



on THE move

November 2007

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STOP VIOLENCE**

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We're #1!

Local 113 members and their families
come out big for the 2007 Labour Day
Parade, winning Best Turnout Award.

LABOUR
TORONTO & YORK REGION
COUNCIL

2007
Labour Day Parade

BEST TURNOUT

awarded to
ATU Local 113

Former Ontario Cabinet Minister conducting study for Local 113

For the first time anywhere in the world, the dollar value of the work performed by urban public transit workers is being calculated. Local 113 has commissioned an independent study to answer the question: "What would be the annual cost to Toronto if the TTC disappeared?" The portion of that cost that could be reasonably attributed to the unionized workforce would represent the value of the work performed by Local 113 members.

The study is being directed by Marilyn Churley, a former Toronto City Councillor and Ontario Cabinet Minister. She is consulting with several respected environmental organizations such as the David Suzuki Foundation, the Toronto Environmental Alliance, the Canadian Environmental Law Association, Climate Action Network Canada, the Sierra Club and others. Churley is also drawing from dozens of Canadian and worldwide studies on the economic and environmental impacts of public transit, or the lack of it.

The idea for the innovative project came to President Bob Kinnear during a September emergency meeting of the Toronto Transit Commission where fare increases and service cuts were approved.

"I couldn't believe how 'penny wise, pound foolish' the Commission was behaving," Kinnear says. "But then I realized that they simply didn't know the actual value to Toronto of the TTC. All they could see were the costs. They had no way of measuring the value of our members' work. So we retained a highly credible environmentalist to help bridge that cost/benefit knowledge gap."

The union has guaranteed Churley complete autonomy in how the study is conducted, which experts are consulted and what conclusions are reached. "It's her study and we are not looking for a particular result, we just want the facts and expert opinions on what those facts mean," says Kinnear.

Churley expects to publish the study in the early part of 2008.



Marilyn Churley was elected to the provincial legislature in 1990 and re-elected in 1995, 1999, and 2003 by some of the

widest margins in the province. She was the first female Minister of Consumer and Commercial Relations, the first female Deputy Speaker of the Ontario Legislature, the NDP's Deputy Leader and critic for the Environment, Women's Issues and Democratic Renewal. Marilyn was also named Best MPP by NOW Magazine several times. Among her many environmental achievements:

- Wrote the Safe Drinking Water Act, designed to prevent another Walkerton tragedy.
- Co-founded Citizens for a Safe Environment to close down the Commissioners garbage incinerator and stop sewage incineration.
- Served as Executive Director of the Canadian Environmental Defence Fund.
- Spearheaded the establishment of Toronto's Energy Efficiency Office.

on THE move

March 2004

Editor-in-Chief **Bob Kinnear**

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Look to a better future but don't forget our past achievements

**Bob Kinnear
President/
Business Agent**



It is human nature to want more. Maybe that's the reason we have civilization and progress. People who came before us were not satisfied with what they had. So they explored, experimented, dreamed, worked

hard and took risks in order to make the future better.

This natural desire for more is certainly the reason we ATU 113 members have a good collective agreement, good benefits, and a decent pension when we retire. Members who came before us, going back over 100 years, were not satisfied with their status quo. We are the beneficiaries of their dissatisfaction and their desire for more.

So when I talk with members out on the property and at membership meetings and hear complaints about this or that shortcoming of the collective agreement, I take it as a healthy sign of the natural push for progress. And I listen very carefully, as do all members of the Executive Board. By constantly taking the pulse of the membership, we can represent you more accurately and with more conviction.

There is, however, another side to human nature, one that is equally important to progress: Recognizing the value of – and protecting – what we have already achieved. A society that gives little or no credit to the accomplishments of the past has a stormy future ahead. This is also true of unions. Constant dissatisfaction and forgetting what has already been achieved eats away at solidarity. And solidarity – workers sticking together – is the single most important force for their future progress. Nothing else even comes close.

I believe in balance. We need to combine an appreciation for what we have achieved with our drive to achieve more. By focusing some of our attention on our past accomplishments

we will build a greater sense of what we have achieved, and therefore what we can more achieve, through solidarity.

There are some recent examples of our union's accomplishments that are worth being proud of. Some are large, like the Ontario Health Premium victory at the Supreme Court of Canada. Over 60 unions went to arbitration on the OHP issue and only five have won, including us. The rest have lost and their members are still paying the OHP premium. Our win is worth millions of dollars to our members. For most members it's about a 30-cent hourly wage raise, based on a standard work week. "Not much!" you say? Well, it's enough to cover the monthly payments on a new computer for your kid (or yourself). Or on a large flat screen TV to watch next year's Superbowl or the World Cup. Or on whatever else you like. Don't dismiss it as insignificant.

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THANKS, BROTHERS. Thirty-three years ago, in 1974, ATU 113 members went on a 23-day strike, the longest in our history by far. We still benefit today from the results of this decades-old action.

Union will fight “Americanization” of our SBA

Have you been off work due to an illness and had your SBA claim delayed by Health Services requests for further medical information? After providing this information, have you then been advised that they won't pay more than “X” amount of days because their so called Medical Guide from the United States says your recovery time should have been shorter? I know you have! Welcome to the newest department in the Toronto Transit Commission: THE DEPARTMENT OF DELAY AND DENY. This style of sick benefit claims adjudication will not be accepted nor tolerated by your Executive. We are in the process of meeting with the TTC to rectify their abuse of our Sick Benefit Association.

This is but the latest example of management's total lack of respect for our Collective Agreement. From their court challenge on our collective agreement language on the Ontario Health Premium (OHIP), to the TTC SAFETY POLICY letters that are signed by the Chief General Manager and posted everywhere, including the washrooms, which profess that the “TTC conducts its business in accordance with all applicable legislation and regulation ...and applies appropriate safety and environment practices and standards”, I'm sure if you ask any member about that statement they would shake their heads in disbelief knowing what has taken place over the last several years.

