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June 15, 2021

VIA EMAIL ONLY

Toronto Transit Commission  
TTC Board Chair and Commissioners  
VIA Email: [gso@ttc.ca](mailto:gso@ttc.ca)

Dear TTC Board Chair and Commissioners:

As the President of Amalgamated Transit Union Local 113, I am writing to you on behalf of the 12,000 women and men who are our members and employed by the TTC. This letter concerns Item 15 on the June 16, 2021 Agenda regarding the Osgoode Pocket incident of June 12, 2020.

Both the letter and spirit of Ontario's Occupational Health and Safety Act can be summarized in a single word: Co-operation. From the very beginning, nearly half a century ago, of the province's legislative reform of workplace health and safety, cooperation between workers and employers has been the fundamental principle in our society's goal to make earning a living as hazard-free as reasonably possible. Joint Health and Safety Committees, the Internal Responsibility System and the open, equitable sharing of information are the practical and achievable embodiments of this principle.

So, it is with great disappointment that we must now draw the Board's attention to a repeated failure by TTC management to respect both the law and spirit of cooperation concerning one of the most potentially hazardous threats to workplace and public safety in TTC history. We are all grateful that the incident you are discussing today was only potentially catastrophic. A Toronto Star headline shouted that it was a "miracle" a deadly crash was averted. It was no miracle. It was the teamwork of an alert Subway Guard performing his job and his working partner, the Operator whose split-second response to the Guard's urgent warning of a fast-approaching disaster. There were two well-trained and diligent workers responsible for what the Star called a miracle. Had there been only one person operating the train that came within less than five feet of crashing, t-bone-like, into the approaching train, having no deaths would have been the miracle. Put

another way, if the TTC plan for eliminating the Guard under its OPTO plan had already been implemented, a horrific crash almost directly under City Hall would now be burned into our city's civic memory. The boastful pronouncements of the "savings" of One Person Train Operation would be recalled with bitterness and contempt.

But that is not the specific reason for this letter. This is about the repetitive lack of cooperation on the part of TTC management with the legally-mandated Joint Health and Safety Committee ("JHSC"). The JHSC has not been able to complete its investigation of the incident because of management's puzzling refusal to provide the JHSC with the documentation and other information it has repeatedly requested for over a year. To be fair, there was initially some degree of cooperation when Mr. Jim Ross offered to give access to the incident site to a designated representative of the JHSC, which happened. Then, without explanation, emailed requests by a union member of the Committee for relevant material went unanswered, not even acknowledged as received.

We know that TTC management had conducted its own investigation which was detailed in the July 8, 2020 SX Presentation titled Osgoode Pocket Track Near Miss, June 12, 2020. This report was not shared with the JHSC, for reasons unknown to us. This appears to violate Section 25 (2) (e) of the Act, which requires the employer to "afford assistance and co-operation to a committee and a health and safety representative in the carrying out by the committee and the health and safety representative of any of their functions." Also of relevance is Section 9 (18), which states:

- It is the function of a committee and it has power to,
- (a) identify situations that may be a source of danger or hazard to workers;
  - (b) make recommendations to the constructor or employer and the workers for the improvement of the health and safety of workers;
  - (c) recommend to the constructor or employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health or safety of workers;
  - (d) obtain information from the constructor or employer respecting,  
...  
(i) the identification of potential or existing hazards of materials, processes or equipment.

Requests for information relating to the above have likewise been ignored by TTC management.

We believe that the failure of TTC management to cooperate with the JHSC may well be due to their concern about the potential linking of the incident to the OPTO plan. Such a reason would be inexcusable. If that is not the case, however, we request to be provided with an explanation. It is inarguably in the public interest to know as much as possible about the incident, certainly as much as is known to the TTC that does not violate any justifiable e confidentiality concerns.

TTC spokespersons have promised that an “external” report of the incident will be provided at the September Board meeting. This would be 15 months after the incident and 14 months after the results of the internal investigation noted above. This does not square with several prior claims, including a recent tweet from the Mayor, that an external investigation has been conducted. An explanation is requested.

Finally, the TTC has, more than once, publicly stated that the external report shows that the incident was due to “human error.” This vague characterization was clearly meant to imply that the humans it refers to were the Guard and the Operator. This amounts to a public allegation of incompetence, or worse, on the part of these workers. We do not believe there is any factual foundation for this conclusion and we request, on their behalf, that it be publicly withdrawn. Further, the TTC has publicly stated that such incidents are “extremely rare”, which implies that there have been others. We are surprised to hear that such incidents may have occurred previously. Should there have been any other incidents that we were not made aware of, this would be indicative a more pervasive issue of TTC management’s lack of cooperation with the JHSC extending beyond this incident.

In conclusion, we would like the Board’s assurance that management will be directed to fully cooperate with the JHSC in accordance with the law of Ontario.

Respectfully,

A handwritten signature in black ink that reads "Carlos Santos". The signature is written in a cursive, slightly slanted style.

Carlos Santos  
President/Business Agent

CS:rc