



MEDIA RELEASE



Wednesday, November 16, 2011

York Region urges unions and contractors to resume negotiations, end YRT/Viva strike

York Region Chairman and CEO issues letter to unions and York Region contracted operators

NEWMARKET – The Regional Municipality of York is urging both ATU Local 1587 and ATU Local 113 and the three York Region contracted operators – Miller Transit, First Canada and York BRT Services – to act in good faith and resolve the ongoing YRT/Viva service disruption.

“We are in the fourth week of a transit strike in York Region, impacting 44,000 transit commuters each day,” said York Region Chairman and CEO Bill Fisch in a letter sent today to union and contractor representatives. “The victims of this labour disruption include transit riders, bus operators and mechanics, families, students, the elderly and business owners.”

Amalgamated Transit Union (ATU) Locals 1587 and 113 representing YRT/Viva contracted operators Miller Transit, First Canada and York BRT Services, withdrew service Monday, October 24, 2011. York Region has consistently urged all parties to resume negotiations in order to restore transit service, putting an end to the hardship the strike is causing.

As negotiations between the unions and contractors have been intermittent, the letter shared with the unions and contractors today is a reminder of their obligation to bargain in good faith and end the service disruption.

In a letter addressed to York Region this week, Miller Transit revealed that ATU Local 1587 is seeking wage increases of over 20 per cent in a three-year period, requesting over 16 per cent in year one. It is unlikely any employer, public or private, would be capable of meeting such demands in the current economic climate.

Details of contract offers are now emerging. Offers tabled by the Region’s contracted operators include both wage and benefit enhancements in line with industry peers.

“York Region strongly endorses any means of the parties reaching an agreement, including agreeing to resume transit service immediately while all parties conduct meaningful negotiations in a manner that respects employees, transit riders and taxpayers,” said York Region Chairman and CEO Bill Fisch.

YRT/Viva continues to assist transit riders in planning their alternate transportation options through the Customer Service Centre at **1-866-MOVE-YRT (668-3978)**. Updates are available on www.yrt.ca and www.york.ca

Residents can also follow York Region on Twitter [@YorkRegionGovt](https://twitter.com/YorkRegionGovt) and Facebook www.facebook.com/YorkRegion

Attachments: Letter to unions and contractors from York Region Chairman and CEO Bill Fisch
Letter from Miller Transit to York Region Chairman and CEO Bill Fisch
YRT/Viva Strike Fact Sheet #2: Moving towards resolution
YRT/Viva Strike Fact Sheet #3: The labour negotiation process

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Founded in 1971, The Regional Municipality of York is made up of nine municipalities and provides services to more than one million residents, 29,000 businesses and 495,000 employees.

BILL FISCH, B.COM, LLB, J.D.
Regional Chair and CEO



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Wednesday, November 16, 2011

Bob Kinnear, President/Business Agent
ATU Local 113

Ray Doyle, President/Business Agent
ATU Local 1587

Michael Staley, General Manager
York BRT Services

Dan Sguigna, Vice President, Transit
Miller Transit

Fred Thompson, General Manager
First Canada ULC

Dear Messrs. Kinnear, Doyle, Stanley, Sguigna and Thompson:

We are in the fourth week of a transit strike in York Region, impacting 44,000 transit commuters each day. The victims of this labour disruption include transit riders, bus operators and mechanics, families, students, the elderly and business owners.

It is astonishing that given this hardship, the parties have not negotiated meaningfully for weeks. I am sending an open letter to all parties reminding you of your obligation to bargain in good faith and end this service disruption.

In recent media reports, the Government of Ontario rejected calls to consider back-to-work legislation to end the transit strike in York Region, indicating the best agreements are those reached between parties behind closed doors. The unions and contracted operators have the assistance from previously-appointed labour ministry mediators to assist in negotiations. I recommend the use of these skilled mediators available to you.

In a letter addressed to me this week, Miller Transit notified York Region that ATU Local 1587 is seeking wage increases of over 20 per cent in a three-year period, requesting over 16 per cent in year one.

To my knowledge, there are no public or private employers capable of meeting such demands in this economic climate.

Details of contract offers are now emerging. Offers tabled by the Region's contracted operators include both wage and benefit enhancements in line with industry peers.