The examples that I have mentioned and others (Wellness Program, Employee Fitness for Duty Rules and Regulations) are nothing more than an attack on your individual rights as a Canadian Citizen and a member of Local 113.

Kevin Morton
Executive Vice President



The Wellness Program and the use of the U.S. Medical Guide to determine SBA benefits is nothing more than what is commonly referred to as “Managed Health Care.” This is a U.S.-born and driven program to reduce all benefit costs, including prescription drugs. They attack your family doctor and specialist and advise members that they have more “qualified” medical professionals that can offer better and faster health care. DON'T BELIEVE IT!

The Employee Fitness for Duty Program is nothing more than drug and alcohol testing with an important twist. It also attempts to question your “lifestyle.” It targets your eating and exercising habits, leisure and family off-duty activities. They target these areas because they believe that they can reduce their costs and absenteeism. Some members may ask: “What's so bad about that?” Well, many states in the U.S. don't have “just cause” provisions, which means an employer can legally terminate your employment for absolutely no reason! No appeal. No legal challenge. So if they were successful in implementing this type of program they could try to direct and control your activities and if you didn't participate they may try to cut your benefits and SBA entitlement. The Harris and Harper Governments have attacked and continue to attack our

labour laws so we must be aware of the consequences of these programs.

Here are some helpful hints when filling out an SBA form.

1. Review your SBA form fully with your MD before leaving his or her office. This will eliminate many delays due to sections not being properly filled out.
2. Make sure your MD puts on the form a DIAGNOSIS, not a SYMPTOM. This is one of the most common errors an MD makes that can delay your claim.
3. If your MD has yet to diagnose your illness or is doing tests etc. to further evaluate your medical condition, have them use the term “ Not Yet Diagnosed “ OR “NYD “. This allows for your claim to be adjudicated properly.

Our Collective Agreement Language and Benefit Package will be under attack in the upcoming contract negotiations. It is most important that we not only hold on to what we have fought for over the years, but get the long overdue improvements to our Dental and our Comprehensive Medical Protection Plan (C.M.P.)



“TTC driver, eh? Tell management he should be back on the road by Thursday.”

Union claims that pension regulator is punishing TTC fund with unrealistic solvency rules

At the June Annual Meeting of the Pension Fund, we were pleased to announce that after a special meeting with the Financial Services Commission of Ontario (FSCO), we were able to negotiate some relief from the solvency rules and were able to approve a 2-year update to the base period. This was great news for the all the Members.

Since that time, we've been dealt a setback as the Regulators have even further tightened the rules for solvency valuations and the option that we negotiated with FSCO to allow the Society to use future contributions to help fund solvency over 11-12 years has now been reduced to 5 years. This is very bad news for our Members as it will make it extremely difficult to make plan improvements such as updates and indexing and at the same time meet the solvency rules.

Les Moore
Secretary-Treasurer



Your Executive is continuing to pursue every available avenue to get relief from the solvency funding requirements.

As we have discussed in previous publications and in TTC Pension Fund newsletters, we believe that the Pension Fund should be exempt from solvency funding rules as an exemption does not jeopardize member benefit security and we believe these rules are not in the best interests of plan members.

We believe this for several reasons. The main one is the fact that it is highly unlikely that the TTC would disappear

without a successor employer as the city will always need a transit system. Further, even if there was a plan wind-up, there would not be an immediate liquidation of assets as is contemplated in the solvency rules. The Pension Fund would continue to pay benefits as they come due and there would be a long term, orderly, reasonable wind-down, with negotiation with the successor employer.

Your Executive Board recognizes that the requirement to fund solvency shortfalls is creating huge intergenerational inequities as Members who want to retire are delayed and Members who do retire are receiving lower pensions than they might reasonably expect. In addition, pensioners have been adversely affected as the indexing formula has been reduced and indexing is not keeping up with inflation as it did for many years before the introduction of the solvency rules.

Your Pension Board has written and expressed our concerns to the Minister of Finance and we are in the process of preparing a submission to the Ontario Expert Commission on Pensions. We will be making a formal presentation to this Commission in mid November. This Expert Pension Commission was created by the Ontario government to review and make recommendations for changes to the Pension Benefits Act.

In our presentation we will point out how requiring solvency funding is

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DO I HAVE TO RETIRE AT 65?

In Ontario, you cannot be forced to retire at 65 except where there is a *bona fide* occupational requirement that employees retire at that age. The *bona fide* requirement refers to those whose health or occupational safety, or the safety of others, would be endangered by their continued employment.

Generally, this restriction would apply to emergency services personnel, such as police or fire protection services, and those working in physically demanding jobs. This has not been an issue in the TTC yet but it is bound to come up sooner or later. If you plan on working past age 65, contact HR and tell them. If there are any problems, call your Executive Board member.

FACT: In Canada's public sector, the average age of retirement is 59. In the private sector, it's 62.



Name That Stop — or Else!

*Paul Prosser
Assistant Business Agent
Transportation*



By now everyone is aware of the Human Rights Commission Order which requires all bus and streetcar stops must be

called. The Union was not called upon as a witness to these proceedings, so important concerns regarding safety where ignored.

We have pointed out the complexity of surface routes as compared to the subway. The subway not only has fewer stops, none of these stops are bypassed; they are serviced each and every trip. Surface stops are a little more complicated due to the simple fact some routes have in excess of 100 stops and these stops are not the same eastbound as they are westbound or northbound stops are not necessarily the same as the southbound stops.

The subway stops are the same, however the surface stops are not. And when you factor in someone working

spare board or vacation board, even the routes are not a constant!

Overcrowding, inclement weather, passengers asking questions and heavy traffic are just a few of the things an operator must deal with and do it safely in performance of their duties.

Of course now every stop is to be called no matter how obscure or unused they may be.

