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on THE move

Vol 1 N° 1 • December, 2004



Hillcrest:

The Anger Explodes

ISSUE #1
WE'RE BACK!

A UNITED FRONT IS KEY TO VICTORY

I would like to thank all of the members of ATU Local 113 for their support in the election last year. It was a long and sometimes difficult campaign for many of the candidates. I would like to extend my congratulations to those who were victorious and my encouragement to those who were not. We are now faced with the task of providing the best leadership and representation that we can to you, the members of the Local. We began functioning as a strong team immediately after the inauguration of the new Executive Board and it is our intention to go forward on the same principles of co-operation and united purpose. It is imperative that we present a united front to the Commission, and I strongly urge you to join with us in support of our continuing efforts. **United We Stand – Divided We Fall!**

We began the term of office faced with several daunting challenges. Some were unresolved from the previous term and others arose almost immediately. The first of these items to be resolved was the protection of our seniority rights and working conditions despite conflicts between our Collective Agreement and the Employment Standards Act 2000. This contentious issue resulted in a showdown with the Commission because we were determined to maintain our hard-won rights (See the report on page 10). This was a victory of tremendous importance to the entire membership of the Local and would

not have been possible without a lot of hard work and the full support of our members.

During the same period of time as we were dealing with the above issue we were also able to resolve a conflict with the Commission about Supervisors doing Bargaining Unit work (See page 10). Double time payment for forced overtime at Wheel-Trans was similarly settled for a strongly

Bob Kinnear
President/Business Agent



worded agreement and a \$25,000.00 payment. Continuing conflicts resulting from the Commission's Workplace Violence and Harassment Policy led to an agreement, which caused a re-organization of the Commission's Human Rights and Special Constable Departments. TTC Security will no longer be conducting routine investigations of our members as a result of these changes. We were also successful in reaching an agreement with the Commission to postpone an intended Master Sign-Up in the Plant Department until after the renegotiation of the Collective Agreement in 2005. However, it is important to note that we have only won a battle on this issue, the war hasn't ended yet. We hope to address

the deficiencies in our Maintenance Seniority Regulations during the negotiating process and obtain a final resolution of this issue. In total, our efforts in the first 12 months of the present term have resulted in agreements and improvements for our members, which we estimate have cost the Commission between three and four million dollars.

Still, much remains to be done. We count on the continued support of our members to enable us to resolve the ongoing problems with the TTC Pension Fund and achieve updates to the base period and indexing to pensions in payment. We are pursuing a resolution of the Ontario Health Premium, which we contend the Commission is obligated to pay. We continue to lobby for increased Federal and Provincial funding for transit to secure our long-term future.

In relation to the dispute at the Hillcrest Complex in October (See cover story on pages 6-7), I want to make it clear to our members that while we as Officers of the Local are legally restrained from initiating or counseling such activities – you may rely on our **full** support. This Local Union was not founded for the purpose of limiting the voice of our members but amplifying it! We ask that you, the members of this great organization, stand with us as we prepare for what we expect to be a difficult round of bargaining in the New Year. Together, I am confident that we can prevail.

on THE move

December, 2004

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Kevin Morton – Clerical/Collectors/
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Paul Prosser – Roncesvalles/Russell/Wheel-Trans
Phil Quibell – Danforth Subway/RT/Eglinton

WARDENS

Maintenance – **Pino D'Armiento**
Alternate – **Dave Powell**
Transportation – **Rocco Signorile**
Alternate – **Clark Smith**

Union Dues and Pension Benefits

Local 113 union dues are currently \$11.96 per week and are increased each year by the same percentage that wages go up under the collective agreement. In addition, when the Defence Fund falls below \$3 million, dues are also increased by \$5.00 per week until the Fund reaches \$4 million.

The Defence Fund was established by membership vote in March 1998. It was meant to cover such expenses as picket pay during strikes, media campaigns and other defence-related measures. In May 2000 the membership voted to amend the Defence Fund to also cover payment of arbitration and legal expenses when the Lunar Dues Fund, which is used solely for the payment of contract, arbitration and legal costs, has been exhausted.

The Lunar Dues Fund is set up by transferring one month's dues from the General Fund.

Les Moore
Secretary Treasurer



Did you know that the TTC Pension Fund provides benefits to help you provide for your family even after you are gone? (See page 14 for important details)

Ours is an excellent pension plan but because of years of poor market

THE TTC PENSION FUND PROVIDES BENEFITS TO HELP YOU PROVIDE FOR YOUR FAMILY

returns and low interest rates there have been no improvements for some time. Last year, regrettably, we were unable to even grant a cost of living increase to the Pensioners. This is very disappointing to all of us but I want to assure you that your Executive Board is doing everything possible to get back on track with regular updates and improvements as soon as they are affordable.

