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**Official Report
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Tuesday 31 March 2015

**Journal
des débats
(Hansard)**

Mardi 31 mars 2015

**Standing Committee on
Government Agencies**

Intended appointments

**Comité permanent des
organismes gouvernementaux**

Nominations prévues

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GOVERNMENT AGENCIESCOMITÉ PERMANENT DES
ORGANISMES GOUVERNEMENTAUX

Tuesday 31 March 2015

Mardi 31 mars 2015

The committee met at 0901 in committee room 1.

INTENDED APPOINTMENTS

MR. THOMAS COLLINS

Review of intended appointment, selected by official opposition party: Thomas Collins, intended appointee as member, Ontario Labour Relations Board.

The Chair (Mr. John Fraser): Good morning, everybody. Welcome back for another Tuesday morning.

We have no subcommittee reports, so we're going to move right to our intended appointments review. We have two appointments to consider this morning.

Our first intended appointee is Thomas Collins, nominated as a member of the Ontario Labour Relations Board. Mr. Collins, can you please step forward?

Mr. Thomas Collins: Good morning.

The Chair (Mr. John Fraser): Thank you very much for being here this morning. We appreciate it very much. You will have the opportunity to make a brief statement, which will be followed by questions from members of each party. Any time that you take will be taken away from the government's time to ask you questions. Our questioning today will begin with the official opposition.

Mr. Collins.

Mr. Thomas Collins: First of all, thank you for the opportunity to meet with this committee and consider my application. I'd just like to embellish a bit my biography in terms of where I come from. I did a BA, an MA and a couple of years in a PhD program at Western when I was young—in political science, by the way. That could be a good or a bad thing as the case may be.

I have served for approximately 35 years as a full-time staff representative. I've had probably one of the most interesting careers in the labour movement.

I was elected the Canadian director of the Retail, Wholesale and Department Store Union back in 1990. That carried with it a number of things, which I'll talk about a little bit. We went through a very difficult merger dispute. Our international union out of New York decided to merge with the United Food and Commercial Workers. I was the leader who took our group in Canada out of that merger and created the Canadian union Retail Wholesale. We then merged—I was Canadian director during that time—with the United Steelworkers of America for 6.33 years, at which time I sat on the international executive board of the Steelworkers union and

headed the retail division of the union in Canada. Then we had a divorce in 1999, and we went back to being the Retail Wholesale Canada Union. Shortly thereafter, we merged with the Canadian Auto Workers. I became Buzz Hargrove's assistant and served there for 10 or 11 years.

So my history in the labour movement is extensive in a lot of different ways. Through all of those items alone, I spent numerous amounts of time on labour board cases at the board, both over successor rights and over the fight over the merger and the dissolution of our former union. There were multitudes of cases and counter-cases and that. So I spent a lot of my life in front of the labour board.

As well as that, our union itself was involved in some of the most significant cases that have occurred there. I've been an active participant in all things, including the dissolution of Dominion Stores and all the successor rights cases over A&P etc. and the Conrad Black situation in front of the pension commission, in which I was fortunate enough to be the one that collected the \$60-million cheque that we gave back to our members. I was also extensively involved in the Eaton's strike and certification process, The Brick, Sears, The Bay and finally—I guess the most notorious one in recent years is Walmart in Windsor. Over that whole period of time I spent a lot of time with the labour board, and I'm very familiar with a lot of the people.

My history is a love for the law and for that. In my retirement years, I'd like to finish it off by spending a bit of time at the board, being helpful to somebody. My relationships with most of the labour movement and the leadership are pretty extensive. I believe all those connections are useful in the processes of getting things done at the board.

The Chair (Mr. John Fraser): Thank you very much, Mr. Collins. We'll start with the official opposition: Mr. McDonnell.

Mr. Jim McDonnell: Thanks for coming out today. During which years were you a board member for the Ontario Federation of Labour?

Mr. Thomas Collins: Yes.

Mr. Jim McDonnell: What time period were you—

Mr. Thomas Collins: From my election in 1990, it would be 1990 to 1994.

Mr. Jim McDonnell: Okay. Which cases did you bring to the Ontario Labour Relations Board and what was your success rate? Cases that you brought: What's your

experience with the labour board and how did you find how it worked? You've brought cases to the labour board in the past?

