, is making sure we have continuity of service so that people can rely on our service to get to where they need to go. Our customers want a reliable service and a service that they can depend on. That isn't too much to ask. They have asked it of us and we're asking you to help us deliver it to them.

In closing, there is broad support for making the TTC an essential service. I know the government, your government, fully appreciates the economic importance of keeping our city moving and fostering a reliance on

sustainable transportation, and these ideas, again, are supported by a special report written by Marilyn Churley which speaks to the environmental, economic, social and health contributions the TTC makes to the city and the region.

Again, I thank you for your time today and for inviting me to speak to your committee, and again, I request your support in making the TTC an essential service and passing Bill 150. Thank you.

And I just would like to make a small note today that I'm joined today by my colleague Councillor Cesar Palacio, who has been instrumental in shepherding this initiative forward.

**The Chair (Mr. David Oraziotti):** We've got a few minutes for questions. Mr. Balkissoon, you're first.

**Mr. Bas Balkissoon:** Thank you, Mr. Chair, and nice to see you here, Karen.

**Ms. Karen Stintz:** Hi, Bas.

**Mr. Bas Balkissoon:** Welcome.

**Ms. Karen Stintz:** Thank you.

**Mr. Bas Balkissoon:** This request of the province started as a motion at the TTC. Can you share with the committee what the TTC and the council consider as the impact of the TTC work stoppages to the city and the people of the city?

**Ms. Karen Stintz:** The economic impact was estimated at \$50 million a day, recognizing that there is extreme disruption to the local economy and to the residents and riders of the city when they are not able to rely on the TTC to get to where they need to go.

**Mr. Bas Balkissoon:** Do you honestly believe, as you stated, that you're acting as a truly elected person on behalf of the people of Toronto and that this is what the people of Toronto want?

**Ms. Karen Stintz:** Absolutely. The people of Toronto made it clear in the last election that they wanted the TTC to be declared an essential service. We took the vote to the commission; we took the vote to council. The vote was not close; the vote was decisive. We believe we're acting in the public interest in asking the province to assist us with this legislation.

**Mr. Bas Balkissoon:** So then you truly believe, as an elected person, that you're acting responsibly?

**Ms. Karen Stintz:** Absolutely. Thank you.

**Mr. Bas Balkissoon:** Thank you, Mr. Chair.

**The Chair (Mr. David Oraziotti):** Mr. Clark, go ahead.

**Mr. Steve Clark:** Thank you, Mr. Chair. I know Mr. Hillier has a question, but I would like to ask you if we could get a copy of Marilyn Churley's report.

**Ms. Karen Stintz:** Absolutely. I didn't make 25 copies; I apologize. But I can leave this with you.

**Mr. Randy Hillier:** Thank you very much, Karen, for being here today. The only piece that I have some concern with, with this legislation, is on the ability to pay in the arbitration process. I'm just wondering if you've had discussions with the minister on how that ability-to-pay clause will come into play with the city of Toronto. We know that, historically, there long have been prob-

lems with the arbitration process, up to years and years in rendering a decision and very little regard or respect for that ability to pay.

**Ms. Karen Stintz:** To be honest, recognizing that that is a concern that's shared by the city as well, we have not had those discussions with the minister at this time.

**Mr. Randy Hillier:** All right. Thank you.

**The Chair (Mr. David Oraziotti):** Mr. Kormos, a question?

**Mr. Peter Kormos:** Thank you, Chair. Thank you, Ms. Stintz. Now look—you and Mayor Ford and I disagree about Bill 150, and that's okay.

**Ms. Karen Stintz:** That's okay.

**Mr. Peter Kormos:** I know you want to be fair and accurate, which is why I noticed on page 2, under "Broad Support," you write, "There is widespread support of making the TTC an essential service:"—colon. In the second paragraph, it says, "These ideas are supported by ... Marilyn Churley." She's a justice of the peace. She has to stay out of the political fray. Are you telling us that Marilyn Churley supports Bill 150?

