



No. 1, Vol. 1 April 11, 2017

# SETTING THE RECORD STRAIGHT



ANSWERS TO YOUR QUESTIONS ABOUT THE KINNEAR/UNIFOR CHALLENGE

For more than 120 years, the women and men who move Toronto have built a strong union that won fair wages and benefits, improved workplace conditions and earned pensions that allow us to retire with peace of mind.

## BREAKING NEWS

The coordinated plot to disaffiliate Local 113 from the ATU has now been exposed. More important, this plot is doomed to fail because of unprecedented support from you, ATU Local 113 members, for your union.

Across Toronto, you stood up and said "Thanks, but no thanks - ATU Local 113 is Not for Sale!"

With so much disinformation out there, your Executive Board wants to set the record straight with the facts.

## KINNEAR STARTS THE CLC'S "JUSTIFICATION" PROCESS WITHOUT SUPPORT FROM YOUR EXECUTIVE BOARD

- On **February 1, 2017**, former ATU Local 113 President Bob Kinnear initiated the "justification" process through Article 4 in the CLC Constitution. Kinnear did this on his own. He claimed he was writing "on behalf of" the members of Local 113.
- Kinnear never discussed or sought approval for disaffiliation at any membership meeting or Executive Board meeting.
- Your Executive Board believes Kinnear did not have any mandate and virtually no support to press ahead with his disaffiliation agenda.

## CLC ARTICLE 4:

By invoking Article 4 of the CLC Constitution, members of a local union can apply to start what is called a "Justification" process, a first step to disaffiliation from their union. The process is supposed to ensure that a dissident local union's issues with its national or international union can be dealt with and resolved within the House of Labour. The process recognizes that dissension and raiding only benefit employers. No affiliate of the CLC is permitted to secretly conspire with the dissident local union member to set up for a raid of the local union. Raiding an affiliate is prohibited. The ATU, Unifor and many other unions in Canada are members of the CLC and are bound by the "no raiding" pact in the CLC Constitution.

## KINNEAR REFUSES ATU OFFERS FOR EXTENSIVE TRAINING PROGRAMS

- Over the years, Kinnear has refused ATU's offers to have Local 113 stewards participate in extensive leadership training programs offered by the ATU. The record speaks for itself - whenever Kinnear asked the ATU for support to improve membership services, or to strengthen collective bargaining capacity, the ATU has delivered.
- Your Executive Board believes Kinnear resisted cooperative and supportive involvement of the ATU in the affairs of Local 113 - and then complained the ATU was not providing support!

## KINNEAR'S RECENT ELECTION HISTORY WITH THE ATU

- Members will recall that in **September 2015**, Kinnear was elected President of the ATU-Canada while remaining ATU Local 113 President. He was told he could not hold *both* offices and collect *both* salaries. Faced with the choice, he chose to resign as ATU-Canada President.
- In **October 2016**, Kinnear was defeated at the Toronto ATU International Convention for the position of ATU International Vice-President by Manny Sforza, ATU Local 113's twice elected Executive Vice-President and former TTC employee. Kinnear wanted to replace his father, retiring International Vice-President Larry Kinnear.
- Your Executive Board believes that with his personal ambitions twice ruined, Kinnear revived his "Plan B" in **January 2017** - to trigger the disaffiliation of Local

113 from the ATU. Your Executive Board also believes Kinnear was in contact with Unifor officials on his own, or through go-betweens, to initiate a coordinated disaffiliation plan from the ATU to Unifor.

#### WHY THE MAJORITY OF YOUR EXECUTIVE BOARD REQUESTED THE TRUSTEESHIP TO PROTECT OUR LOCAL

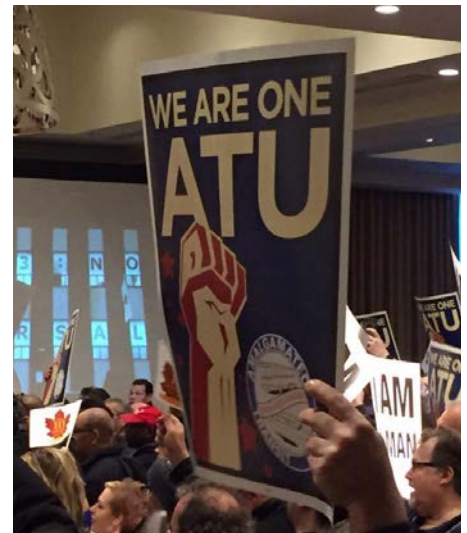
- On **February 2, 2017**, the day after Kinnear sent his letter to the CLC, the majority of your Executive Board **asked** the ATU International to place Local 113 under a trusteeship so that the Local could defend against the tsunami that Kinnear had unleashed. The ATU International responded to your Executive Board's request and appointed Manny Sforza as Trustee to manage the crisis. Your Executive Board also condemned Kinnear's challenge and the disaffiliation plan, and demanded that Kinnear withdraw his CLC request.
- On **February 3, 2017**, Manny Sforza arrived at the Local 113 union hall for the first time as Trustee. The legal challenge to the ATU had been planned and initiated before any Trustee had even been appointed.