Mr. Thomas Collins: Yes, I did. On a personal level, I presented cases early in my years, and for many of the others I made decisions on behalf of the union, how they progressed etc.

I have a lot of respect for what the board does. I've had cases I've won and cases we've lost. I think most of the decisions are very reasoned and there are very competent people who have sat there and adjudicated a lot of them as chairs and that. I've been through at least 100 certification cases at the board. In terms of those, the only concerns we usually have are the time in which we get it done and ensuring that justice is done in terms of individuals, particularly in cases where people are discharged and that sort of thing. But I would say my experience has been nothing but good. Even when we lost, there were reasoned decisions, and I found those very competent in their own right.

Mr. Jim McDonell: You made reference to the timeliness of some of the decisions. How do you find them? Everything seems to move so slowly. I don't imagine the labour board is anything different.

Mr. Thomas Collins: I guess one of the concerns I've always had with the board—and with anything. I mean, it's the old adage that justice delayed is justice denied. It does take time to process, particularly bad-faith bargaining charges or unfair labour practices. It takes time. I guess I wish, in a better life, that there was more strength in the interim orders of the board to get things solved even before we get them all heard, because often people are sitting out there wondering, whether they have a union or don't have a union, or are arguing that case out in the workplace, where you don't really want it to happen.

From that perspective, my view would be that I wish we had a better ability to get things moved through the board.

Mr. Jim McDonell: I know recently in the news there has been some discussion about money received by the Ontario Federation of Labour from the WSIB. I know you weren't there then. It's to run programs. Do you see that as a worthwhile program?

Mr. Thomas Collins: Which program is that?

Mr. Jim McDonell: There has been money received or given to the Ontario Federation of Labour from the WSIB to supposedly look after some programs—training—but we're seeing that not a lot of training has gone on. From your time on the Federation of Labour, do you see that that's money that could be well spent and wasn't? Knowing it's after your time frame—but you had quite a bit of experience on the board.

0910

Mr. Thomas Collins: I think I'd be hardpressed to make a comment. I'm not that familiar with the proposal. Would the labour board be useful in that process? I think so, because of all its mediating abilities and certainly the competence of the labour relations officers and employ-

ment standards officers. Many in the labour movement are not quite as supportive of this proposition, but I've always believed that the conciliation and mediation services of the labour board are first-rate and often are the reasons we end up with settlements and stuff. I've always used the conciliation services because they're certainly competent people, get the job done, mediate and avoid unnecessary hearings.

Mr. Jim McDonell: Have you had any experience from the employer side with the people at the labour board?

Mr. Thomas Collins: On the employer side? I know just about every lawyer in the province that's faced me one place or another.

Mr. Jim McDonell: But I mean as far as—your union is a large employer as well.

Mr. Thomas Collins: Have I, personally, as an employer? Yes, I've been an employer and I've had to negotiate with my own staff on several occasions. Also, in my earlier years, I sat as chairman of the board of King's college in London and as an employer negotiated with the staff and the faculty. So, yes, I've had experience on that end. I think the whole basis of collective bargaining—a lot of it is based on the establishment of long-term relationships of respect. I've always believed that the best collective agreement is one that neither side is happy with, because at the end of the day you have to leave the bargaining table with respect. If you don't, you wear it for a long time.

The Chair (Mr. John Fraser): Mr. Pettapiece?

Mr. Randy Pettapiece: Yes, thank you. I want to get back to this WSIB business. It has been brought out into the open that there has been a certain amount of monies given by the WSIB to the Ontario Federation of Labour and this money was supposed to go towards training. There are some allegations that it didn't. I'm wondering, are you aware of any of this type of thing?

Mr. Thomas Collins: No, I'm not. It certainly didn't happen during my time there, that I know of.

Mr. Randy Pettapiece: No, I understand that. I just wondered if you were aware of what's been going on with this thing.

Mr. Thomas Collins: No, I'm sorry. I don't.

Mr. Randy Pettapiece: That might be something, if you are to receive this position, you might have a look at. Anyway, that's all. Thanks.