**Ms. Karen Stintz:** No, I would never make that claim, but she did write a report indicating the importance of the TTC. I do thank you for that clarification.

**Mr. Peter Kormos:** But was it fair to put her name and her report under the box that's titled "Broad Support," implying broad support for the bill? Come on. Was that fair?

**Ms. Karen Stintz:** Fair enough. Thank you.

**Mr. Peter Kormos:** Was it fair, though?

**Ms. Karen Stintz:** I believe that Marilyn Churley wrote a report—

**Mr. Peter Kormos:** Was it fair to put her name under the box called "Broad Support"? Come on, Ms. Stintz. That wasn't fair at all.

**Ms. Karen Stintz:** Thank you.

**The Chair (Mr. David Oraziotti):** Okay. The question has been asked. Thanks.

There's just one comment that I'd make with respect to the report. If you're going to table a report, rather than table it with one member, if you email or leave it with the Clerk, then we can get it to all members. Thank you very much for your presentation.

**Ms. Karen Stintz:** Thank you.

#### CANADIAN UNION OF PUBLIC EMPLOYEES, LOCAL 2

**The Chair (Mr. David Oraziotti):** The next presentation is from the Canadian Union of Public Employees, Local 2. Mr. Franco? Good afternoon. Welcome to the Standing Committee on General Government. As you are aware, you've got 15 minutes for your presentation. Any time you leave for members will be divided among committee members for questions. Start by stating your name, and you can get going. Thanks.

**Mr. Gaetano Franco:** Good afternoon. My name is Gaetano Franco. I'm an electrician and I've worked for the TTC for the last 15 years. I am also the president of

CUPE Local 2, representing more than 500 TTC employees, most of whom work in signals, electrical and communications across the transit system.

It may surprise some of you to learn that CUPE represents workers at the TTC. Most of the general public, when they think about unions at the TTC, probably think about the Amalgamated Transit Union. I am pleased to say that we in CUPE salute ATU 113 and their president, Bob Kinnear, for their leadership on this issue, and we stand in complete agreement and solidarity with them and with the International Association of Machinists, IAM, Lodge 235, which also represents some of the workers at the TTC.

#### 1650

While I begin my presentation by thanking this committee for an opportunity to present our views, I must be straightforward and say to you that there is simply no legitimate public purpose served by this legislation. Why? Members of this committee are fully aware of the voluntary and unconditional no-strike commitment made by all three unions at the TTC.

On February 10, I joined with Bob Kinnear and Brother Paul Mitchell from the machinists' union in a press conference at the Sheraton Hotel, where we made the unconditional public commitment to assure transit users in Toronto of years of uninterrupted service, a commitment put in writing that same day to the Minister of Labour. Rob Ford knows that. Dalton McGuinty also knows that.

So if this legislation is not needed to prevent TTC strikes, then why is it here?

On February 18, John Tory answered that question on CFRB radio. He said, "If this really was about not having a strike, if you think about it for a minute, and if it wasn't about political points or ideology or settling old scores, which it shouldn't be about, then Karen Stintz and Rob Ford should be sitting down day and night with Bob Kinnear to really aggressively explore whether they can work out, say, a three-year or" even a "five-year ... deal with Bob Kinnear.

"He made an unusual opening offer and Dalton McGuinty should be telling Rob Ford and Karen Stintz that he insists they sit down and talk to him about this or at least make every effort before he, Dalton McGuinty, will pass the legislation declaring the TTC an essential service....

"And I think Dalton McGuinty's failure to at least to do that and tell them to sit at the table and talk to Bob Kinnear would suggest he too is playing politics in an election year."

CUPE Local 2 believes that if your concern as legislators is to have a strong and reliable transit system in the city of Toronto, you should not pass this bill, but rather should turn your attention to the real issues of overcrowding and cuts to routes and hours of service at the TTC. Turn your attention to the fact that Ontario embarrasses itself as long as it continues to be the only jurisdiction in North America to refuse operating funding to its largest municipal public transit system.

If, however, Bill 150 is going to proceed, then there are at least two serious problems that I would like to point out and that should be addressed before it becomes law.