#### KINNEAR AND UNIFOR'S JERRY DIAS WORKING TOGETHER

- On **February 7, 2017**, the Kinnear-Unifor alliance came to life when Kinnear sat beside Unifor's Jerry Dias at a news conference in downtown Toronto to announce **they** were working together to disaffiliate our Local. Jerry Dias admitted he was providing financial support to support Kinnear's disaffiliation moves, including the legal action.
- Hard evidence was discovered that links Unifor and Kinnear - a printed email sent to the personal address of a Local 113 clerical employee. The email reveals that Unifor's Legal Director, Anthony Dale, and Bill Reno, a long-serving ATU Local 113 media relations consultant and advisor to Kinnear, were given copies of the Kinnear court injunction papers and were told by Kinnear's lawyer what to do when Manny Sforza came to the union hall as Trustee.
- This email was in fact dated **February 2, 2017** - the day before Manny Sforza came to the union hall as Trustee following the request of ATU Local 113's Executive Board.

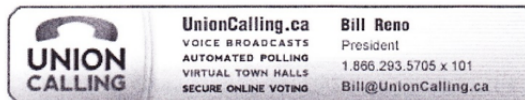
## THE UNION CALLING EMAIL: THE PLAYERS

- **Chris MacDonald**  
Assistant to Hassan Yussuff,  
President of the Canadian Labour Congress
- **Sean Dewart**  
Bob Kinnear's lawyer
- **Bill Reno**  
Bob Kinnear's long-time hired publicist and advisor
- **Anthony Dale**  
Unifor's lawyer
- **BK**  
Bob Kinnear's initials



**Subject:** Fwd: Notice of Motion  
**From:** Bill Reno (billreno@unioncalling.ca)  
**To:** [REDACTED]@rogers.com;  
**Date:** Thursday, February 2, 2017 3:47 PM

Please print out the email message and the attachment to give to Bob asap. Plus, I have news from **Chris MacDonald of the CLC.** Bob can call me about that.



Click here to stop our email communications.  
(\*note a new email window will appear)

----- Forwarded message -----

**From:** Sean Dewart <sdewart@dglp.ca>  
**Date:** Thu, Feb 2, 2017 at 3:11 PM  
**Subject:** Notice of Motion  
**To:** "billreno@unioncalling.ca" <billreno@unioncalling.ca>  
**Cc:** Anthony Dale <Anthony.Dale@unifor.org>, "Scott. Doherty@unifor.org" <Scott.Doherty@unifor.org>, David Watson <dwatson@wjm-law.ca>, Lindsay Corolis <LCorolis@wjm-law.ca>, Caitlin Miller <CMiller@wjm-law.ca>, Tim Gleason <tgleason@dglp.ca>, Tina West <twest@dglp.ca>

Hi Bill,

Please see attached notice of motion.

If a trustee shows up at the Local, he/she may have police present to keep the peace. The police do not have the power to do anything other than to keep the peace the Local does not have to admit the trustee.

The attached notice of motion should be printed in advance so it can be shown to police.

The officers should be told that "This is a civil matter. It is before the courts and the trustee cannot enter without a court order".

Can you convey all of this to BK, and get the message to Local staff?

Sean Dewart  
Dewart Gleason LLP



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## “NO CONFIDENCE” IN KINNEAR’S LEADERSHIP

- The trusteeship was removed by Court order initiated by Kinnear, alone. Your Executive Board believes the Court’s order was based on Kinnear’s assertions that he was acting “on behalf of” the members of ATU Local 113.
- Following the removal of the trusteeship, your Executive Board assumed control of ATU Local 113 - and again condemned Kinnear’s actions. The Executive Board unanimously voted non-confidence in Kinnear’s continued leadership and demanded he withdraw the CLC request so the nightmare could end, restoring stability to your local union.

## LOCAL 113 EXECUTIVE BOARD ACCEPTS KINNEAR’S RESIGNATION

- On **March 16, 2017**, Kinnear submitted his resignation as President of ATU Local 113, effective immediately. He signed a Separation Agreement ending everything, including the outstanding litigation between Kinnear and the ATU International. Kinnear agreed to be paid until July 26, 2017, a combination of vacation pay and some extra weeks to bridge him to his anniversary date. Despite the settlement, Kinnear’s lawyers who Dias has said are funded by Unifor, are trying to continue the litigation that Kinnear started and then settled. Your Executive Board will be asking the Court to end all the litigation once and for all, to permit Local 113 to attend to your priorities.
- Your Executive Board is happy to say goodbye to the “Kinnear era.” Much was accomplished at the beginning of his leadership, but everything went sour in recent months. With so much more to do, we are back to work without the uncertainty of the past few weeks. We’re confident you will reject the challenge from Unifor, if and when it rears its ugly and divisive head again.