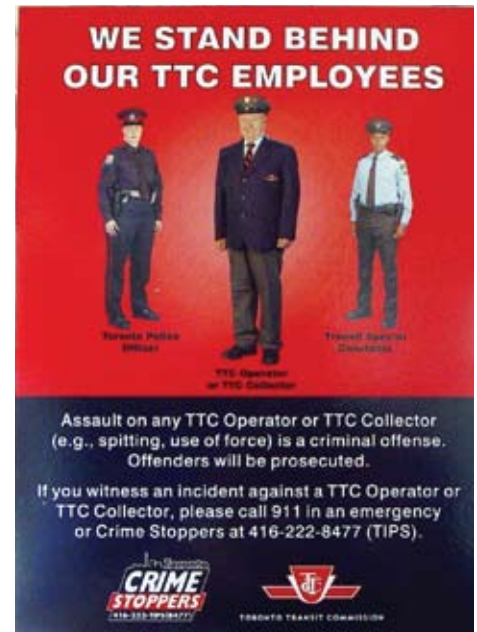
Looking for unknown stops could be hazardous. On top of that, the Human Rights order has a shorter implementation date than the subway. The logic behind that boggles ones mind!

The TTC has to start a training program to outline the order and the general stop-calling program. After everyone gets their 20-minute training and receives their PhD in “stop-calling” the audits will begin! We have taken a hard line with the Commission and there is no way we will tolerate any unreasonable discipline. We have made it clear that our members will do their best to satisfy the order but not at the expense of public safety.

You do not have to use the PA system to call stops and if your vehicle is

crowded and some can not hear the stops being called in the back, that is a fact they will have to live with until the automated stop calling is in place.

Bottom Line: Brothers and Sisters do your best but do not compromise the safety of your passengers and the pedestrians and motorists who share the roads. And if you are called to the office with regards to stop calling **make sure you have a Union Representative with you!**



Yeah, right. This outta scare the hell out of drunken, abusive, would-be assaulters.



Rodeo Champs!

The 2007 TTC Annual Rodeo was held on May 27th at the Arrow Road Garage. The home team Arrow Road Rockets came out of the contest as Grand Champions “For Completeness and Efficiency in Maintenance and Repair” and won a trip to Nashville to compete in the all-North American contest. L-R: Rob Defend, Peter Cerone, Mike Enright.

Safety deteriorating because junior management not competent

Paul Callaghan
Assistant Business Agent/
Maintenance



With all the hype the company puts out about public safety (“Don’t even *think* about walking on our escalators. Just stand there!”),

one might think they care about the health and safety of their employees as much. Think again. The workplace accident rate has been going up in the Maintenance Department and our complaints seem to be falling on deaf ears.

The problem can be traced back to the decision to eliminate a lot of Lead Hand positions over the past couple of years and replace them with various “junior management” positions. It is difficult to figure out if this move has had any impact on productivity or quality of work but we do know that the impact on health and safety has been negative.

The key concept here is “competence.” Under Ontario’s Occupational Health and Safety Act, the employer must “appoint competent persons as

supervisors.” The Act goes on to define what is meant be a “competent person.” He or she must:

- be qualified through knowledge, training and experience to organize the work and its performance;
- be familiar with the Act and the regulations that apply to the work being performed in the workplace; and
- know about any actual or potential danger to health and safety in the workplace.

Does this sound like your assistant foreperson? Probably not. The issue is pretty simple, really. A lot of junior managers are not planning the work properly. They should be preparing the environment for the work crews, ensuring that all actual or potential dangers are scoped out in advance and measures are taken to avoid them. As the union has always said: “No job is too important not to do safely.”

The company actually knows it has a problem, they just won’t admit the problem is of their own making. But they are considering “contracting out” the TTC’s health and safety program to a U.S. firm. This kind of contracting

out of management functions we can tolerate as our members’ safety is at stake. But it is sad that the TTC, the continent’s third-largest urban transit system, doesn’t have the in-house expertise to properly protect its own employees. Unlike our other contract issues where we would have the skill set in-house to perform the job safely and effectively.

In the meantime, report any hazards to your supervisor (the *Act* requires that) but also tell your steward or one of your health and safety committee representatives. They will see to it that concerns not immediately addressed are put in the minutes of the committee meeting and followed up on. It is extremely important that the minutes are correct and followed up in future months’ meetings.

Your Maintenance Board will continue to work with our stewards and committee members to ensure that management does its job and obeys the law. Our members should be able to come into work, perform their duties and return to their families at the end of their shifts in the same shape that they arrived at work. That’s not too much to ask, is it?



LEFT: Team Wilson was 1st Runner Up in the 2007 Maintenance Roadeo. Tony Tiberi (left) and Joe Rella were on hand at the Awards Luncheon to pick up their plaques. Teammate Fabrizio Cina could not attend. RIGHT: Tom Mantas of The West End Boys represented the 2nd Runner Up team, which also includes Paolo Pozzebon and Bob Keketsidis.



Optional Operator Shields the Way to Go

Union sees TTC management's insistence on mandatory shields as a subtle strategy to kill the whole idea

Throughout the many discussions the union had with the TTC into the early part of this year, it was agreed by both sides that the use of protective shields on surface vehicles should be optional, at the discretion of the individual. Then, suddenly, management changed their minds. They now insist that the shields should be *mandatory*.

TTC management never liked the idea of protective shields for surface vehicle Operators. The 2005 Report of the Operator Assault Task Force only recommended "investigation of equipping all surface vehicles with a mid-height hinged door that would provide some improvement in Operator protection." Pretty lame.

On May 24, 2006, President Bob Kinnear announced that the union was advising its members to "not engage in fare disputes with customers. We will not put our safety and incomes at risk for \$2.75." Kinnear told the media that he was shocked to hear silence from Commissioners when he told a recent TTC meeting that the problem of assaults was growing both in frequency and severity. "Not a single Commissioner, from the Chair on down, asked me a question about the problem of assaults. They didn't say a single word."