Mr. Thomas Collins: Thank you.

The Chair (Mr. John Fraser): Mr. Gates?

Mr. Wayne Gates: Good morning, Tom. How are you?

Mr. Thomas Collins: How are you, Wayne?

Mr. Wayne Gates: I think I'll have to let everybody know that I've worked with Tom for a number of years and consider it a real privilege. I've had the opportunity over the years to ask for his advice. He's been involved for a long, long time. I also have to give him my condolences as well, because he worked with Buzz since 1999—Buzz Hargrove, who I am still good friends with, as you know. I just wanted to let everybody know that I

have worked with Tom, and the talent that you have shown over a number of years doing what's in the best interests of your members is not always easy, and it's not always popular. In particular, moving from an international union to a Canadian union, which I come out of, actually—going from the UAW, back in 1985, to a Canadian union and forming a Canadian union. It took a lot of guts, quite frankly, to do that, and you were successful in doing it. Certainly your membership has contributed and still contributes to the CAW and now Unifor, and that was because of your leadership. I think that's what you'll bring to the table here as well.

On the OFL: I know it might not be exactly our mandate, but the question was raised. There have been some questions in question period over the last few days. I can tell you our labour critic, Cindy Forster—I don't know if she's going to speak to this issue at some point in time—actually used the fund to get training at WSIB. I know this doesn't really pertain to Tom—but I already think you're great and I'm going to vote for you, so you don't have to convince me what a good guy you are and that you want to continue to give back to the province—

Interjection.

Mr. Wayne Gates: No, he's retired. He could go home and lie on the couch, and he wants to give back. I think that's great.

I wanted to say, on that fund and the OFL—you're quite familiar with the OFL. You understand what happened. Cindy Forster actually took the training with WSIB. We had an incident at Queen's Park not that long ago where somebody stood up and started to scream and talked about the WSIB. So I think, if anything, we need more training in WSIB.

We had two workers killed on the job on Sunday. People should go to work and, quite frankly, come home and see their families. The program has taken some criticism, but I think that any time we're putting money towards training—like I said, Cindy did it.

I wanted to say thanks for putting your name forward. What motivated you to get back involved? I watched you for a number of years, and you were so happy when you finally called it a day. I'm really pleased, and I think the Ontario Labour Relations Board will be something that you'll be extremely good at.

Mr. Thomas Collins: I think I've been encouraged, basically, by some good friends who also retired, one being Jim Hayes, one of the senior partners at Cavalluzzo Hayes. They've been prodding me for a couple of years now to come back and share what I do know about it with the labour board and assist in, I think, some of the relationships with some of the unions in terms of getting some things done. I think that's the piece I can bring, because it's not often that leaders of unions come back to sit on the labour board. I can assure you that doesn't happen.

I have a keen interest in it, and I know many of the players, and if I can be of some use for a while, then I'll do that, in the best spirit of what I understand the labour board is there for.

Mr. Wayne Gates: My colleagues here asked you a question, and I thought you answered the question extremely well when you talked about whether you've ever been on the employer side. It's interesting: Maybe a lot of people around this horseshoe here don't understand that when you're at the top of the house sometimes in the labour movement—including myself, when I was president of Local 199—we have to bargain with our support staff. That's a very interesting position when you're doing that, and you did it for a number of years.

Mr. Thomas Collins: Yes.

Mr. Wayne Gates: I think you hit on the most important thing in the bargaining process, which I don't think a lot of people understand. Most union leaders who go to the bargaining table understand that the pie is so big that you have to find a way to divide that pie up so that the company is satisfied that they came away with something and the union came away with something. Then we've got to ratify it with our membership. It's a real talent, quite frankly, and a real art that I think a lot of people don't understand.

You said that at the end of the day, the most important thing is that you've got to leave that bargaining table with all parties respecting each other, because, come Monday morning, you again have to work with them. You've done that for a number of years. Maybe you can tell me how many times you were at the bargaining table, period.

Mr. Thomas Collins: How many times have I been at the bargaining table?

Mr. Wayne Gates: Yes, negotiating collective agreements.

Mr. Thomas Collins: Thousands. A couple of hundred days a year.