Hard-won benefits must be enhanced

We have a fair Comprehensive Medical (CMP) for Benefits. I say fair because we work hard during our rounds of negotiations to enhance our CMP Benefits. They didn't come without cost! However, let's be clear about our Benefits, they are part and parcel of our Employment package and we are fiercely protective of them.

Our Benefits also include the Long Term Disability (LTD) which was negotiated in its present form in 1987, the Sick Leave Plan (SBA) which has been in place for over 35 years and the Pension Fund Society (PFS) since 1940.

The parties are again preparing to meet to discuss the renewal of the Collective Agreement. Enhancement

of our 'Package' which includes wages, working conditions and Benefits will be our main focus. We expect to be treated fairly. Our members work hard and have a vested interest in the TTC. For that loyalty we expect to be

Paul McLaughlin
Executive Vice President



compensated accordingly. We will not lose sight of our commitments to our members and their needs. We will not

stand by and see our members endure severe hardships because we failed to

WE WILL NOT LOSE SIGHT OF OUR COMMITMENTS TO OUR MEMBERS AND THEIR NEEDS

address their needs and in particular our CMP Benefits, which need to be increased to address the times, in particular due to recent changes to OHIP by the McGuinty government. Our perseverance will pay off, for you and our families. In Solidarity.



At a critical juncture with negotiations

In a labour-management context, credibility is our currency. From what this Executive Board has experienced so far in the first year of this term, it would appear that the TTC is nearly bankrupt in this regard.

Respect and trust cannot be assumed, they must be earned. Broken promises, failed initiatives and aggressive posturing can have the effect of undermining the entire process of labour relations. We are now at a critical juncture as we prepare for contract negotiations. This will be the true test of our commitment to our members and will define our collective approach for the balance of this term.

In light of what has happened in the past, we cannot afford to take the high road and assume that we can trust or believe management at the bargaining table. Our previous collective agreement contained provisions, which we negotiated in good faith, only to see the TTC renege on their promises. We had to initiate arbitration cases, at great cost, to obtain the benefits we thought we already had settled. Such items as the pensioners' dental plan, the forced

overtime at Wheel-Trans, contracting-out penalties and the Operator job evaluation were all uphill battles some of which still remain unresolved.

As never before, we are going to be relying on the full support of our members to back us up 100% throughout the bargaining process. We believe that we have earned your trust.

EVERYTHING OLD IS NEW AGAIN

Welcome back to the replacement of the old "Transit Leader". We believe that this magazine can be an effective communication tool for our members and their Executive Board. You will see many changes in the appearance of the 'Zine', a new logo, a fresh new look, informative articles and lots of photos. We welcome your comments and constructive criticism. We believe that this new Executive Board is representative of a new outlook, with new faces, new approaches and we intend to be more flexible, responsive and attentive to the needs of our members. We are committed to re-building the organization from the grass roots to the top. We appreciate your help and support. The By-Law Committee will begin hearing submissions soon and we expect to see more positive change on the way as we continue to be "On The Move!"



Steve Anthony
A.B.A. Maintenance

I would like to express my sincere thanks to all of my brothers and sisters across the Maintenance Department for re-electing me to another term as Assistant Business Agent – Maintenance. Despite the significant success of the Vito Stina case, which lasted 3 years (See page 9), I am very dissatisfied with the way TTC Management is abusing the grievance process.

*Yesterday upon the stair
I met a little man who wasn't there
He wasn't there again today
I wish that little man would go away.*

The verse above is consistent with the way that TTC Management has been conducting their business. Members should be aware that on their behalf, I have filed in excess of 50 grievances at Step III this year. Dozens of letters, which I have sent to the Company, generated no response whatsoever. Management has become “the little man who isn’t there”. Consequently, I am now in November and December, proceeding to Mediation and Arbitration on cases that began as long ago as March or April. Our members have a right to expect timely resolutions to their problems, and that is not happening. Is the system bogged down? Absolutely! Is the Union at fault? Absolutely not! As we move on into contract negotiations this spring, I am more convinced than ever that the entire section on management rights, discipline and the grievance process needs to be changed.

Your continued support is appreciated. I will continue to represent all of you to the best of my ability and I wish all of you and your families health, happiness and success in the New Year.