Five days later, Local 113 members spontaneously staged the first system-wide wildcat strike in TTC history. For different reasons, both Maintenance and Transportation members protested in the only way they had left. For Maintenance, the main issues were the repeated violations against our no-contracting out language, not to mention the Plant sign-up insult. For

Operators, it was not so much the assaults themselves but rather the official lack of concern about their safety. Naturally the wildcat strike was widely condemned by politicians and much of the public. That was expected. But the message finally got through to the TTC that something tangible had to be done.



TTC Commissioners' lack of concern about assaults was one of the sparks that ignited the 2006 wildcat strike. Development of the shields was fast-tracked shortly thereafter.

A Union/Management committee was hastily formed and prototypes built in Harvey Shop. After field-testing, Operator comments were collected and analyzed. One of the key concerns of Operators was that any shield be retractable so that it could be stored behind the cab seat if the Operator felt it was not needed. Most Operators did not like the idea of always having to interact with customers from behind a shield if they felt no threat. But they appreciated having a choice if the particular route or the time of day made assaults more likely.

For a while, it seemed like progress was being made towards a workable

device that would protect those members who felt they needed a barrier against assaults. Now that progress is stalled. Management suddenly began taking the position that if shields are in place, their use should be mandatory. Operators would have no choice, whether they are driving the Rosedale "nanny bus" in the middle of the day or the Queen streetcar (the highest-assault surface route) when the bars were closing at 2:00 a.m. Since assaults are possible at anytime, the shields should be up all the time, according to management.

Could their newly-found concern be related to their knowledge that most Operators do not *want*, or see the *need* for, mandatory shields? Is management trying to corner the union into disagreeing with mandatory shields so that the Commission is taken off the hook altogether? No doubt some in management would love to say: "Hey, we tried to protect our employees but the union wouldn't agree with us. There's no satisfying these guys. Let's forget the whole idea." That would save money.

If this indeed is management's scheme to delay or even kill the shields, it won't work, says Kinnear. "We will continue to make the argument that the Operators know their routes and should have additional safety measures available should they need them. It should be the Operator's call."

The issue now sits in management limbo but the union will be pressing to resolve the matter as every day that goes by exposes our members on high-risk routes to potential assaults.

Tony Almeida 1969–2007

In the nearly 40,000 days since the founding of ATU Local 113 in 1899, April 23, 2007 was one of the very saddest. In a tragic accident in the Yonge Street subway tunnel, Tony Almeida was killed right after finishing his shift. Two of his co-workers, Demetre Xynis and Leon Ryan, narrowly escaped death but were grievously injured. Ironically, they were removing asbestos from the subway tunnel as a long-term public health measure. The precise cause of the accident is still under investigation.

A week later, as the hearse with Tony's coffin was driven up Bathurst Street from the packed public funeral at St. Anthony's Church on Bloor near Dufferin, hundreds of ATU members wearing black armbands lined both sides of the street near Hillcrest to quietly say goodbye to their fallen brother.



The accident that claimed Tony was major news in Toronto. Mayor David Miller, TTC Chair Adam Giambrone and other City officials attended the funeral, as did the entire Local 113 Executive and many ATU members, some from other locals.

The Local 113 Executive Board established a Trust Fund to assist Tony's family and we thank the many generous people, fellow members and others, who contributed.

October 22, 2007

To All Members of Amalgamated Transit Union Local 113

Dear friends,

In the early hours of April 23, 2007 a horrible accident in the Yonge subway tunnel took the life of my husband Tony Almeida and sent shock waves of grief and sorrow over all who knew and loved him.

Nowhere was the deep sense of personal loss felt more intensely than inside me and our two children, eight-year-old Ryan and six-year-old Hailey.

Thankfully, the generosity of countless people who wanted to help ease the pain my family was going through has served to reinforce my faith in the basic good nature of human beings.

I would like to express our deepest appreciation to President Bob Kinnear and all members of Amalgamated Transit Union Local 113 who have offered unconditional material and emotional support to the children and me in the past few months.

Your generosity of spirit and kind acts have contributed greatly to reducing our pain and suffering and has provided a welcome boost to our determination to move ahead with confidence in spite of what has happened to our cherished Tony.

Ryan, Hailey and I will remain forever grateful for such thoughtful people and send to all our warmest regards and best wishes.

Sincerely,
Sonya Anthony



April 28 is Canada's National Day of Mourning for Workers Killed or Injured On the Job. In Toronto, the day is always marked by a solemn ceremony at a small park behind City Hall where this bronze memorial stands. At this year's ceremony, Tony Almeida's death a few days earlier was invoked as a dramatic and tragic reason to renew labour's efforts to make workplace safety every union's most important mission.



Bill Merlin

Hillcrest

Not many people who talk about the “rule of law” in this “enlightened age” realize that all the systems of laws throughout the world are originally based on medieval suppression of the masses. The English Common Law, celebrated as the most liberal system of law in the world today, is no exception.

Canadian labour law, which is based on common law, is a good example of suppression masquerading as “good law.”

The modern Canadian collective bargaining system was introduced in 1944, during World War II. It was adapted from a U.S. law of 1935. The law was meant to bring “order” to union organizing, collective bargaining, strikes and lockouts and arbitration. But in reality, most of the “order” favours employers.

Take organizing, for example. Yes, unions have the right to organize a workplace and the employer is not supposed to interfere with that right. But of course employers do interfere all the time, especially in workplaces populated by low-wage earners and immigrants who do not know their rights. They move union sympathizers around or intimidate them in not-too-subtle ways. Union supporters are often fired or demoted. Sure, they can complain to the Labour Relations Board that their legal rights have been violated, but the complaint process takes months and who can afford to be without work for that long? So the law appears to protect people but actually it doesn't. It might be better for the workers if, after a union supporter was fired, everyone else just walked off the job. But that would be an “illegal” strike.