Mr. Wayne Gates: Think about that. That's incredible. And after all the years—how many years were you a union rep?

Mr. Thomas Collins: For 35 years.

Mr. Wayne Gates: The most important thing about bargaining comes out of one word: You've got to have respect. I think that says it all about Tom. I certainly respect you. It's a privilege, all those years. I probably never told you that, but it was always a privilege to work with you. I'm hoping that we get unanimous support today for you to come out of retirement, get off the couch and benefit the province of Ontario.

Mr. Thomas Collins: I can assure you, I haven't hit the couch very long.

Mr. Wayne Gates: John, I'm good. Thank you very much.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Ms. Martins.

Mrs. Cristina Martins: First of all, thank you, Mr. Collins, for coming in today to give your talk, and for all the work that you have given to labour relations over your years involved. Hopefully, you'll be able to continue to give many more years of your time—and, that couch not being very comfortable, hopefully that will be the case.

I guess the question here is, what do you see as the Ontario Labour Relations Board's role in labour relations?

Mr. Thomas Collins: It's the referee, I think, in a big way. It's the referee.

In the bigger bargaining world, there's a lot of stuff that never reaches the labour board. The only things that reach the labour board are where you've got either very hard fights over organizing places that don't have a union—most of the unionized workers, I think, go through their daily lives without having strikes. There's all sorts of good scraps, but they don't go very far. The labour board gets the toughest ones, and some of those decisions are brutal.

0920

I have been part of brutal fights. I spent over two years fighting with Walmart, one store—\$2 million in two years. I have been places where I've seen the kind of unfair labour practices that I know nobody in this room would sanction. But it all happens. It all happens in the real world.

Most strikes happen because both sides have decided there is going to be one. At a certain point, there's an impasse that you can't get beyond. But 99% of the time, that's not the case. We don't see those.

I have had some brutal strikes in my lifetime over bargaining, but they were the ones I couldn't avoid most of the time. Half of the bargaining that we do as staff people is with our own people.

It's one thing to have an argument with the employer; you understand where they're coming from. Another thing is to deal with your committees and people on your day-to-day aspirations that might be greater than the world can take or on items you know are just not possible, but you still fight them out at a bargaining table. You try to achieve some measure of improvement, and I've always judged it by that. As long as you're moving it forward in some way, it's better than standing still, because the world keeps moving, or it's better than going backwards. That's my view on it.

Mrs. Cristina Martins: Thank you very much.

The Chair (Mr. John Fraser): Thank you very much, Mr. Collins. We appreciate very much you being here this morning and sharing your time with us. We'll consider the concurrences at the end of this meeting, and so I would ask you to step down now.

Mr. Thomas Collins: Okay. Thank you.

MR. EDWARD CHUDAK

Review of intended appointment, selected by official opposition party: Edward Chudak, intended appointee as member, Ontario Labour Relations Board.

The Chair (Mr. John Fraser): Our next intended appointee is Edward Chudak, nominated as member of the Ontario Labour Relations Board.

Mr. Chudak, would you come forward?

Mr. Edward Chudak: Good morning.

The Chair (Mr. John Fraser): Thank you very much for being here this morning.

Mr. Edward Chudak: It's always a pleasure to do the two-hour drive from Newmarket. It amazes me. I look at the odometer, and I see the 45 or 50 kilometres. I go, "This can't be right." But somehow it always turns out that way.

The Chair (Mr. John Fraser): As you may have heard, you'll have the opportunity to make a brief opening statement, to be followed by questions from the committee. Any time that you use will be taken away from the government, and the questioning will begin with the third party. Mr. Chudak, please, the floor is yours.

Mr. Edward Chudak: Thanks for the opportunity to appear here. I retired in August of last year, and I was asking around to various arbitrators and so on that I work with if they were aware of anything that I could do in my retirement. I didn't think I was quite ready to, as you put it, lie on the couch. They pointed me to the Public Appointments Secretariat website, where I saw a position at the labour board, which I applied for. I was duly interviewed, and here I am.

Just to give you a bit of my background, it's strictly in the education sector. I started teaching in 1977 in Toronto with the Toronto public school board and then moved to the East York board. It was a time of great redundancies and that. I bounced around for a while and eventually ended up with the York Catholic board in 1981.