Larry Davis
A.B.A. Transportation

One of the most important issues confronting an Assistant Business Agent Transportation is ensuring that the administration of discipline across the entire Department is both fair and consistent. I have expended considerable time and effort doing so in the last year while at the same time, allowing individual Executive Board Members flexibility to represent members in their specific areas in an appropriate manner. We have had many disputes settled in our members’ favor in the past year. Details of some of these settlements can be found in the Arbitration Reports in this newsletter. I am personally looking forward to pressing ahead during Contract Negotiations with improving the wages, benefits and working conditions of our members. I thank all of the members who elected me to this position and pledge to continue earning your support in the future.

I urge all members to become more involved in the Union, attend meetings and communicate your ideas to this Executive Board. You will find that our doors are always open and our calls are returned.

I also want to wish all of you, a very Merry Christmas, Happy Holidays and Happy New Year!

Opinion from our members

Editor’s Note: In future, this space will be reserved for those wishing to correspond via mail. Please address your submissions to Les Moore, Secretary-Treasurer, ATU Local 113, 812 Wilson Avenue, Downsview ON M3K 1E5, Attention: Rick Hughes. In this first edition, please enjoy reading the following comments selected from the ATU113 web site forum.

In lieu of an almost impossible situation faced by the Executive Board and President Kinnear concerning resolution of current ESA legalities and provisions it's my own opinion that the results are purely positive and should be considered as such. As we look to the future of Local 113 we must not be waylaid by imposing impossible expectations on both the Executive Board and ourselves and realize that without total and absolute support they will only be weakened at times of labour-management strife. Solidarity is, and will always be, our most formidable instrument of persuasion

DANIEL KOWBELL

Yes you're right about the idea of union solidarity, and I am not here to question the validity of our membership! Once again, it comes down to simple layman terms in that the \$500.00 does no justice for what is deemed as a lunch break refund. When one breaks down the fairness of the first amount or even the next to follow, I ask you to break out your calculators and do the math... After taxes you are left with approx \$260. to \$280 dollars. United we stand brothers and sisters.... Ask yourself of the fairness in question!

DEREK ARNETT

I've been on the rocket for 35 years (4 for 25¢)? The subway service is the best ever. BUT; your Star June 23 "pollution" transit add. Just sit outside Yonge and Eglinton. See the buses come and go. On smog alert days in 2003. THE GREY PLUMES WERE DISGUSTING From buses supposed to make us breath easier. I'm sure on average your numbers are correct. But please look at the area I've identified. You're doing a great job Thanks

TED HUTCHISON



PATIENCE RUNS OUT. Hillcrest members spilled out into the yard on October 18-19 to protest management's lack of consultation on safety, contracting out and other issues. The sudden closure of the Davenport gate was the last straw. Traffic out of the yard was stopped for hours. On the scene, President/Business Agent Bob Kinnear listened intently to members' complaints and dealt calmly with the media, the police and TTC security.



THE HILLCREST DISPUTE

A failure of management to respond to members' concerns

The October 18-19 demonstration by many of our members employed within the fences surrounding the TTC Hillcrest Complex, while regrettable, may have served to call attention to the daily difficulties this Executive Board faces when dealing with Management. Cooler heads should have prevailed in this unnecessarily confrontational dispute over the closing of the pedestrian access gate on Davenport Road.

The reluctance of Management to meet with the President/Business Agent of this Local Union and respond to our concerns about this significant change to past practice (with respect to the disputed entry and exit point) was the direct cause of the action undertaken by the affected members. Bob Kinnear and the entire Executive Board acted responsibly throughout the duration of the reconstruction period attempting many times to meet with Management and discuss their security concerns. Our members were advised on several occasions that we expected a meeting to take place, at which time we would resolve the dispute.

The fact that a meeting did not take place was not our fault. We were willing to meet with Management at any time. Initially, in the week immediately prior to the closing of the Davenport Entrance we were informed that, due to a delay in the construction project, the gate would stay open for some time. Subsequently, we were told on a Friday that the gate would be sealed on Sunday – and no meeting would take place. Our loyal members were understandably upset at our apparent inability to address their concerns and took matters into their own hands.

It took a significant effort by President Kinnear and the Executive Board of the Union to convince our reluctant members to forego their work stoppage and return to work. We thank them for doing that, as it will allow us to do our jobs and pursue a settlement to the dispute through the grievance process (as we are required to do by law). This is far from over. We are adamantly opposed to the closing of the pedestrian gate on Davenport Road.

That action by Management is not only a change in working conditions but also raises Health and Safety concerns in the event that the Complex has to be evacuated in an emergency. Clearly, our members through their action have sent a message to Management; we hope that it did not fall on deaf ears.