First, sections 6 and 7 of the act should be amended to remove the option of so-called “final offer selection” as a method of arbitration. The all-or-nothing, winner-take-all result of this type of arbitration leads to ongoing frustration and anger between the parties and ensures rocky labour relations as one party is deemed the supposed winner and the other the loser. In order to ensure that arbitrated settlements are done on the merits of the issues under consideration and to foster a positive labour-management relationship at the TTC, we strongly recommend deletion of any reference to final offer selection.

The second point: Section 22 of the act requires the minister to initiate a review after five years, but there is no requirement for that review to be provided to any of you as legislators or to be made public. That’s a problem that should be fixed. Given the bill’s potential for damaging labour relations at the TTC, rather than a simple review after five years, it would be better to have a sunset clause so that unless the Legislature itself were to decide otherwise, free collective bargaining would return as the normal state of affairs.

With that being said, we remain convinced that, overall, Bill 150 is unnecessary. It is an attack on the generations-old right to meaningful collective bargaining and it is a politically motivated distraction of public attention away from improving service for transit users.

I’d like to leave you with a little bit of an example, if I could, about how bargaining is going thus far. Long story short, we met with the company only once. We provided our proposal, at which point—this was maybe a 20-minute meeting—they thanked us and offered that they would get back to us in a few hours, when they had a chance to look over the proposal. A few hours later, I received a phone call and what was said was basically, “Thank you very much for the proposal. It’s self-explanatory. We really don’t need any clarification, and we’ll get back to you in a couple of days when we’re ready to start bargaining.”

So I’m sitting at home, waiting for a phone call, and sure enough it came. And I was thinking, “Wow, okay. Here come some dates. We’re going to start the process.” To my surprise, all I received was the information—the heads-up, if you will—that the company, without even meeting with us once to get to the meat and bones of the proposal, had already filed for conciliation. All we did was show them the proposal; that’s it. We haven’t had one minute of conversation on the proposal at all, and they’ve already filed for conciliation.

Just to give you a little, quick overview of our proposal, there are some aspects of it, yes, that speak to monetary issues—very few. There are a few that touch on possible improvements to some medical benefits and certain slight increases we’re hoping for, but that’s a very small percentage. The majority of the package speaks to language change; it speaks to years of grey areas that

have created ongoing labour issues. In the majority of the package, we’re looking for a basic cleanup: wording changes that would lead to, in our opinion, a way of dealing with how an apprentice might feel, or how he may feel if he’s mistreated. Certain things like that do not speak about money.

That’s the conclusion of my presentation, and thank you very much.

**The Chair (Mr. David Oraziotti):** Thank you for your presentation. Mr. Hillier, go ahead.

**Mr. Randy Hillier:** Thank you, Gaetano.

First off, I’d like to say that I think your proposed amendment under section 22 is a thoughtful and reasonable amendment. I hope the committee does take it into consideration for a full review, not just a backroom review by the minister of the day.

I want to also just ask you, Gaetano: You essentially referred to this legislation and the need for it as “illegitimate”; I think that’s the word that you used. Do you believe that the electoral mandate by the present mayor and city council, the mandate from the municipal election, is illegitimate and ought not to be considered?

Your comments?

**Mr. Gaetano Franco:** Thank you for the question.

I’m not trying to say that what Rob Ford is doing, in his opinion, is wrong. I know that in his belief, he’s trying to solve a problem. The issue I have is that the resolution he came up with is not going to solve the problem at the TTC.

Historically, bargaining happens 365 days; it’s not just when we’re negotiating a contract. I believe, as a union leader, that myself and our union have a very good relationship with the TTC in terms of labour issues that come up at any time. The only real way to solve those problems is to allow both sides to talk freely and not have in the back of their minds that this is pointless: “We’re not going to get anywhere. We’re not going to agree to anything. We’re just going to send everything over to an arbitrator who probably has no idea how the TTC runs and what its real issues are.” And unfortunately, my experience so far with bargaining is telling me that that’s exactly what’s going to happen. It’s just going to be fast-tracked through, somebody who has very little knowledge about the inner workings of the TTC will make a decision, and both sides could be very unhappy with that decision, whatever it may be. That could lead to future, ongoing issues. The real issues here can be solved with a little more funding.

