



For Action with Confidential Attachment

Labour Arbitration Update

Date: November 16, 2020
To: TTC Board
From: Acting Chief People Officer

Reason for Confidential Information

This report is about labour relations or employee negotiations.

This report is about litigation or potential litigation, including matters before administrative tribunals.

Summary

This update provides the TTC Board context and update on the status of ongoing labour arbitrations, current litigation volume and associated strategy, ongoing negotiations and associated organizational risk.

There are currently 176 grievances open at labour arbitration. Of those, 149 are individual matters, and 27 are group/policy matters.

The confidential attachment will detail the TTC's strategy in active litigation, ongoing negotiations, risk, and associated recommendations.

Recommendations

It is recommended that the Board:

1. Authorize that the information provided in Confidential Attachment 1 remain confidential in its entirety as it contains information about ongoing litigations and labour relations or employee negotiations.

Financial Summary

The recommendations in this report do not result in a financial impact. The financial details are contained within the confidential attachment.

The Interim Chief Financial Officer has reviewed this report and agrees with the financial summary information.

Equity/Accessibility Matters

None.

Decision History

There are a variety of organizational initiatives underway, where The TTC's union(s) have filed related grievances. These initiatives are itemized in the table below.

Issue Background

The TTC has five bargaining units: CUPE, Local 2 comprising of approximately 650 members; CUPE, Local 5089 comprising of approximately 100 members; IAMAW Lodge 235 comprising of approximately 40 members; ATU, Local 113 (Customer Service Centre) comprising of approximately 50 members; and ATU Local 113 comprising of over 11,000 members.

This report will focus on litigation and arbitration related to ongoing grievances from the ATU, Local 113 bargaining unit. Comprised of over 11,000 members and TTC employees, ATU Local 113 is the largest bargaining unit at the TTC and therefore represents the strong majority of ongoing litigation at grievance arbitration.

Comments

There are currently 176 grievances open at labour arbitration. Of those, 149 are individual matters, and 27 are group/policy matters.

The individual matters largely relate to employee terminations resulting from individual employee conduct. Policy matters relate to grievances alleging an improper change to employer practices that violate rights and entitlements of the bargaining unit as a whole, or a subset thereof.

The following table highlights what we have deemed to be important policy grievances, currently at active litigation:

Grievance name	Issue
<i>Benefits Fraud</i>	<i>147 individual termination cases were referred to arbitration as a result of the ongoing benefits fraud investigation. Of those, 10 are in active litigation, two have a decision issued upholding termination, and the remaining are in abeyance pending the conclusion of other matters</i>
<i>McNicoll</i>	<i>This grievance relates to the TTC's opening of McNicoll Bus Garage and the second sourcing of certain work that may be performed at that location.</i>
<i>Presto</i>	<i>This grievance relates to the TTCs implementation of the Presto system throughout the TTC and the integration of Presto technology as a modernized fare payment system.</i>
<i>Fitness For Duty</i>	<i>This grievance challenges the TTC's policy providing for drug and alcohol testing of employees in designated positions.</i>
<i>Wheel Trans Modal Split</i>	<i>This grievance alleges the TTC is not adhering to the requirement that 38% of Wheel Trans service "is provided by Commission vehicles"</i>

Grievance name	Issue
<i>Wheel Trans Service Line</i>	<i>This grievance relates to the TTC's implementation of the Service Line contract at Lakeshore Garage. 7 other locations have had Service Line contracts implemented and Lakeshore is the final location to more recently have this initiative implemented.</i>
<i>Wheel Trans Call Centre</i>	<i>This grievance relates to the use of second sourcing of call centre volume at Wheel Trans whereby the TTC has engaged a third party to address call volume and enhance customer service.</i>
<i>One Person Train Operation (OPTO)</i>	<i>This grievance relates to the TTC's implementation of OPTO technology, which allows a single Operator to safely operate a train, without a guard onboard.</i>
<i>Improper layoff</i>	<i>This grievance relates to the TTC's need to engage in layoffs in response to a dramatic decline in ridership as result of the COVID-19 pandemic.</i>
<i>"600"s</i>	<i>This grievance relates to service improvements whereby work is detailed mid-board period to support fluctuation in service (ex. Construction, closures, and more recently, physical distancing demands).</i>
<i>Assignment of work to Spareboard reports</i>	<i>This grievance relates to the assignment of Operators who are not detailed operating work being assigned safety talks during their shift.</i>
<i>Early/Late Departures</i>	<i>This grievance relates to the management of scheduled bus departure times from end terminals in order to maintain reliable service along the line.</i>
<i>Subway Break Location/Relief Point</i>	<i>Two grievances have been filed relating to the TTC's decision to move break locations and relief points to create service efficiencies while ensuring operator rest periods.</i>
<i>Wheel Trans Special Transport</i>	<i>This grievance relates to payment for Wheel Trans Operators who provide special transport for individuals in COVID-19 related isolation or who are COVID-19 positive to testing centers or life sustaining treatment.</i>
<i>Bus Barriers</i>	<i>This grievance relates to the TTC making mandatory the use of Operator barriers on buses as a part of COVID- 19 response. This device creates some physical separation between the Operator and the general public.</i>
<i>Event buses</i>	<i>This grievance relates to the TTC, in cooperation with the City of Toronto, providing supplementary support for shelter transport in order to maintain physical distancing during the COVID-19 pandemic.</i>

Contact

Meghan Rogers, Acting Director – Employee Relations
437-235-2840
Meghan.Rogers@ttc.ca

Signature

Megan MacRae
Acting Chief People Officer

Attachments

Confidential Attachment 1 – Labour Arbitration Update