COVER: Bob Kinnear leads members back to work en masse on the morning of October 20. "We came out as a group and we're going back as a group. Management now knows they can't push you around anymore."





Contractors doing the work of our members.

Penalty for contracting out needs to be a true deterrent

In the 1980's, the TTC made a concerted effort to insert part-time workers. We were able, with the support of our members, to resist that effort and maintain a full-time workforce in most areas. The Commission was not pleased with the result and sought other ways to economize.

One of the most insidious of these tactics is the practice of out-sourcing the work of the bargaining unit to private contractors. Unfortunately, the language in our Collective Agreement on the subject of contracting-out is weaker than it needs to be.

**WE CAN DO
THE WORK AT
A COMPETITIVE
COST, IN MANY
CASES AT A
LOT LOWER
COST THAN A
CONTRACTOR**

At present, the Commission is only obliged to notify the Union in advance of its intention to contract-out work normally performed by union members. The reason for the notification requirement is to provide the Union with an opportunity to propose alternative solutions to farming out the work. In recent years, we have been swamped with such

notifications. They arrive by fax, most at the last minute, and the contract clause only allows us two weeks to respond.

The fact is that most times, work that is contracted out has to be subject to a tendering process. The Commission does not advise the Union when it requests bids to be tendered; notification takes place after the tendering process has already been completed. As a result, we are being hamstrung by the need to prepare an effective argument with insufficient time and information. We need to change

this so that we can compete on a level playing field.

The Commission also argues that it does not have the resources to perform the work in house with our members. We can do the work at a competitive cost, in many cases at a lot lower cost than a contractor, but the Commission does not want to provide us with the tools to do the work.

Any contractor has to set the price of a bid at a level sufficient to recover the cost of obtaining the resources, supplying the labour and realizing a profit above and beyond. For example, if you choose to employ a contractor with a backhoe to do several jobs, you will eventually pay for that backhoe, as well as the labour costs and a profit to the contractor. If you buy the backhoe and use in house labour, at the end of the process the work is done more economically because there is no profit to a contractor and the backhoe is still available for future projects.

In those cases where the cost of obtaining certain resources is prohibitive, there are other alternatives available. Leasing of such resources is a viable option but an even better idea is the sharing of such resources across the City. There are many City departments and services, which would benefit greatly from having pooled equipment resources owned by the City and available to them on a temporary basis. Initial discussions with the Mayor's office indicate that David Miller might be inclined to give serious consideration to this idea.

The other problem we face is that even when we are successful in proving our case, the Commission sometimes has elected to simply pay the \$500.00 specific penalty and whatever other remedies an arbitrator awards as a cost of doing business. The specific penalty in the contracting-out clause needs to be a true deterrent to provide our members with adequate job protection.

Member wins “workplace immunity” and \$25,000 from abusive supervisor, TTC

This case is a very important one and a significant win for the ATU 113 Transit Workers. The case consumed more than three years to arrive at the decision, which is a remarkable one for all workers. Brother Vito Stina was subjected to continual abuse from one particular Supervisor, a Mr. Frank Zuccaro for an extended period of time and, as a result of such harassment, lost time from work through illness.

Brother Stina filed a Human Rights complaint in January of 2001, which the TTC failed to seriously address.

After consulting with our legal counsel, ABA-Maintenance Steve Anthony filed a grievance against the TTC and Mr. Zuccaro for violating the spirit and intent of the management rights clause of our Collective Agreement.

Both parties expended a significant amount of time and effort throughout the arbitration process determining if the Arbitrator, Mr. Owen Shime, even had jurisdiction to hear the grievance. In the decision, which is 105 pages long, Mr. Shime devotes a considerable portion of his decision justifying his jurisdiction in the case. He concludes, and rightly so in our view, that while Management has the right to manage they do not have the right to bully. “I determine that it is an implied term of the collective agreement that the work of a supervisor must be exercised in a non-abusive, non-harassing manner.”