1700

**The Chair (Mr. David Oraziotti):** Mr. Franco, I’ve got to stop you there because we need time for other members. Mr. Kormos, go ahead.

**Mr. Peter Kormos:** Thank you kindly, sir. Tell us a little bit about the minister’s consultation of CUPE, Local 2.

**Mr. Gaetano Franco:** I never actually had a chance to meet with the Minister of Labour. I met with some of his staff.

Basically, they were looking to us for possible answers as to, if it went to arbitration, what type of arbitra-

tion would we prefer. It was very difficult to answer that question. We just simply responded, as I've said today: I think that both sides clearly do not ever want to strike.

It's very difficult for me to tell my members that you're going to be staying at home, walking a picket line and not making any money for your family. It is very hard. The way it's been done so far, in the past, with it hanging over your head that you cannot just simply strike on a whim, motivates us to make possible concessions, to possibly come to some kind of reasonable agreement on both sides. To avoid a strike at all costs is the only meaningful way we have fair labour union relations.

**Mr. Peter Kormos:** When this legislation passes, what is it going to do to the morale of TTC workers, whether they are CUPE members or International Association of Machinists or ATU?

**Mr. Gaetano Franco:** I feel it would absolutely cripple it. We'll be bound by an agreement that somebody forced upon us, not something that I could say to my members, "This is a fair deal. We should accept," and that's not always easy as well.

**The Chair (Mr. David Oraziotti):** We need to move on. Thank you, Mr. Kormos. Mr. Qaadri?

**Mr. Shafiq Qaadri:** Thank you, Mr. Franco.

At the outset, of course, we on the government side appreciate your deputation, not only on behalf of CUPE, but your written submission, and in particular the 500 individuals you represent who are directly implicated in the TTC.

I wanted to just speak a little bit about your own experience with arbitrated settlements. As you know, province-wide, CUPE represents something on the order of 45,000, maybe 50,000, workers, and in many different workplace settings. As a doctor, I know first-hand, for example, that in hospitals and long-term-health-care facilities, they are bound by compulsory arbitration under the Hospital Labour Disputes Arbitration Act. Of course, that's the model upon which we have crafted the Toronto Transit Commission Labour Disputes Resolution Act, 2011, that's before us.

My question is, because you spoke repeatedly about arbitrated settlements and your experience, what has CUPE's experience been under that particular regime for arbitration?

**Mr. Gaetano Franco:** It's hard for me to speak on arbitrated settlements in the medical sector. I have absolutely no experience there. It's unfair for me to speak on that.

I can only keep reiterating the point that, as a firm union leader, I really believe the only way to allow a fair agreement that will be followed and trusted for three years is to allow both parties to have their fair, set-out system of bargaining, not to have a third party come in and make a forcible agreement upon them. I can't stress that enough.

**Mr. Shafiq Qaadri:** I appreciate, Mr. Franco, that of course you represent a certain subsector of CUPE.

**The Chair (Mr. David Oraziotti):** Very briefly.

**Mr. Shafiq Qaadri:** Would you have any idea or any sense of the number of labour agreements that are

resolved at the bargaining process and do not actually go on to compulsory binding arbitration in CUPE?

**Mr. Gaetano Franco:** Historically, at the TTC, Local 2, outside of the monetary issue of would they get 3% or 2% or 1%, to be quite frank—outside of that item, which historically we've gone with passing that over to ATU, Local 113, we've been very successful in negotiating a contract each and every time on our own without it being forced on us, sir.

**Mr. Shafiq Qaadri:** Thanks for your deputation.

**Mr. Gaetano Franco:** You're welcome.

**The Chair (Mr. David Oraziotti):** Thank you very much.

#### CANADIAN AUTO WORKERS

**The Chair (Mr. David Oraziotti):** The next presentation is the Canadian Auto Workers' union, Ken Lewenza. Good afternoon. Welcome to the Standing Committee on General Government.