Within a couple of years, I was the chief negotiator of that bargaining unit, which was a huge and growing bargaining unit at that time. We went through quite the transition in collective agreements. There were a number of collective agreements that were structurally important and, quite frankly, set staffing standards and that kind of thing across the province and rights issues.

I also got involved in union politics at the time. I served on the OECTA executive as the second vice-president and also did two terms on the Ontario Teachers' Federation board of governors. I'm a fellow of the OTF—they granted that several years ago—and ended up on staff at OECTA in 1991, with primary responsibility for collective bargaining, which I did extensively across the province under the old School Boards and Teachers Collective Negotiations Act.

Things fundamentally changed around 1996, when the teachers were put under the auspices of the Ontario Labour Relations Act. The central body then had bargaining rights and carriage rights over all grievances and that sort of thing. I was extensively still involved in bargaining in a much more concrete way, and then started taking over the grievance portfolio and eventually ended up in the grievance department of OECTA and eventually as the head of collective bargaining and the grievance department.

OECTA has about a 43,000-member head count between statutory teachers and occasional teachers. In any given year, there are about 1,400 to 1,500 grievances filed of various natures, most of them minor. The settlement rates on them were very, very high.

In my tenure at OECTA, my basic premise—and this was through bargaining and through the grievance procedure—was to try to look for alternate dispute resolution mechanisms to facilitate settlement and labour peace. I'm proud to say that in my tenure with OECTA, despite literally the hundreds of collective agreements I've done, none had gone to a full strike. There were a couple of work-to-rules granted, but none went to a full strike with withdrawal of services. I always managed to find a solution, and I think that I have some credibility around finding creative solutions to problems and that type of thing. That's what I think I can bring to the labour board.

I don't have the extensive experience at the labour board that the person whom you just talked to did; after all, the history of the education sector with the labour board is not as long. There have been a few instances of duty of representation and those types of things, and some jurisdictional issues. Again, most of them are settled amicably.

I think I'll leave it at that. That gives you a flavour of where I come from. I'm open to any questions.

The Chair (Mr. John Fraser): Thank you very much, Mr. Chudak. Mr. Gates?

Mr. Wayne Gates: Good morning. How are you?

Mr. Edward Chudak: Not bad. By the way, Michael McIsaac says hello. I was at spring training with him last week.

Mr. Wayne Gates: Were you?

Mr. Edward Chudak: Yes.

Mr. Wayne Gates: Went down to watch my Jays play.

Mr. Edward Chudak: Yes, they're looking okay.

Mr. Wayne Gates: I've been following them very closely; they've got a good, young ball club this year. I'm looking forward to—I don't know if I can say this but if you know anybody who has tickets for the home opener, you can call me. Is that okay? I'll buy them; I'm not asking for free tickets.

Mr. Edward Chudak: I don't have them myself, but—

Mr. Wayne Gates: I'll give you a little of my history with OECTA. I've got three daughters who belong to OECTA. Tara-Lynn is a special-needs teacher; my middle daughter teaches at the Catholic school board and does grades 5 and 6; and my youngest daughter, who—I had the privilege of going home last night and she told me she's considering going to Brock University now instead of Western, so I was pretty excited. Just before I went to the IceDogs game she had told me that. I wanted her to stay close to home. And then my wife is a retired principal so, obviously, education—in my family, we talk about it a lot.

Everybody around this table certainly could talk to their colleagues about it: There's a myth out there that when you belong to a union all you do is go on strike. There's a real talent out there with negotiators—97% of all collective agreements get settled without a strike. The process works extremely well.

When I heard you say about the 1,400 to 1,500 grievances—and then you do it a little differently. You go to mediation. The alternate dispute resolution has become extremely big over the last number of years, some of that because of cost. How often would you do that?

0930

Mr. Edward Chudak: Actually, when I became head of the department, I worked out a system where we booked several arbitrators over a number of dates through the year with various school boards, with mutual agreement from the school boards.