THE AWARD

The truly remarkable part of the decision in this case was the remedy specified by Arbitrator Shime. In his landmark award, Mr. Shime passed the boundaries normally imposed on the arbitration process to not only make the grievor whole, but to assess damages against the Supervisor and Company in respect of Brother Stina’s pain, suffering and mental distress. The highlights of the award are as follows:

- a) i) All of Mr. Stina’s sick leave credits that were used by him between February 15, 2001, and the date he returned to work, in the Fall of 2001, shall be restored to him.
- ii) Any difference between what he received by way of sick pay and his regular

salary during that time shall be paid to him with interest at the regular bank rate.

b) i) Mr. Zuccaro and the Commission shall pay the grievor the sum of \$25,000.00 by way of general damages for which, they are jointly and severally liable.

c) The grievance seeks, inter alia, the removal of Mr. Zuccaro from Duncan Shop. I doubt that my jurisdiction extends to taking action against Mr. Zuccaro, since he is not a member of the bargaining unit. However, I propose to deal with the issue of supervision as follows:

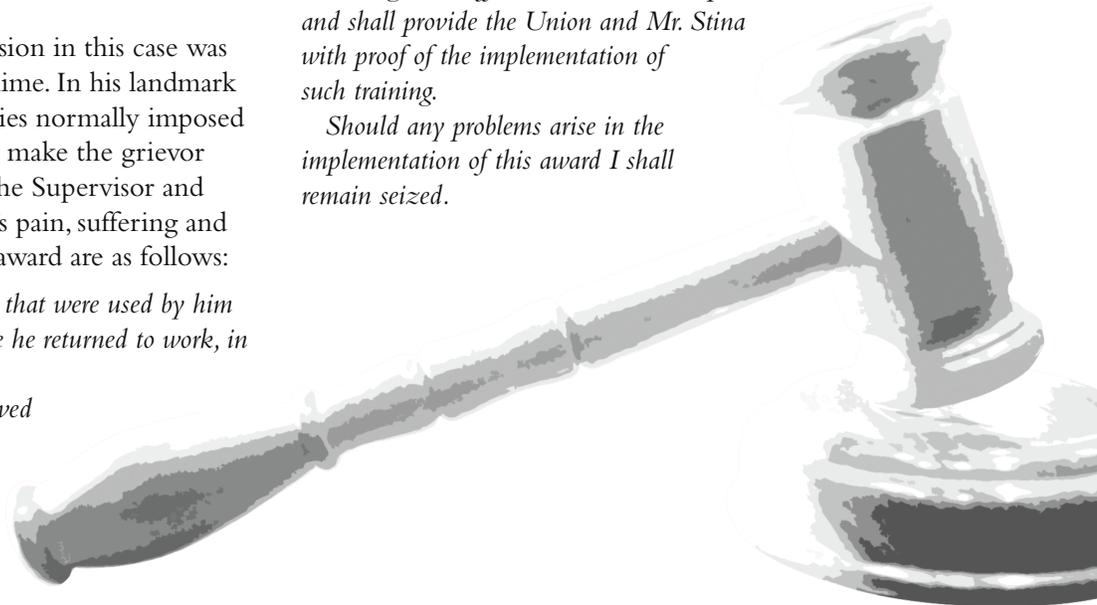
i) The commission shall ensure that Mr. Stina has a harassment free workplace and, more particularly, that Mr. Zuccaro have no communication whatsoever with Mr. Stina either verbally or by gesture.

ii) Very often in harassment cases the victim is moved. I do not propose to move the grievor in this case. Rather, I determine that Mr. Stina shall be able to move freely among the Commission’s various workplaces. If he should bid or be transferred into an area where Mr. Zuccaro is present, the Commission is directed to move Mr. Zuccaro into an area where Mr. Stina is not present. In effect, Mr. Stina is to have workplace immunity from Mr. Zuccaro.

iii) Mr. Stina shall also be provided with the opportunity to transfer back to the brake section at Duncan forthwith, if he so desires.

d) I further determine that the Commission shall institute an anti-abuse and anti-harassment training for all of its managerial staff within a reasonable period and shall provide the Union and Mr. Stina with proof of the implementation of such training.

Should any problems arise in the implementation of this award I shall remain seized.



Cosimo Lacaria Hillcrest

There is significant concern being expressed by the members of Local 113 about the apparent abuse of power by the TTC Special Constables, especially in regard to cases of alleged incidents of Workplace Violence and Harassment. As of this writing, the process of investigating such incidents has now been changed, and Special Constables will no longer be investigating such allegations. Responsibility for administration of this policy has been transferred to the Human Resources Department, and we will continue to monitor the situation on an ongoing basis. Contracting-out of our work continues to be a concern in Hillcrest as well as elsewhere on the property.

Paul Callaghan Member at Large

I regret that we are often unavailable to visit the work locations that we represent on as frequent a basis as we were in the past. In large part, this is directly attributable to TTC Management. We have been faced for many months with an unreasonable number of grievances and dismissals. Once we have dealt with the 58 ongoing Step III grievances currently in process, and have negotiated a renewal of the Collective Agreement, we have every intention of spending more time visiting the members in their work locations.