York Region Contractor Offers

York BRT Services (Viva)

- Proposed two-year contract
- Wage increase: 3% in year one and 2% in year two

Miller Transit (Southeast Division)

- Proposed five-year contract
- 13.5% increase over five years (average 2.7% per year)

Recent Settlements

GO Transit

- Ratified three-year contract November 2011
- Wage increase: 2% in year one and year two, and 2.3% in year three

OC Transpo (Ottawa)

- Ratified one-year contract October 2011
- Wage increase: 2%

York Region has consistently urged all parties to resume negotiations in order to restore transit service, putting an end to the hardship the strike is causing.

York Region strongly endorses any means of the parties reaching an agreement, including agreeing to resume transit service immediately while all parties conduct meaningful negotiations in a manner that respects the interests of employees, transit riders and taxpayers.

Yours truly,



Bill Fisch
Chairman and CEO



Miller Transit Limited

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November 15, 2011

Bill Fisch, B.Com, LLB, JD
Regional Chair and CEO
The Regional Municipality of York
17250 Yonge St., Box 147
Newmarket, ON
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Dear Mr. Fisch,

RE: York Region Transit Strike; Whitchurch-Stouffville, Richmond Hill Service

Miller Transit felt it was important to forward to you and the other Members of Council our position on the subject matter. The following, therefore, outlines the facts that led up to the strike mandate.

- Over a period of 6 months, representatives of Miller Transit and the ATU met for 18 bargaining sessions.
- The Union showed little interest in bargaining substantive issues. Its admitted strategy was to secure strike mandates from GO employees and the three YRT contractors with the intention of creating a major disruption of service, to inconvenience as many people as possible in order to extract maximum concessions and to force the Region to the bargaining table.
- The Union did not even table a financial position until after the 18th session. The Union seeks wage increases of over 20% over a three-year contract, with over 16% in the first year.
- Miller Transit has offered a total of 13.5% over a five-year contract, an average of 2.7% per year.



- The increases contained in the financial elements of the Miller proposal are more generous than those which were accepted by the GO employees, than those accepted by other transit workers in York Region, and than those contained in recent collective agreements across many sectors, public and private.
- Miller believes it has been more than fair in this process.
- The Miller proposal is in all respects, financial and otherwise, a significant improvement upon our previous agreement with this Union. Miller has not sought any concessions in bargaining.
- There are no meetings currently scheduled between the ATU and Miller, though we remain in regular contact.

Our proposal is generous. Few if any working families in York Region will see more substantial increases in compensation in light of the present state of the economy in Ontario, and the resulting challenges faced by both governments and the private sector.

The above is for your information.

Yours truly,



Dan Sguigna
Vice-President

cc: Regional Councillors



FACT SHEET #2



Wednesday, November 16, 2011

YRT/Viva Strike: Moving towards resolution

NEWMARKET – The Regional Municipality of York is calling for an immediate return to negotiations between Amalgamated Transit Union (ATU) Locals 1587 and 113 and YRT/Viva contracted operators.

The unions and contracted operators involved in this dispute must consider the impacts of their strike action and inaction on resuming negotiations on the 44,000 riders affected each day.

What is required to end this strike?

- An immediate return to the bargaining table by the unions and contracted operators to fulfill their obligation to bargain in good faith to restore service to riders and employment for drivers and mechanics.
- Negotiations must resume immediately using, if necessary, the provincial and federal government labour mediators appointed to settle this labour dispute.
- Binding arbitration, a method the union has requested York Region advocate for, typically follows protracted and unsuccessful negotiations where multiple offers and counteroffers have been presented. This is not evident in the current labour dispute.
- The current negotiation format is fully capable of addressing the needs of the parties involved. There is no one better to address the issues at hand than the industry experts within the unions and contracted operators – something that allows the affected members to vote on offers.
- Resolution can be achieved and has been achieved this way in similar negotiations in York Region.

Why isn't all transit service considered "Essential" like the TTC to prevent strikes?