Same for the grievance/arbitration process. You all remember our “wildcat” strike of May 2006. Management had been continually violating our collective agreement causing many grievances and expensive arbitrations. The union won nearly all of the arbitrations but management would then turn around and violate the contract all over again. That, plus the fact that our frontline members were being assaulted in growing numbers while management “studied” the problem. Frustration built up to the point where a spontaneous outburst brought the TTC to a halt for half a day. The law swiftly kicked in, with Labour Board orders followed by court orders against the “illegal” strike. Once again, the law favoured the employer, as it nearly always does.

The answer will never lie in “lawlessness” since ultimately, the government has the guns and the jails. The answer is in changing the laws to bring more balance and fairness to a system that goes back to a time when the Lord of the Manor could send his knights to rough up the unruly “serfs” so that they wouldn't get out of hand and challenge the privileges of the ruling class.

This is why political organizing – and electing friends of labour – is just as important as union organizing, and probably more so. Laws are stronger than collective agreements.

SPECIAL NOTE: I have won my appeal at the International Union Convention in September. I had appealed the election for the position of Executive Board member Hillcrest. The appeal was based on a “lame duck” International President overruling the wishes of membership. This is the highest court of this great organization of the Amalgamated Transit Union. The Appeals Committee recommended non-concurrence with the decision of International President and the General Executive Board thereby upholding the appeal of Brother Merlin. A motion to that effect was made, seconded and passed. This is the law of labour.



Frank Grimaldi

Arrow Road/Queensway

In preparation for the opening of the new garage, President Bob Kinnear and Assistant Business Agent Paul Prosser appointed me as the Executive Board Member for Mount Dennis.

It is disappointing that the TTC has once again failed to meet their deadlines.

It now seems very clear that the garage will not open in 2007 or early 2008. But whenever it does open, Local 113 will be ready.

We are proceeding as though Mount Dennis will open on time. We must be prepared for any and all surprises.

Paul Prosser and I are currently working on agreements for the start time of the first selection (we proposed 10:00 a.m.), the size and shape of the Health and Safety Committee, and the logistics for the 2008 Vacation sign-up.

President Bob Kinnear and I are currently working on a shuttle service for our drivers to travel to and from the division. We believe that this service will not only be cost-effective but it will also enhance the safety of our Operators.

I will be looking into the travel times, dead-head times, express routes, relief points, coffee break locations and facilities and crew guides.

The opening of Mount Dennis will depend largely on service improvements. While the politicians talk about transit grand schemes, they contemplate service cuts or elimination of needed service improvements. We will certainly make sure that the voice of our members is heard.

In the coming months, there will be a lot of bumps in the road. Working with you, we will overcome them.

I want all of you that are going to Mt. Dennis to know that I am here for you and if you have any questions, don't hesitate to call me.

“The strongest bond of human sympathy outside the family relation should be one uniting working people of all nations and tongues and kindreds.”

Abraham Lincoln



William Fowlie

Equipment "E"

During the last eight months in office I have found working with our members enjoyable and fulfilling. Working with management, on the other hand, has been both challenging and frustrating. As I noted in the last magazine, bad management of our members still is the rule at the TTC,

not the exception. Across the property, managers still believe they can bully our members. Management wants respect but it sometimes seems that they think like gang members, believing they can get respect with a handgun. It's misguided! We will continue to be front and center working to resolve this fundamental issue of respect and dignity on the job.

Many members have asked me questions about the new Mt. Dennis garage. At this time we are unsure of the opening date due to conflicting information. As soon as we receive notice of a firm commitment of opening, we will be circulating all relevant information (opening/bump/master) to all members. As always, we appreciate your patience.

As we all anticipate the upcoming negotiations for a new contract, we would like to assure you that we have a unified and strong board with notable leadership to look after your best interests, whether it be wages, benefits, pensions, working conditions and job security. A union, however, is only as strong as its members. Our strength is in our unity. I urge you to attend union meetings regularly. Get the story first hand. Ask your questions and state your concerns directly to the Executive. We are proud of our long tradition of democracy in Local 113. Be part of it!



Scott Gordon

Equipment "E"

As the year progresses your Union continues to address the major issues that have been ongoing and have taken plenty of resources to remain on top of.

Some of these issues are being touched on throughout this magazine in the articles of other officers and include the

Health Premium, S.B.A., Job Evaluation, Safety-related issues and ongoing Arbitrations.

Your Maintenance Board has recognised that one of the problem areas within the Maintenance Group seems to be consuming the majority of our time: the fact that we are spending considerable efforts on the minor day-to-day issues that have arisen with Management's more aggressive approach towards disciplining our members in an attempt to modify their behavioural patterns.

At times, some forms of applied discipline have been looked upon as being discriminatory and in bad faith. By raising these issues at the higher levels of Management we have been successful, in some areas, in changing the ways in

which Management applies said discipline. This has already shown improvements in the time frames it takes to resolve grievances that have arisen as a result of imposed discipline due to common mistakes. It has also reduced the number of grievances filed, as many of our grievances were a direct result of discipline that was considered too severe. By taking this initiative we have managed to free up some much needed time to enable us to focus on the issues that concern the majority of the membership including the most important to all: Working Conditions.

Your Maintenance Board remains focused on resolving the day-to-day issues that are forever present as well as preparing for the upcoming set of negotiations. We have already been assured that they will be tough at the best of times.



Rocco Signorile

Roncesvalles/Russell/Wheel Trans

We are but just a short time away from our contract negotiations and the politics have already started. All levels of government are holding out empty hands to each other, while the Commission once again shows its empty pockets to the working brothers and

sisters of our Union. This is the same Commission that held on to millions of dollars of OUR money for three years while they wasted OUR tax dollars in fruitless fights in the courts to keep that money.