Frank Grimaldi Arrow/Queensway

One of the most frequent complaints I receive from our Operators is the tight schedules and lack of recovery time at the end of the line. Much of this is the result of past schedule changes and time cuts, which have turned our "routes" into "race tracks." Our members should be aware of the fact that it is their licenses that are at risk from demerit points when they are caught speeding, going through red lights or not stopping properly. Remember that by breaking the law to maintain schedules, we are giving Management no reason to improve running times. Follow the rules of the road and let everything else take care of itself.

Bill Chrisp Plant

We have challenged a number of notifications of contracts and have been successful in several cases. Those that we have been unsuccessful in challenging have been decided, in part, on the basis of lack of resources at the TTC. We have been in touch with the Mayor's office, and have proposed that sharing of resources across the City of Toronto may alleviate resource shortages in many City Service Departments as well as the TTC. It is also apparent that we need stronger language in our Collective Agreement to protect our work. *(Full story page 8)*

Scenes From The 54th International Convention

Local 113 was one of the largest delegations at the 54th International Convention of the Amalgamated Transit Union in Las Vegas on September 13-17. Canadian Labour Congress' Ken Georgetti delivered one of the convention's most stirring speeches. Several 113 delegates chaired or served on convention committees.



**Jim Boyle
Birchmount/Malvern**

One of the most contentious issues facing our members in the recent past has been the TTC Workplace Violence and Harassment Policy. We have already seen several versions of this Policy in operation. Not one of these has been proven to alleviate the problems our members face in their stressful jobs, interacting with fellow Operators and the travelling public. It is our aim as your Union representatives to facilitate mediation of such disputes without the intervention of Management. Please bring all such disputes to the attention of your shop stewards and give us the opportunity to resolve these conflicts amicably.

**Rick Hughes
Wilson Bus/Subway**

There has been a noticeable turn-around in the morale of the members at Wilson Bus. With the arrival of a new Superintendent and Assistant, and a commitment from Management to “change the culture” from management by numbers to management of people, we can look forward to a brighter future for all. Despite appearances to the contrary, Management is reluctantly coming to the conclusion that the right to manage does not include the right to bully. Unfortunately, the reverse may be said about the situation in Wilson Subway, where excessive discipline is causing a steep decline in morale. This will change in the New Year.

**Henry Urban
Equipment “A”**

Members in my area are concerned about Management’s continuing effort to arbitrarily change their working conditions. Our workers have signed on jobs with the understanding that job descriptions and off-days will not be changed without following the Seniority Regulations. This is only one of many issues that will be addressed in contract negotiations.

**Scott Gordon
Equipment “E”**

While we can be proud of our accomplishments to date, much more work is still ahead of us. Resolving our outstanding grievances is top priority since Contract Negotiations will be front and center on our agenda in the New Year. It is our intention to bargain skillfully and obtain significant improvements for our members, which they will enjoy for many years to come. We trust in their support as we begin the process.



**Kevin Morton
Clerical/Collectors/Revenue**

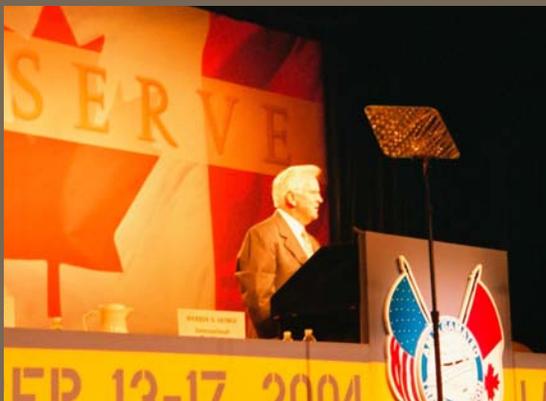
In all my terms as a member of the Executive Board of Local 113, I have never witnessed the current level of deceit and self-righteousness in Management's interpretation and administration of our bargaining agreements and regulations. Why are we compelled to force issues to arbitration again and again when there are signed Memorandums between the parties resolving such issues? Clearly, the TTC tendency to micro-manage has created an environment wherein the grievance process is being driven by job creation in Management ranks. In short, there are far too many cooks in their kitchen. I am concerned that the grievance process is becoming redundant. else take care of itself.