- Essential Services are typically defined as those dedicated to the safeguarding of human health and safety, such as first responders from police, fire, hospital and long-term care facility workers. Unionized employees in these fields cannot withdraw service through strike action.
- The Provincial Government made a rare and unprecedented move to prohibit the right to strike of transit workers by designating the TTC an essential service in March 2011.
- The province recognized the "unique impact that (TTC) transit service has on the city's economic well-being" as the largest transit provider in Canada, serving the City of Toronto, considered the economic hub of the country.
- The province noted considerations around this rare designation as daily ridership of 1.5 million commuters (more than the entire population of York Region) and an estimated daily economic impact of \$50 million a day.
- Operating as a publicly-owned transit system, the TTC experienced four work stoppages between 1991 and 2008

Back-to-Work Legislation

- Back-to-work legislation is a special law passed by government ordering an end to a labour dispute.

- This legislation is generally used to end a lengthy strike in an industry where the government deems the work stoppage detrimental to the operating of the economy, or in circumstances where health and safety concerns or other serious public interest factors are involved. Where back-to-work legislation is enacted, it is common for the government to engage the parties in interest arbitration to resolve the negotiation impasse.
- At this time, the provincial government has stated it will not consider back-to-work legislation as a means to end the YRT/Viva labour dispute. As stated by Ontario Labour Minister Linda Jeffrey: “The best agreements are those reached between parties and behind closed doors. For the sake of the families who rely on York Region Transit services, we urge the parties to return to the bargaining table as soon as possible.”

What kind of deals have been seen recently within the industry?

- Details of YRT/Viva contract offers are now emerging in the media. These offers appear to include both wage and benefit enhancements in line with industry peers.

York Region Contract Offers	Recent Industry Settlements
York BRT Services (Viva) <ul style="list-style-type: none"> • Proposed two-year contract • Wage increase: 3% in year one and 2% in year two 	GO Transit <ul style="list-style-type: none"> • Ratified three-year contract November 2011 • Wage increase: 2% in year one and two and 2.3% in year three
Miller Transit (Southeast Division) <ul style="list-style-type: none"> • Proposed five-year contract • Wage increase: Avg 2.7% per year totalling 13.5% 	OC Transpo (Ottawa) <ul style="list-style-type: none"> • Ratified one-year contract October 2011 • Wage increase: 2%

- As with all professions, wages and benefits can vary considerably depending on an employer’s location, job expectations, working environment and other factors. Wages and benefits are not standardized locally or even across the province.
- All YRT/Viva contractors abide by and meet Employment Standards Act regulations in their role as an employer. Employment conditions, including split shifts and sick time, are within regulation.

Can York Region bring transit operations internally to save money and prevent strikes in the future?

- York Region wants a timely restoration of transit services – but not at any cost. Transit is the second largest tax-funded expenditure, costing the typical York Region household \$340 a year in subsidies. York Region has a duty to every resident to deliver a cost-competitive service.
- York Region contracts out operations and maintenance of YRT/Viva service in the best interests of the transit riders and taxpayers. Public transit relies on fares and taxdollars to provide the service. Because of the high costs to provide public transit, fares cover less than 40 per cent. Tax dollars are needed to subsidize the remaining costs of over 60 per cent.
- Publicly-owned transit operations are generally more costly to run. We have chosen a model in York Region that provides good value for the taxpayers and riders who are funding it. Any increase in transit costs would have to come directly from increasing fares, taxes or both.
- Strikes occur in transit agencies both in the public and private sector. Unionized employees, whether public or private, have the right to strike.

Where can I get more information on service options during the strike?

- For updates, please call 1-866-MOVE YRT or visit www.yrt.ca www.york.ca [@YorkRegionGovt](https://twitter.com/YorkRegionGovt) or facebook.com/YorkRegion



FACT SHEET #3



Wednesday, November 16, 2011

YRT/Viva Strike: The Labour Negotiation Process

Step One: Notice to Bargain and Collective Bargaining

- When a collective agreement expires, the parties give notice to bargain and negotiations begin. If negotiations are successful and the parties reach an agreement, the changes are implemented.
- If the parties are unable to reach an agreement, the *Labour Relations Act* requires they meet with a conciliator as a pre-condition to a strike or lock-out.

Step Two: Impasse Reached in Negotiations – Conciliation

- Where there is an impasse in negotiations, either the employer or union may ask the Ontario Minister of Labour to appoint a conciliation officer who will attempt to assist the parties to reach an agreement.
- The parties must use the government's conciliation services before they engage in a strike or lock-out.
- If the parties reach an agreement, the changes to the collective agreement are put into effect.
- If the parties are unable to reach an agreement through conciliation, they progress toward a legal strike and lock-out position.