The shame in all this is that WE elect these cowards to office time and time again, with the only result being a constant downloading of responsibility from the federal to the provincial and then to the municipal government and finally to transit users and to us the workers.

Instead of these levels of government taking responsibility for their inaction, bloated management staff levels and lack of just plain common sense, what do they ask? Raise fares, cut service and freeze and or roll back wages. To this we ALL must stand united and say NO!

So come contract time be prepared, we will be in for a fight. Not a fight for the status quo but a fight for what we deserve. We the sisters and brothers of 113 run *the most efficient transit system in North America.*

The company should be thanking us: the Maintenance workers who squeeze out another few years of service life from vehicles that in other jurisdictions would be on the scrap heap; the drivers who cope with overburdened lines with no relief in sight other than more cutbacks; the clerks who everyday stare at a blank slip with more open work than names, but somehow magically fill the work; the janitors who are constantly threatened with downsizing or contracting out and filthier stations but who somehow seem to make our stations as clean as always. These brothers and sisters are but a very small example of what WE do to make the TTC the best transit system in the world.



Phil Quibell
Eglinton/Bloor-Danforth
Subway

WAIT! Management enjoys using this simple four letter word everyday. Ten years ago, Mr. Webster was told to bring in Stop Announcement Technology. The complainant was told to WAIT!

Now we WAIT to be disciplined if we miss one stop out of hundreds on our busy day. A passenger boards our vehicle and spits on us. We call CIS and we're told to WAIT! Or when we get punched in the head and wait 30 minutes for a response, we call CIS again and we're told to WAIT!

The Union sits down with management and bangs out an agreement to get cameras on our vehicles to protect us and we WAIT!

The city officials say "We have no money for cameras." The provincial government says "We have no money." And the Federal government tells them all: "You have the money." So we WAIT!

Our members are fed up with passenger assaults, we're promised barriers, and we WAIT! Management talks about a "Safety Culture" but when we ask for it, we're told to WAIT!

Let's face it, the BUDGET comes before SAFETY at the TTC that's why we WAIT!

Our contract tells us our OHIP is paid, arbitrators tell us it should be paid, the Supreme Court of Canada tells us it should be paid, but the TTC told us to WAIT!

In 2002 we sign an agreement, which is supposed to be a bond of trust, about a Job Evaluation, but the TTC tells us to WAIT!

We call up the supervisor and ask "what happened to my coffee-break?" The supervisor tells us to WAIT!

Isn't it ironic that a company that is built on things running on time expects its employees to WAIT!

Management, the public, the press and the politicians have strict expectations of us, but don't live up to ANY of our simple expectations:

To come to work in a safe and respectable workplace and to go home to our families in the same shape we arrived at work. But I guess we'll have to WAIT!



Pino D'Armiento
Plant Department

My first 6 months on the Board have been busy and interesting. I appreciate all of you who have contacted me personally with your concerns and to keep me informed of what is going at your locations. Communication is key to a stronger union.

Unfortunately, during that time we lost our union brother Tony Almeida. He will not be forgotten

and his death will not be in vain. The accident also seriously injured Asbestos Removers Leon Ryan and Demetre Xynis. Obviously, effects remain on the hearts and minds of the entire Asbestos Crew. The Safety Committee, Safety Department and the Ministry of Labour are conducting their investigation and we will soon have recommendations in place. My thoughts and prayers are with Tony's family and friends.

Talks are continuing with the company regarding the reimplementation of shift hours, start/finish times for janitors and subway track workers. Resuming work hours will improve our Plant members' standard of living and quality of life.

Contracting out remains an ongoing issue. Trust me, it will be a big item on the table come contract time. Please continue reporting any contracting to your union representative. We remain dedicated to fighting this issue to protect our members' job security.

A long battle with the company regarding OHIP resulted in a big win for Local 113. You the members are to be commended for your patience during this time.

This is truly a united Executive Board, one that will stand together for the rights of all our members during negotiations. Contact me with your contract proposals. I will ensure that they are all discussed by the Maintenance Board. Also, I urge you to fill out the Bargaining Survey form in this magazine.

Thank you, my union brothers and sisters for your continued support. I will continue to represent you to the best of my ability. United we stand.



Bill Chrisp
At-Large, Maintenance

When I was the Board Member for Plant, I learned a lot about other Maintenance Department issues and concerns from discussions with my fellow Maintenance Board Members. Since being elected to the At-Large-Maintenance position, however, I have been learning a great deal more about

your issues first-hand. The At-Large Board Member has several jobs. First of all, I assist the ABA Maintenance, Paul Callaghan, across the spectrum of his duties. Like him, I represent all areas of Maintenance and work closely with the Board Members who represent the different departments. As well, I fill in for Maintenance Board Members when they are unavailable.

Working along with the ABA, my responsibilities also involve dealing with Step 3 grievances and any resulting mediation or arbitration. And when something gets to the point where the lawyers have to get involved, I work with legal counsel to get statements, prepare witnesses and do other things related to putting our case together. This has certainly been both a challenging and interesting aspect of the new position. The TTC is now using lawyers for practically everything, so we go head-to-head with them a lot more than we used to. I have learned a lot, though, and use what I have learned in every grievance meeting.

One of the union's three most important duties is protecting our members' work. The other two are 1) protecting their health and safety and 2) continuously improving wages, benefits and working conditions. So one of my most important jobs is keeping a close eye on job-related processes such as job descriptions and job evaluations. Little things can mean a lot so we have to be very vigilant to ensure the value of your work is not eroded or diluted by inappropriate crossovers.

As is obvious from this description of my own job, it involves a lot of meetings. This means I can't get out on the property as much as I used to. It is always a pleasure to meet members face to face and discuss the issues. But work comes before pleasure and the fact is, the meetings are important to the members. At beginning of term we inherited 64 Step 3 grievance and mediation cases. We've now got that down to a bit over 30 cases, with the great help of the rest of the Maintenance Board. We all welcome your input, especially now, as the 2008 negotiations are almost upon us.