**Philip Quibell
Eglinton Bus/Bloor-Danforth Subway/Srt**

Our members at the Eglinton Half-Division can now take small comfort in the fact that the justification report for the proposed new Mount Dennis Division (on Industry Street near Trethewey and Black Creek) indicates that over the 40 year life-span of the facility there is no significant difference in cost for a roofed-in garage as opposed to outside parking. We could have told them that and did before Eglinton was built! There is also reason for concern especially in Subway Operations that the discipline process is not being properly followed by Management. There are far too many dismissals being done without verbal or written warnings first. We need to address this trend as soon as possible. Every infraction of the rules cannot be "Safety Critical."

**Paul Prosser
Roncesvalles/Russell/Wheel-Trans**

The most contentious issue facing the members in Streetcar Divisions is the TTC's proposed "Streetcar Rule Book." Our experience with the existing Subway/RT Rule Book indicates that we need to be very aware of the potential for increased discipline as a result of these new "rules." We will not be caught by surprise in this regard and will look long and hard at this entire subject when re-negotiating the Collective Agreement. I am also concerned about the change in Management personnel at Wheel-Trans. It would be nice to know who we are going to be dealing with in the long term!



Pension Plan Survivor & Guarantee Options

In September 2001, the Board of Directors of the TTC Pension Fund amended the Plan to provide an extension to the 60% survivorship until January 1, 2003. This means that all married Members receive a 60% survivor pension at no cost on all pension earned up to January 1, 2003, regardless of when they retire, resign or die. You do not have to sign or do anything to get this great benefit. Your age or the age of your spouse does not matter. This change also reduced your cost if you wish to provide larger optional forms of survivorships such as the 66.67%, 80% and 100%.

Unfortunately, the funding has not

been available to extend out the free 60% survivorship for your credited service *after* January 1, 2003. If you wish to provide survivorship benefits for pension credits earned after January 1, 2003, there will be a charge in the form of a somewhat reduced monthly pension.

Single Members or Members with spouses who waive the 60% survivorship have an automatic 10-year guaranteed pension at no cost. With a guarantee, the Member receives their full (unreduced) pension for their lifetime, with the guarantee starting the day they retire. In the event of death prior to the ten-year

mark, the pension will continue to be paid to the Member's beneficiary for the remainder of the ten years. You can also opt to extend the 10-year guarantee to 15 years. This will reduce your monthly pension. The amount of the reduction is based on your age at retirement.

When you request a pension estimate from the Pension Office, the costs for survivorships and the 15-year guarantee will be printed automatically on your statement. All Members over age 50 are encouraged to have their estimate updated at least annually. You can call the Pension Office directly at: (416) 393-4368 or 1(800) 663-6820.



Toronto: Birthplace of the Labour Day Parade

Remember summer? This year's Labour Day parade, organized by the Labour Council of Metropolitan Toronto and York Region, featured an excellent turnout from Local 113. The first Labour Day Parade in the world was held in Toronto in 1872. Ten years later, the American labour movement adopted the idea. ATU 113 has participated in every parade since its founding in 1899.



Union wins \$\$\$ over ESA 2000

One of the first issues to surface at the beginning of the term of this Executive Board was the Employment Standards Act 2000. We were determined to resolve this conflict with the Commission that had been held over from the previous board.

Despite the TTC's insistence on implementing wide-ranging changes to our work selection process in Transportation and overtime procedures in Maintenance, we refused to allow any unilateral actions on their part. We forced the issue to a mediated arbitration presided over by Kevin Burkett on January 28, 2004.

At the end of the process, we were successful in obtaining an award recognizing the validity of our October 2003 Agreement protecting the rights of our members. It was always the position of the Union that the TTC did not have the right to "cherry-pick" the legislation and only implement the changes that they favoured. If the ESA 2000 was going to be imposed upon us, then we insisted that all of the provisions of the Act had to be enforced including the provisions regulating rest periods.

After the Burkett award came out requiring the Commission to provide rest periods and/or compensation in lieu, the Union was placed in the position of finding a way to enable the TTC to comply with the award without initiating unfavourable changes to the work. Through a lengthy negotiation we were able to obtain an agreement that provides for an eight-hour rest between shifts, the ability to work overtime on off-days, protection for those members forced to sign off-shift work on statutory holidays and annual payments for missed meal breaks, while maintaining such meal breaks as already existed in the schedules.

This win-win agreement has resulted in an initial payment of \$500.00 (minus taxes) in lieu of meal breaks and will provide additional payments in the future including a \$580.00 payment (minus taxes) in November of 2004 for qualified members. In November of 2005, that payment will be \$800.00 plus any contractual increase.