**Mr. Ken Lewenza:** Thank you very much. Let me introduce myself: I'm Ken Lewenza. I'm the president of the CAW, representing 200,000 members throughout Canada. Approximately 120,000 of those are in Ontario and approximately 15,000 of those are directly represented in the Toronto metropolitan area, so we have a significant input in this particular bill. To my right is Jenny Ahn, who lives in Toronto, recognizes the importance of transit in Toronto and has been a huge advocate for public transit in this community. She's the director of our political action and mobilization team in the CAW. The both of us would be more than prepared to answer any questions following my presentation.

Let me begin by saying that I'm not going to read the presentation. We put a lot of detail into our presentation on the question of collective bargaining rights, levelling the playing field, the history of collective bargaining, the history of essential services, the kinds of desires of the labour movements, the victories and the setbacks. All of those particular issues are in the presentation, and I would plead with you, prior to going into the Legislature for the final vote, to take a look at our report in detail and consider it significantly.

Let me begin by being respectful in my remarks. I want to direct it particularly to the Liberal Party. I recognize, as the leader of the CAW, that the Tories, the Conservative Party, do not represent the interests of workers. I recognize that. I experienced the Mike Harris days. I experienced a lot of challenges during the Mike Harris days. In fact, during the Mike Harris days, the reality was there were more days of work stoppages than at any time in the history of the province of Ontario, if you include the Days of Action and others. I understand where the Tories stand and their consistency against the labour movement.

I understand the New Democrats' position. The fact of the matter is, when the New Democratic Party was in power, they did introduce legislation to balance and level the playing the field in terms of bargaining and issues

that were important to the labour movement—again, maybe not to the degree that we wanted, but they did their work in terms of representing the interests and trying to find a balance, not just within the labour movement, but balance during the course of negotiations. I recognize where they stand.

The Liberal Party, quite frankly, is a little bit more challenging for us. I have personally joined many of my CAW colleagues and I have lobbied the provincial Liberal government over the last two terms to level the playing field; to introduce anti-scab legislation, which we believe would be a deterrent to extended strikes in the province of Ontario. If we had anti-scab legislation, does anybody honestly think that we would have a strike in Sudbury that was in excess of a year by the United Steelworkers of America? Does anybody honestly believe that the Sears store just down the street from this community would be on strike for over a year if we had anti-scab legislation? The answer is no, because at the end of the day, with anti-scab legislation, it really does force both parties to come to a conclusion. That's what I've heard more than not during the legislative hearings on this particular bill.

The inconvenience of the ridership of transit: We understand the inconvenience. We understand that when a work stoppage occurs, there's an inconvenience to somebody. Whether it's in the private sector or whether it's in the public sector, the reality is that somebody is inconvenienced, but that inconvenience, quite frankly, puts significant pressure on both sides, if you bargain responsibly, to get the job done.

The labour movement doesn't look to inconvenience anybody in the general public, nor do we want to inconvenience our members. We don't go out on strike just to go out on strike. In fact, I'm proud of the record of the labour movement in the province of Ontario. I'm proud of the significant record of the CAW, where less than 1% of our 2,000 collective agreements result in a strike.

In fact, the two work stoppages that we have today are with limousine drivers here in Toronto. They have been locked out now for over four months. And we have said to the employer, "Listen, you don't respect the union, you don't respect democracy and you don't respect the rights of the workers to make progress in negotiations." Just to give you a small example, do you know what we're asking at the bargaining table? Do you know that when you buy those limousines—again, they kind of sell them to the drivers and lease them out to the drivers. Well, they spend \$35,000 buying those limousines. The owner charges \$40,000 to \$45,000. So we said, "At least charge the driver, for God's sake, what you pay for the vehicle. Let's at least do that." That's one of our reasonable demands, because that comes right out of the pockets of the drivers. We can't get anywhere.