Ian Mackay
Wilson Bus/Subway

The union has negotiated a substantial improvement in job security for Subway Operators. For years, a very small number of signal violations in a 12-month period resulted in the Operator being taken off the subway and given another position in Transportation. With

literally hundreds of signals on every run, the occasional violation is almost inevitable. Even though there have been no accidents arising out of a signal violation for well over a decade, management has held to the onerous benchmark rigidly and many Operators have lost positions they waited years to gain. It was unreasonable. Now, as a result of careful negotiation by the union, the number of allowable violations has been increased to a more reasonable level. That said, we urge all Operators to continue to be as vigilant as ever, even though we know it is the most challenging aspect of the job.

The long Operators Job Evaluation saga is coming closer to resolution. We have several dates set up in the months just ahead and our goal is to have this wound up by the time contract negotiations start in earnest. Obviously we can't promise a specific date because management is part of the process. But be assured we are pressing them and doing our best to get the best deal for our members. It's a matter of fairness.

We have been successful on many of our outstanding grievances and have a major arbitration in the works that will affect many members. Please remember to call on your shop steward for assistance with divisional interviews as these can sometimes lead to discipline. The union is here to protect you from unjust treatment so just let us know if you need assistance. And be sure to fill out the Bargaining Questionnaire that comes with this magazine. I will personally read all the ones that are submitted from Wilson so that I have a comprehensive view of the needs and concerns of the members I represent.



Jim Boyle
Birchmount/Malvern

Here we are in the 21st century but too many in TTC management seem to be stuck in the 19th century. They remind me of a sign I once saw in a manager's office: *"Notice to Employees: The floggings will continue until morale improves."*

Some frontline managers harass our members and treat them like children, handing out discipline as if that were the only way to manage – by fear. It's time that management started treating workers with the respect and dignity they deserve. Increased absenteeism and poor morale are the predictable results of the way some in TTC management behave. Upper management needs to train their superintendents, assistants and supervisors a lot better. Every employee has a right to be treated to a workplace that is free of harassment and a management that is supportive to their work-related needs.

Everyone knows (or certainly should know) that a happy employee is a productive employee. Of course no one can be happy all the time, especially in this job with its many pressures and demands. But if you are treated with respect and dignity, you will be more likely to put out when necessary. You will work more safely and have more concern for your fellow workers and the good image of the company.

So my questions to management are "What's your problem? Why do you want to discipline your employees at the drop of a hat rather than discussing the issues and concerns we share? Exactly what is being accomplished by your hard ass approach to "management?" Here's a hint: not much. Grow up!

Human Rights are the most important issues I have had to deal with since becoming a Board Member. I have had to deal with such issues in each department that I represent and every time it is usually an innocent comment that has been made by someone while working and they have not even realized that they have said it until they are called into the office. The TTC is very aware of the Human Rights Code and it seems to be their most important issue. Every time an employee is called into the office for this the Respect and Dignity pamphlet is produced and a warning is given to the employee. Please be careful of anything that you say because it could be taken out of context or it could simply offend your brother or sister. Comments that were thought to be okay five to ten years ago are no longer to be said in the workplace. A simple joke or a comment about someone, even if you are just repeating something you heard, could get you in the office so it's better not to say anything if there is a chance of offending someone. I know some people think this makes for a boring day but it is best to err on the side of caution. You may think someone is being "too sensitive" but you do not know that person's history or the reasons he or she may be upset by what to you is a "joke" or a comment which was not in any way meant by you to be demeaning. Let's take care of each other and that means being respectful in every way. Leave the disrespect to those who seem to specialize in it: management!

Kinnear: Focus on the future but remember the past

(continued from page 3)

Small amounts add up

The thing we often forget when it comes to wage increases is that seemingly small amounts add up to large amounts over time. For example, the last collective agreement was the best we have negotiated in many years but I've heard some members say that "3% a year wasn't that much." They are not doing the math when they say that. To a 35-year old member who intends to retire at age 60, that 3% per year ends up being at least \$120,000 over the rest of his working lifetime, not even taking into account overtime. To a 50-year old, it's at least \$44,000 over the next ten years. It adds up.

While wage increases tend to dominate our view of a contract, there's more than that to appreciate in the last

settlement. We cleaned up the problems with the Employment Standards Act issues, we got supervisors off the trains, won double time and got a major boost in our pension benefits at a time when many other pension plans are stagnating, even slipping behind.

There are also the dozens of grievances and arbitrations we regularly win that protect what we have already achieved. One example: There are hundreds of Local 113 members working for the TTC today who would not be there if the union had not gone to bat for them when they had difficulty. (If you are one of them, take a moment now to think about how different your life would be if your job had not been protected by your union.)

The bottom line is that complaints about what we don't have should not overshadow and make us forget what we do have that is worth bragging about. In this magazine is an insert that asks for your views on what our 2008 bargaining priorities should be. Please take the time to fill it out and give it to your Steward. When the Board sits down with the employer next year, we want to be 100% confident that we are representing the wishes of our members.

But don't forget, as you fill out the form, that our progress next year will be based on a solid foundation that has been built up over many years. The more we recognize the achievements of our past, the brighter our future will be.

Moore: TTC pension funding performing well

(continued from page 5)

creating inequities amongst Members without offering any additional protection to Members. We are recommending that the Regulations should be changed to exempt the TTC Pension Fund from solvency funding requirements, that the Regulations should allow for wind-up rules without plan liquidation where an employer continues or there is a successor employer and employment of plan Members continue.

The fact that the government has appointed this Commission shows that the Ontario government recognizes that there are severe problems with the Pension Benefits Act, which leads us to believe that changes will be made. How quickly that will happen is unknown.