No more supervisors operating trains

With the TTC's insistence on implementing the hours-of-work restrictions of ESA 2000 it became a common practice for the company to fill open work with supervisory staff in spite of our Collective Agreement provisions to the contrary. A Policy Grievance was filed and eventually wound up in Arbitration.

We were determined to halt the practice of allowing supervisors who are not permitted to be members of this Local Union to perform our work under any circumstances. Prior to obtaining a decision at Arbitration, we were able to arrive at a Settlement that we determined was satisfactory.

The highlights of the agreement are as follows:

- Supervisors may only operate trains in an emergency and then only for one round trip.
- No supervisors may bring a train into service from a hostler, build-up, or portal.
- Train crews for whom relief crews are not available will stay on the train for up to one round trip if required, but every effort will be made to find a replacement crew as soon as possible.

Local 113 will be compensated in the amount of \$40,000.00 in respect of work performed by supervisors prior to the settlement date.

Major restrictions on supervisors operating subway trains are the outcome of a union Policy Grievance settled prior to arbitration. The union was also paid \$40,000 for past contract violations on this issue.



2004 Pensioners' Party **Great memories, Great times**



President/BA Kinnear with Karl Hennesthal (left) and former ABA Transportation Barry Stringer



Former President/BA Charles B. Johnson (right) and friend



Tom Walsh, Paul Nash, Wayne Beaver, Terry Woodhouse

Dr. Nick says:

When ya gotta go, ya gotta go!

Hello everybody! Dr. Nick is here with some helpful hints for all of you transit workers.

Dr. Nick has had many patients and friends who were transit workers. I can remember one fellow in particular, Tommy H. who was driving the 37A Islington Bus one day and happened to get to the far end of the line at Elmhurst Avenue ten minutes ahead of his scheduled arrival time only to find the Line Inspector (Dave Q) standing on the northeast corner of the intersection. Tommy H. turned the corner, immediately pulled the bus over to the curb in front of the small plaza and parked. He then ran into the restaurant. Upon his return he was accosted by Inspector Q who asked him, "What possible excuse can you offer me for being 10 minutes sharp on a 30 minute line?"

"Dave," replied Tommy, "You won't believe how bad I had to use the washroom, I almost sh*t my pants!"

"And when did this feeling first come over you?" Inspector Q asked.

"It was as soon as I saw you!" Tommy replied.

This is an amusing anecdote but under the present zero tolerance policy for schedule deviation being imposed by the TTC it would not likely happen today. However, using washroom facilities in a timely manner is no laughing matter. Failing to void your bladder or move your bowels when required can have serious health consequences. Too many of our operators retire with more than a certificate and gold watch. Some also leave with ongoing health problems such as urinary tract infections, kidney stones, irritable bowel syndrome, Crohn's Disease, Colitis, liver or



kidney disease to name but a few. There are also concerns being expressed by maintenance employees who are being singled out and chastised by forepersons for attending to a biological imperative during working hours. Whether in the shops or on the buses, streetcars or subway trains, our people need to know that they gotta go, when they gotta go.

Dr. Nick has heard that many members are relying on their Union to protect their right to use the washroom when needed. The fact is that no Union has the right to bargain away your rights when it comes to health and safety items. Use of washroom facilities is **not** negotiable. Under current initiatives from Route Management Personnel in Transportation our members are being asked to report their washroom needs in advance. This has created the impression that there is harassment about washroom usage. The bottom line is that all of us should attempt to run on schedule but use the washroom when required, whether or not advance notice is possible.

If there is still a concern that management is going to be critical or abusive after the fact, I recommend that such conversations should not take place in a vacuum. Under such circumstances, it would be my preference only to discuss such matters over a boom mike rather than a handset. Perhaps when the Supervisors realize that the public will be overhearing them, they will be less inclined to be abusive.

So, remember everybody – Dr. Nick says, "Run on time but take care of your physical needs. The TTC will not provide you with replacement organs."



Stewards' Seminar deals with workplace challenges

More than 60 participants, most of them new Shop Stewards, attended a week-long educational seminar at Bayview-Wildwood Resort in May of 2004.

Among the instructors was Paul McCarthy (with beard) of Collective Bargaining Associates of Marshfield, Massachusetts, a dynamic and informative speaker.



*From top right, clockwise:
All present and accounted for;
Working in groups - Paul McCarthy instructing;
Transportation stewards' caucus;
Neville Hinds receives his certificate.*



Holiday Greetings to All Members and Their Families

*From the Officers and Executive Board of
Amalgamated Transit Union Local 113*

Best Wishes for a Safe and Happy New Year!