



NOTICE OF MOTION

Subject: Essential Service - Bill 150, TTC Labour Disputes Resolution Act, 2011

Moved by: Vice-Chair Heisey:

Seconded by: Commissioner Lalonde:

SUMMARY:

On February 22, 2011, the Province of Ontario introduced Bill 150, Toronto Transit Commission Labour Dispute Resolution Act, 2011 ("Act"), which received Royal Assent on March 30, 2011.

The Act provides that if the TTC and the Bargaining Agent(s) cannot reach a collective agreement, all matters remaining in dispute shall be decided by arbitration.

The Act further prohibits a strike or lock-out. The Act also provides that the Act shall be reviewed within one (1) year following the fifth anniversary of the Act coming into force and effect. The fifth anniversary of the Act coming into effect is March 30, 2016.

<https://www.ontario.ca/laws/statute/11t02>

On February 22, 2016, the Amalgamated Transit Union, Local 113, provided to members of the TTC Board a copy of the attached letter submitted by ATU, Local 113 to the Honourable Kevin Flynn, Minister of Labour for Ontario in which ATU, Local 113 requests a participation role in the requisite review of this legislation.

RECOMMENDATION:

1. That the staff be requested to report back to the April 27, 2016 Board meeting, with a Confidential Attachment where appropriate, on:
 - i) the Amalgamated Transit Union, Local 113 letter to the Ministry of Labour;
 - ii) alternative management responses; and
 - iii) the litigation action initiated by the Amalgamated Transit Union, Local 113 pertaining to Bill 150.



AMALGAMATED TRANSIT UNION LOCAL 113

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All correspondence should be addressed to the Secretary-Treasurer

February 19, 2016

The Honourable Kevin Flynn
Minister of Labour for Ontario
400 University Avenue, 14th Floor
Toronto ON M7A 1T7

Dear Minister:

Re: Bill 150, Toronto Transit Commission Labour Disputes Resolution Act, 2011

On March 30, 2011, Royal Assent was received for Bill 150. According to Section 23, the Act came into force on that day.

Section 22 of the Act specifies:

“Within one year following the fifth anniversary of the coming into force of this Act, the Minister shall initiate a review of the operation of this Act and shall require a report on the results of the review to be provided to the Minister.”

Therefore, this one-year review initiation clock begins on March 30, 2016. Since there is no guidance given in the Act as to the parameters, process or protocols of this review, you as Minister must determine how the review is to be conducted, which includes who is to be consulted.

It is the view of the Amalgamated Transit Union Local 113 that this review should be aggressively comprehensive in scope. First, this legislation and its review engage the rights and freedoms enshrined in the *Canadian Charter of Rights and Freedoms* under the Constitution of Canada, including the fundamental freedom of association. Second, this review also affects a wide range of individuals, and potentially everyone in Toronto.

Recent decisions by the Supreme Court of Canada on the issue of the right of workers to negotiate for their labour have created a legal environment that is potentially very different than that which existed in 2011. Moreover, the experience of other jurisdictions on the issue of the right to strike by transit workers would be, we maintain, very relevant to this review.

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It is also ATU Local 113's view that this review should be conducted by a panel of stakeholders. We suggest that the review panel include, among others, legal and urban transit experts and also active and equitable representation from the workers affected by the Act. We would be pleased to nominate candidates from ATU Local 113 for this purpose.

I look forward to your action in this matter and would make myself available for consultation with you and your officials on going forward with this important and unprecedented review.

Sincerely,



Bob Kinnear
President/Business Agent

cc: Local 113 Executive Board
TTC Commissioners