What we would do is bring, on a particular day, 10, 12 or 13 issues before an arbitrator, with relaxed rules of procedure and that type of thing, just seeking a decision without reasons at the end of it. In other words, I would go and present our case, with whatever evidence we had, and the other side would do the same. The arbitrator would make the decision, and that was it. Sometimes, there was some negotiation. Obviously, when you didn't have agreement on fact, there was more negotiation than when you did.

That was a very efficient way. Often, we could get through 10, 15, 20 grievances a day—and those are the ones that went to that type of hearing. There were a number where you'd pick up the phone and you'd talk to the superintendent in Simcoe or Windsor or whatever, and you could resolve those things amicably and with a duty of fair representation to the member, without having to go through the onerous process of a full-blown arbitration.

Mr. Wayne Gates: The one thing that you left out: It works.

Mr. Edward Chudak: Oh, yes.

Mr. Wayne Gates: It's very successful. I think the thing that everybody around this table would like to hear is this: Arbitration is extremely costly for both parties, not just one party. The mediation process has a high success rate, and the cost is certainly a lot less, which is a win-win for both, quite frankly.

Mr. Edward Chudak: The cost is exponentially less.

Mr. Wayne Gates: Yes.

Mr. Edward Chudak: With one day of that type of mediation, it would cost us maybe a couple of thousand dollars, versus a \$10,000 to \$15,000 average cost for a one- to two-day arbitration. There's a significant saving in doing that.

The underlying part of that, though, is developing relationships with employers and developing trust, to be able to talk through issues and to basically work through things where you have a mutual respect for equity in situations. Where we were able to achieve that, the system worked great.

At heart, I'm not an ideologue; I'm a pragmatist. I spent my life as an advocate on the union side, but I know what the roles are. That's a role. There is another role in labour relations, and that is to look at the situation from a different perspective, and I don't have any problem with that.

Mr. Wayne Gates: I've still got a minute left or so?

The Chair (Mr. John Fraser): Oh, yes.

Mr. Wayne Gates: I don't need that much.

The thing that we heard this morning, quite frankly, with you and Tom is that sometimes people have this opinion of the people who are involved as the labour leaders. It's always interesting, when you sit down and talk. It's about trust; it's about respect and doing what's in the best interests. Obviously, our interest is our members, but at the end of the day, we have to leave there with mutual respect so that we can do it all over again the next day, and the day after that and the day after that.

It's good to hear both of you saying that after being involved—you've been there since 1977; Tom, I think, was from 1954 or whatever the year was. It's going back a ways.

I think it's important that people understand exactly the role that you play. You both said the same thing: trust, respect, knowing full well that our job is to make sure our members are being taken care of as well—our members, I guess; not ours, or not mine.

Mr. Edward Chudak: I've always viewed a strike as a failure on both sides, and I'm not interested in failure. That's basically it. You strive not to fail. Ultimately, a strike that puts a number of people in jeopardy—and your own members, financially, too—is not something that you strive for. It's something that you strive not to get to, right? To do that, you have to be creative and you have to develop trust relationships and be able to be flexible enough to come to an agreement that's equitable for both parties.

Mr. Wayne Gates: I'll just close by saying thanks for coming here today and thanks for putting your name forward.

Mr. Edward Chudak: Thank you.

The Chair (Mr. John Fraser): Thank you very much, Mr. Gates. Ms. Wong.

Ms. Soo Wong: Thank you, Mr. Chudak, for coming and expressing an interest in the Ontario Labour Relations Board. I've just read your background from the Clerk and the research department that shares with us that you have extensive labour negotiation and grievance process experience. Can you share with the committee, as the former head of collective bargaining with OECTA, how will you prepare yourself for your first grievance or the tasks with this particular labour relations board?

Mr. Edward Chudak: Basically the same way that I would when I was representing members of the grievance. You have to find the facts behind the situation on both sides, you have to assess the merits of the situation—the only difference being previously, I would be doing that as an advocate, so I'd be looking for the advantage to my side. I understand that the name of the game here is to consider things neutrally and to seek an equitable and expeditious solution.

Ms. Soo Wong: Okay. From your experience for a number of years with OECTA, what was the most difficult situation that came out from those negotiations, and

how did you come up with what I call a “win-win” for both parties?