This morning, we're at the Ontario Labour Relations Board, dealing with unfair labour practices. We said, "Arbitrate." We're at a stalemate. Let's try and see if we can settle this issue, because it's an inconvenience to our

members and an inconvenience to those who require limousine services, so obviously we are trying to get the job done.

**1710**

We recognize the challenges in bargaining. In Chatham today, brothers and sisters, if that's the appropriate and respectful term at this time—20 months ago International Truck said, "I'm laying off the workers. Mr. Lewenza, they are laid off until you come back to the bargaining table and accept the proposal that we have on the table. We don't really need the trucks; we really don't need the workers. But at the end of the day, just go out and do what you've got to do." Well, 20 months later we're still at a stalemate. Hundreds of workers are laid off. Hundreds of people are inconvenienced in the community, and the economic pressure on Chatham is significant as a result of those people not working. So we understand inconveniences.

I want to emphasize, and I guess this frustrates me the most, that when we've talked to the Liberal Party in the last eight years, and we've talked consistently—I've personally asked the Premier of Ontario to introduce legislation to level the playing field—anti-scab legislation, card checks, democratic rights that other provinces and other countries have willingly. He has always said to me, "Ken, labour relations in the province of Ontario have never been better." He has emphasized the fewer strike days under his mandate. He has emphasized that there's no need for change because the labour relations climate has never been better.

Now Mr. Ford gets elected, and I respectfully, obviously, support the fact that democracy worked; he got elected. I wouldn't question that. Mr. Ford sees this as an opportunity, again, on a wedge issue—not an issue of importance; it's not about essential services. Does anybody really think that he cares about 25% of the ridership in the city of Toronto? He sees this as a wedge issue, and the fact of the matter is that there are too many wedge issues in politics today that are hurting the kind of environment that we want for citizens, not only in Toronto but throughout the country. It's a wedge issue.

He introduces legislation and passes it through the municipality. Now the provincial government says, "Jeez, Toronto is a big city. Twenty-five percent of the 1.5 million people in his community need the ridership. We understand that. The timing is probably perfect. We should jump on the bandwagon, make it a wedge issue. Make it an essential service." At the end of the day, quite frankly, that is not the message that the Liberals have consistently sent the labour movement, and in particular the CAW, on multiple occasions when I have talked to several cabinet ministers, including the Premier. If you're going to advocate on one hand that your labour relations climate is excellent, then on the other hand you can't tie the hands of those who are trying to advance the causes of our members.

My last point is—and again, if you see a sense of frustration in me, I apologize, but people get up here, like Councillor Stintz, and say, "We represent the 25% of

people who need essential services. We're here for them. We want to make sure that they get the service. Twenty-five percent of them don't even have a vehicle; they don't even have a car." The fact of the matter is, the labour movement, and again in particular the CAW, has been a huge advocate of good public services. We have been advocates of providing this service in areas that, quite frankly, are underserved today. We have been advocates in terms of people using transit and leaving their cars at home for the purposes of sustainability moving forward. I would prefer that we enhance our public services—transit—in every community in the country versus replacing the pavement every two years because of the increase in cars on the road.

We are an environmentally committed union, we're a socially responsible union, and we talk of the interest of the 25% ridership. We would like to increase that ridership to 35%. We would like to make it more accessible to people not only in this region but throughout the country. We know that's an alternative that has to be looked at more seriously in the future. We have opposed increases to transit for folks. In fact, if I had it my way, quite frankly, it would be free. There would be no obstacles for people to use transit in this community or any other community throughout the country. When people say, "I represent that 25% utilization," I resent that, because without the labour movement, without the progresses, without those trying to advance the causes of those folks who can't afford cars or who choose not to drive a car to work, or for whatever reason they require transit, we are on their side. But when you attack collective bargaining rights, when strikes are limited, that's a problem.