## GETTING BACK TO WHAT MATTERS MOST - YOU!

- Now free from Kinnear’s pointless distractions, your Executive Board has been working hard to get things on track while managing the affairs of the Local. At an emotional membership meeting on **March 19, 2017**, which was attended by more than 1,300 members, your Executive Board announced the **Seven Point Plan**.
- The Executive Board has also requested assistance from the ATU International

in connection with the Unifor threat. On **March 29, 2017**, we requested an opportunity to talk about the ongoing events and the risks of a raid by Unifor. ATU welcomed our initiative and meetings have now been scheduled.

- We are exploring dates and an agenda for an extensive ATU training program for all stewards sponsored at our request by the ATU International, which we hope to announce in the next few weeks. We anticipate co-operation and support from the ATU International. We have turned the page away from the “Kinnear era.”

## CLC RELEASES “BIASED” REPORT”

- On **March 27, 2017**, the CLC issued a report that your Executive Board believes is biased and is based on innuendo, incomplete facts and hearsay. The report was released despite ATU Local 113’s demand that the ongoing CLC interference into the affairs of your local union cease, following Kinnear’s resignation and his withdrawal of his request to the CLC.
- The CLC report dismissed Kinnear’s request for “justification,” but went unnecessarily out of its way to attack members of your Executive Board and ATU International leaders. This was an effort to whitewash CLC President Yussuff who previously worked as a staffer with Unifor and continues to have close ties with that union.

## UNIFOR VIOLATED CLC CONSTITUTION

- The CLC report did make it clear, based on its own investigations and interviews with Unifor’s Jerry Dias, that Unifor had in fact violated the CLC’s Constitution by its involvement with Kinnear. Your Executive Board has demanded action by the CLC against Unifor for its violation of the CLC Constitution, a predatory move to raid ATU Local 113.
- On **April 4, 2017**, in a self-serving letter to CLC affiliates just a few weeks before the 2017 CLC Convention, Unifor’s Jerry Dias defended Kinnear and alleged that he resigned because he had unspecified “concerns for his personal safety.” Jerry Dias also claimed Kinnear had “membership support” for his effort to disaffiliate Local 113 from the ATU. Maybe there are some misguided members who support him. But not many, to be sure.
- Your Executive Board believes ATU Local 113 must be vigilant. We have a solid foundation to be suspicious of anything that Jerry Dias says, especially his denials

that he will continue his raiding attack on our local union. From events over these past two months, it is very clear that Unifor, led by Jerry Dias, has aimed its guns at your local union and we remain under attack.

## LOCAL 113’S SEVEN POINT PLAN

We know we have our work cut out for us. Your Executive Board is committed to implementing the Seven Point Plan over the next six months. We are addressing your priorities:

1. We will not be deterred by the recent Court decision on the TTC drug and alcohol policy that refused to halt implementation of the policy, but indicated clearly there is a serious matter to determine at arbitration. We recommit to move the issues through the ongoing arbitration process as quickly as possible. We will not sit quietly while the TTC violates your human rights!
2. We will do our level headed best to end delays with the progressing of grievances. We will review every case and ensure that it has the priority it deserves.
3. We will press the TTC for more hiring and more training for expanding transit service. Safety concerns are our priority and your local union’s voice will be a loud message to the TTC and to the riders.
4. We will begin our preparation for 2018 Collective Bargaining, including surveying members, developing resources and bringing together skilled and experienced negotiators from inside the union and from outside. We will face down the TTC and get the best possible renewal collective agreement for membership consideration.
5. We will restore solidarity with all of our Sisters and Brothers in the ATU, right across North America. This has begun already. We want to work with our International where our International can assist us. We are finally cut loose from a rear-guard attitude based in unhelpful jingoism and anti-Americanism. Our union worked with the loudest and firmest voice against Trump and in favour of working people. We cannot embrace Trumpian antics and disruptive approaches here, in the midst of our own labour movement where jingoist insults simply do not and should not resonate. All the members of ATU Local 113 are proud Canadians and to-be Canadians and we are very



thrilled to work in affiliation with our sisters and brothers to the south. We say NO to the divisive message being trumpeted by Jerry Dias for Unifor.

6. We will plan and conduct fair by-elections to fill the two vacant Executive Board positions and the position of President as soon as possible. The sooner we have calm waters to do so, without the threat of a raid, the sooner we will restore the united loud voice that the TTC needs to hear.
7. We will earn your trust through our actions and results, with real communication to you so you are updated, informed and engaged in the affairs of your local union.



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