Mr. Edward Chudak: The most difficult situations are always the ones where you reach an impasse and you're at the eleventh hour. Even way back when I was a local negotiator and I was negotiating for 1,500 people and negotiations were at an impasse—it's not very easy to sleep thinking about 1,500 people who aren't going to be getting a full paycheck and that type of thing. The way you get around that: Sometimes there is no getting around it, that's true, and sometimes you have to agree to disagree; but the way you get around that is to be creative about solutions.

Sometimes, for example, something that you really want, you may have to try to get incrementally over a number of collective agreements. After all, the collective bargaining process is also an education process for both sides, and people get familiarized with concepts and that type of thing. Sometimes, quite frankly, you appeal to the other side's sense of equity also, particularly with respect to gender issues, such as return from maternity leaves and that type of thing.

I don't know if that's a full answer, but—

Ms. Soo Wong: Thank you for expressing interest in the board. Thank you.

The Chair (Mr. John Fraser): Thank you very much, Ms. Wong.

Thank you very much, Mr. Chudak, for joining us here this morning.

Interjection.

The Chair (Mr. John Fraser): Oh, sorry. Pardon me. My bad. I did it. I was way ahead of myself.

Mr. McDonell.

Interjection: No respect.

Laughter.

Mr. Jim McDonell: He's got a memory like mine.

Thank you for coming in today. I have four teachers in my family, four people who have—

Mr. Edward Chudak: My condolences.

Mr. Jim McDonell: Yes, although I will say my son never practised. He went on to do something else.

It's interesting with the Labour Relations Board. In some of the stats we see here, it states that 68% of disputes referred to it were either settled or withdrawn—

Mr. Edward Chudak: I'm having trouble hearing you.

Mr. Jim McDonell: Oh, I'm sorry. The vast majority, 68% of the disputes that are referred to the labour board are withdrawn or settled before they get there, and there is alternative dispute counsel available to the employers, the employees and the bargaining agents. Why would so many of these actually get to the labour board if they're never going to actually be heard, or withdrawn? Is there an incentive to send them there in the bargaining process?

Mr. Edward Chudak: I don't think there's an incentive to send them there. I think that's the natural course of things. You have situations where people may believe that they have a better case than they do have and at a certain point, let's say, they are convinced otherwise.

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There's a number of other reasons. I'm sure some of the reasons for withdrawal of the grievance are political, for the sake of the relationship and that type of thing, particularly if the point is not a huge point of dispute between the parties, a minor technical type of thing. There are those reasons. But the process is what the process is and I don't think that you can curtail people from going through a right under legislation. Hopefully you can educate them to do so with a judicious thought.

Mr. Jim McDonell: We see some of the issues of the cases involving alleged contraventions of the Labour Relations Act: 200 dismissed, 431 settled or withdrawn and only 23 granted, which is less than 5%. So you see a lot of these construction industry grievances—783 withdrawn or settled, 23 dismissed and 181 granted. I guess what you're saying is that sometimes even they get the best advice from the people who are working on their side, people want to see it go to the labour board even though they know it will be turned down because we see a huge backlog and time frame that—

Mr. Edward Chudak: Well, I can't comment on the construction industry. I've told you that my experience is totally in the education sector. However, I can tell you that if I do end up as a member of the labour board and I have an opportunity to look at the situation, it's something that's of interest. I like looking for solutions and to the extent that that's possible I think that everybody would have similar concerns. Right? That's about what I can tell you.

Mr. Jim McDonell: I guess with three current teachers in the family, I see some of the processes they go through, and some of the things—I wonder about the practicality. Especially in math and science, we have a lot of criticism of our system, how maybe we aren't achieving what we should. I see especially with young teachers, because I have two of them, when there are times, I'm sure—it's hard to believe—that they have a hard time getting teachers who are qualified in a certain area, like math and science. They take somebody that's not qualified, but they allow them to teach and then, later on in the process, once you've allowed somebody to teach math or science, even if somebody comes along who's qualified, it goes back to strictly seniority. So people are teaching high school math or science who aren't qualified, but because the board was short at one time and couldn't find a math teacher, which is, as I say—

Mr. Edward Chudak: That's not my experience. Under the Education Act, if you look for people who are unqualified, you have to seek leave to get that. But that's not been my experience at all.