In the interim, our hopes to provide plan improvements fall back on our investment performance. At the time of writing this article, the Fund is performing well, interest rates are rising, (which helps reduce our liabilities) and the markets, while volatile, are up almost 9% over year-end 2006. Earlier this year, the Society added a component of Hedge Funds to our investment strategy which, over the longer term, is expected to improve the Fund's returns. Our real estate holdings have also delivered very strong performance this year.

Only time will tell if the markets continue their strong performance which would make our situation even better, or if we can even hold on to the

gains we have made to date. Please rest assured that the Pension Board has made the commitment to do an actuarial valuation at January 1, 2008 and those results, including the ability to make improvements will be known in late May.

All Members need to understand that your Executive Board is working very hard to make sure that the Pension Fund performs and provides our Members and Pensioners with the best benefits possible, not just the day you retire but every day of your retirement.

By 2011, seven million Canadians will be senior citizens. By 2041, nearly one in four will be over 65.

A Union Friendly Supreme Court – Who Knew?

By Heather Alden

Local 113 In-House Legal Counsel



On June 8, 2007 the Supreme Court of Canada issued a landmark ruling – the B.C. Health Services decision. This decision reversed 20 years of the Court's

own jurisprudence to find that collective bargaining is a constitutionally protected activity under the Charter of Rights and Freedoms. This decision potentially strengthens our union's right to collectively bargain and engage in legal strikes. *Note: This decision is not to be confused with the Supreme Court decision which required the TTC to pay our members' Ontario Health Premiums.*

Background

The court challenge was initiated by several British Columbia unions in 2002 after the Liberal government introduced legislation which tore up collective agreements in mid-contract with the Hospital Employees Union and imposed a new contract that gutted restrictions on contracting out, layoff and bumping protections. The government said it had no choice but to void the contracts because there was "a financial crisis" in the province's health care sector.

After the legislation was passed, eight thousand hospital jobs were contracted out to private janitorial, laundry and catering companies. Some of the workers were then rehired by the private contractors and paid substantially less than they were previously earning. Problem solved!

The union argued that the government's actions violated the employees' right to Freedom of Association under Section 2 (d) of the Charter.

Decision

In a 6-1 decision, the Court found that the right to collectively bargain is protected by section 2(d) of the Charter. It should be noted that the judges of the current Court

are completely different from those who came to the opposite conclusion in 1985. Further, the Supreme Court leaned heavily on international human rights standards to which Canada is a signatory. (These standards are supportive of unions.)

The Court then gave the B.C. government 12 months to address the repercussions of its decision. To date the B.C. government has refused to contract back in the services, rehire the employees or pay out any lost wages.

Implications for the Labour Movement

The B.C. Health Services decision has the potential to significantly alter Canadian industrial relations. While it will take some time before the courts have heard enough cases to clarify the boundaries and limits of this decision, there are some clear and immediate benefits for unions and workers including:

(a) Legislation Prohibiting Right to Collectively Bargain

It is clear that legislation which prohibits certain kinds of workers from collective bargaining will be subject to attack. Some employees with no current right to bargain include: farm workers, the RCMP and part-time college professors.

(b) Government Legislation Gutting Collective Agreements

Governments will be constrained in the future from passing legislation gutting existing collective agreements. This means that any attempt to pass wage and price controls or anti-inflation measures favoured by the federal government in the 1970s would likely fail.

With collective bargaining enjoying full constitutional backing, it's also likely the province could never invoke the equivalent of "Rae Days" – mandatory unpaid days of leave for provincial workers. This was a deficit-fighting measure introduced by NDP Premier Bob Rae's government as part of its "Social Contract" in the 1990s. (Rae later left the NDP to become a Liberal.)

(c) The Right to Strike

What is less clear is whether the right to strike will be found by the Court to be similarly protected by the Charter. The Court specifically did *not* decide whether the right to strike was protected by the Charter, as it was not asked to decide this issue. However, international law (which heavily influenced the Court) clearly recognizes the right to strike.

Accordingly, unions should and are likely to attempt to argue in the future that government legislation putting an end to legal strikes is contrary to the Charter. This could have major implications for Local 113 in the future.

According to the Supreme Court...



"The history of collective bargaining in Canada reveals that long before the present statutory labour regimes were put in place, collective bargaining was recognized as a fundamental aspect of Canadian society...The protection enshrined in s. 2(d) of the Charter may properly be seen as the culmination of a historical movement towards the recognition of a procedural right to collective bargaining.

"Recognizing that workers have the right to bargain collectively as part of their freedom to associate reaffirms the values of dignity, personal autonomy, equality and democracy that are inherent in the Charter."

Health Services and Support Bargaining Assn. v. British Columbia, 2007

Local 113 teams up with Argos and the Toronto Police Association to help Stop the Violence

ATU Local 113 is a major contributor, along with the Toronto Police Association, to the Argos Foundation's Stop the Violence Program that targets at-risk youth. One of the initiatives is a BMX stunt bike park at a community centre on Dufferin, south of Dupont, where this group shot was taken on October 5, 2007. BELOW: The



following day, Local 113 President Bob Kinnear was on the field at the Rogers Centre at the Argonauts-Eskimos game half-time to present a \$25,000 cheque from the union to James Cooke, a Foundation Board Member.



Clock this, Officer Dave! Bob Kinnear tries to get a jump on Toronto Police Association President Dave Wilson as they get ready to run the course at the opening of the BMX Bike Park.

HIT THAT GOOGLY!



The TTC Cricket Team was started up when a co-worker of Bill Merlin (now Executive Board Member for Hillcrest) urged him to go to the Annual Mayor's Cup tournament. They then put together a team that first competed in the 2006 tournament. This year's tournament was held in Sunnybrook Park in July. Our guys came in second, close behind the team from the Toronto Police Association.

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