Step Three: No Board Report – Legal Strike/Lock-out Position

- The conciliation officer informs the Ontario Minister of Labour that a collective agreement was not reached. The minister then issues a notice informing the union and employer that he or she "does not consider it advisable to appoint a conciliation board."
- Obtaining this notice, commonly known as a "no board," is a pre-condition to being in a legal strike/lock-out position.

Step Four: Options to Overcome Impasse – Mediation and Arbitration

- If the parties have not reached a settlement in the conciliation stage, the Ministry will continue to offer the services of a mediator to work with the parties to reach a collective agreement. Mediation is discretionary, and only used if both parties agree to it.
- The parties can also, by agreement, engage in a process of voluntary interest arbitration. This option is infrequently used and would be at the sole discretion of the parties.
- Both mediation and arbitration can be agreed upon at any time.
- With no progress towards an agreement, the parties may engage in legislated economic sanctions.

Step Five: Economic Sanctions – Strike and Lock-out

- The parties have the option of continuing to bargain while working under the existing terms of the collective agreement, but also have the legislated economic tools of commencing a strike or lock-out.
- The purpose of strike action is to compel the employer to agree to terms or conditions of employment.
- A lock-out is defined as the closing of a place of employment, a suspension of work or a refusal by an employer to continue to employ a number of employees, with a view to compel employees to agree to provisions or changes in provisions respecting the rights, terms or conditions of employment.
- Typically, the economic sanction is kept in place until the parties are pressed into reaching an agreement. The strike or lock-out will last as long as the parties are at an impasse to reaching an agreement.

Can the employer request a vote of employees on the employer's last offer?

- Any time before or after the commencement of a strike or lock-out, the employer may make a one-time only request that the Ontario Minister of Labour direct a vote of the employees in the affected bargaining unit to accept or reject the employer's last offer on all matters remaining in dispute.

What about Interest Arbitration and Back-to-Work Legislation?

- The parties can voluntarily agree to submit their dispute to interest arbitration to resolve the impasse in labour negotiations. Only in rare circumstances is there political involvement where the government would pass legislation ordering the parties back to work and force the parties to resolve their impasse through interest arbitration.
- The probability of the Ontario government introducing back-to-work legislation in York Region will depend on the length of the strike, the parties reaching an unworkable impasse that cannot be overcome even with the assistance of an appointed mediator, whether the service is considered to be essential, given health and safety, economic or other public interest factors and public and/or political pressure on provincial government to intervene.

Glossary

Collective agreement: An agreement in writing between an employer or employers' organization and a bargaining agent, containing terms or conditions of employment that are binding on the employer, the union and the employees covered by the agreement.

Collective bargaining: A method of determining wages, hours and other conditions of employment through direct negotiations between a trade union and an employer.

Good-faith bargaining: Bargaining where two parties make every reasonable effort to reach a collective agreement.

Strike: A work stoppage, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output for the purpose of compelling their employer to agree to terms or conditions of employment.

Lock-out: The closing of a place of employment by an employer, the suspension of work by an employer, or the refusal by an employer to continue to employ employees for the purpose of compelling its employees, or to aid another employer in compelling its employees, to accept terms or conditions of employment.

Mediation/Conciliation: A method of encouraging and assisting in the settlement of collective bargaining disputes in which the parties to a dispute use a third person, called a mediator, to assist them.

Interest arbitration: A method of settling a collective bargaining dispute by having an impartial arbitrator or arbitration board render a decision about the contents of a collective agreement that is binding on both the trade union and the employer. Interest arbitration is a process to which parties may resort when they are unable to negotiate a collective agreement during a lengthy dispute.

Essential Service Designation: Typically reserved for services where the interruption would endanger the life, health or personal safety of the whole or part of the population. In Ontario, prime examples are hospital workers, police officers and firefighters. A special exception was granted for the TTC in March 2011.

Back-to-work legislation: Back-to-work legislation is a special law passed by government that orders an end to a labour disruption. Back-to-work legislation ends a strike or lock-out by either imposing a binding arbitration process on the parties or, more rarely, imposing a new contract without negotiation. Back-to-work legislation will only be contemplated in extreme circumstances, where negotiations have reached an impasse and parties are clearly deadlocked with little or no chance of reaching an agreement.

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