As for the comment about how poorly we're doing in math and science, in the last statistics I looked at, which are a couple of years old, we're scoring very well on the PISA tests and that type of thing both as a country and provincially, both in literacy and on math and science. There are some problems in elementary schools with seeking specialists. That's probably the way that elemen-

tary schools have developed over time. I'm not in this sphere right now, but maybe it's time that we look at more specialization in elementary schools. I'm not sure if that's feasible or not.

Seniority varies from agreement to agreement. That's going to change, I take it, now that the teacher federations are into central bargaining with the provincial government. But I can tell you that from a personal perspective there's no joy in having an unqualified teacher in a technical subject like math or science or whatever, because eventually they're going to end up on the grievance end on performance issues and that type of thing—unless they can basically come up to speed on what they're doing.

Mr. Jim McDonell: I know just from seeing that actually happen, where somebody takes a letter on file saying that somebody has taught the course, so it deems them qualified, and it bumps somebody who actually has a university degree in it. So I just wondered about the merit, especially at the high school level, where you're looking at trying to—

Mr. Edward Chudak: I can't comment on that generally. I'd have to look at the exact situation. Again, that has not been my experience.

Mr. Jim McDonell: The Labour Relations Board must be impartial in its decisions and simply apply a relevant act. It's got to look at both sides.

Do you have any experience with the board from an employer perspective? From the point of the view of being a large union, you actually have a lot of employees, so have you seen both sides of it?

Mr. Edward Chudak: I did not act on the management side of the union at all. I ran a department, but I didn't have jurisdiction to negotiate terms or conditions or anything of that nature, no.

Mr. Jim McDonell: One of the references for both you and Mr. Collins is Paul Cavalluzzo, a prominent lawyer who represents the Working Families Coalition. Is that correct?

Mr. Edward Chudak: Yes, I know Paul Cavalluzzo. I wasn't sure if he represents the Working Families. I wasn't aware of that.

Mr. Jim McDonell: Okay.

The Chair (Mr. John Fraser): Thank you very much, Mr. McDonell. I'm sorry for not having recognized you earlier.

Mr. Chudak, thank you very much for being here this morning. We will consider the concurrences at the end of this meeting—we're going to consider them right now. Could you please step down? We will consider concurrences for this meeting. Thanks for being here.

Mr. Edward Chudak: Okay. Thank you very much.

The Chair (Mr. John Fraser): Okay, so we'll now consider the concurrence for Thomas Collins, nominated as a member of the Ontario Labour Relations Board. Could someone please move the concurrence? Mr. Rinaldi.

Mr. Lou Rinaldi: Chair, I move concurrence in the intended appointment of Thomas Collins, nominated as a member of the Ontario Labour Relations Board.

The Chair (Mr. John Fraser): Any discussion? All those in favour? Opposed? The motion is carried. Congratulations, Mr. Collins.

We will now consider the concurrence for Edward Chudak, nominated as a member of the Ontario Labour Relations Board. Could someone please move the concurrence? Mr. Rinaldi.

Mr. Lou Rinaldi: I move concurrence in the intended appointment of Edward Chudak, nominated as a member of the Ontario Labour Relations Board.

The Chair (Mr. John Fraser): Any discussion? All those in favour? Opposed? The motion is carried. Congratulations, Mr. Chudak.

We have one more item of business: to consider a deadline extension. The deadline extension is for William Nicholls, nominated as a member of the Ontario Labour

Relations Board. So he expires—he doesn't expire, but his deadline is April 12. That's an unfortunate pun, but anyhow. So we need to extend that. Do we have unanimous agreement to extend the deadline to consider the intended appointment of William Nicholls, nominated as a member of the Ontario Labour Relations Board, to June 12? Do we have unanimous consent? Okay, we'll make that change.

Interjection.

The Chair (Mr. John Fraser): We're extending it to give ourselves enough time to have him—we'll have risen by then, but I think we'll have it done by then.

Mrs. Cristina Martins: Perfect. I agree.

The Chair (Mr. John Fraser): Thank you very much. The meeting is adjourned.

The committee adjourned at 0949.

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