My last point is this—and I'm pleading with you on this. If you do your work on the labour movement, if you take a look at any country that's doing well in terms of eliminating poverty, it's because they have a strong labour movement; because they have free collective bargaining. At the end of the day, through the power of the union, through the power of collective bargaining, we have established a middle class. Each and every time that we go out there and win justice for our members through collective bargaining, eliminating our usage of strikes, then it's in the best interests of the Canadian population and workers, I believe, throughout the world.

When I take a look at what's going on in Egypt, when I take a look at what's going on in Libya, when I see people inspired, fighting for democracy, fighting to level the playing field, fighting to have a voice in what kind of country they want for themselves and their families—that should be inspiring us. And here we are in Ontario, attacking the basic rights that made progress for workers. I resent it.

I say to my Liberal friends—and I do respectfully say "Liberal friends"—this is wrong: wrong time, wrong opportunity and wrong-headed. I would ask the Liberal Party to reconsider their support for this bill.

**The Chair (Mr. David Orazietti):** Thank you. We've got a brief opportunity for some questions. Mr. Kormos, you're up first.

**Mr. Peter Kormos:** I defer to the Liberals.

**The Chair (Mr. David Orazietti):** Mr. Qaadri, you're up briefly.

**Mr. Shafiq Qaadri:** Thank you for your deputation on behalf of the CAW.

There was a similar agreement the CAW came up with called a Framework of Fairness—I believe it was with the CAW and Magna International—in which a similar regime, framework, constraint, if you will, was put in place; specifically, that bargaining impasses would be resolved by a process of arbitration. As well, the right to strike—as you said, a fundamental right—was prohibited. I'd like you to share with the committee what your experience and your workers' experience has been with that particular framework and regime.

**Mr. Ken Lewenza:** Magna is the largest auto parts manufacturer in Canada. They're mainly non-unionized. There has been a total—I don't want to use the term "war"—difference of opinion for the last 20 years on our organizing attempts. We've put a lot of resources in, and Magna has obviously put in significantly more resources than we have to establish an anti-union culture. But over the last few years, Magna and the CAW have come to the recognition that the money we're spending in terms of challenging each other to allow the workers democracy makes no sense. So we agreed that Magna would give us access—not interfering with us—to go the membership and ask the members whether they would democratically decide to join the union, providing we bargain them a collective agreement. Everybody forgets that. The Framework of Fairness agreement says that we go into Magna in the units that we mutually agree with and bargain a collective agreement. If the members ratify the collective agreement, it's accepted. Then, once they're in the union, any collective agreement after that which falls into dispute would end up in arbitration.

Again, that's building a relationship, that's building trust with each other—recognizing that Magna is a significant player in the auto parts sector and ignoring them would not be in the best interests of the other auto parts workers, as we try to level the playing field with auto parts manufacturers throughout the world. So the intent of that is to make sure that other auto parts companies don't have a disadvantage or an advantage over Magna as a result of a union.

**The Chair (Mr. David Orazietti):** Mr. Hillier, go ahead.

**Mr. Randy Hillier:** Thank you for being here today. I can understand why you're frustrated. This bill indeed must be upsetting and troubling to you, especially after the CAW contributed a couple of hundred thousand dollars to the Working Families Coalition, the political arm of the Liberal Party. You mentioned that you're lobbying and trying to seek influence and actually create legislation for the Liberal Party for this Legislature. I can understand that you're upset with the Liberal Party disregarding all the contributions and all your efforts in the past—and future efforts—with the Working Families to attack the Tories, as you did earlier.

So I just want to let you know that I understand why you would be upset and troubled with this.

**Mr. Ken Lewenza:** I'm not upset. We joined with several coalitions in the best interests of our members and the best interests of the province.

By the way, some of the Tories are in our coalition—blue Tories, not Tories like you.

**The Chair (Mr. David Oraziotti):** All right. On that note, we're done, and—

**Mr. Ken Lewenza:** No—God. Come on, I'm ready to roll here.

**The Chair (Mr. David Oraziotti):** I get that sense. Thanks for your presentation. We appreciate you coming in today.

That completes the submissions for today, and we're adjourned, committee.

*The committee adjourned at 1720.*

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