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c 42 Toronto Transit Commission, Gray Coach Lines, Limited and GO Transit Labour Disputes Settlement Act, 1984

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CHAPTER 42

An Act respecting Labour Disputes between the Toronto Transit Commission, and GO Transit and Locals 113 and 1587, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2

Assented to August 29th, 1984

Whereas the Toronto Transit Commission and Local 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2, have been parties to collective agreements, all of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under the Labour Relations Act; and whereas the parties have not achieved a settlement of the disputes; and whereas strikes by the unions against the employer would cause a cessation of the operation of public transportation facilities, rendering travel difficult and endangering the public safety; and whereas the public interest and welfare require that means be provided to avert the strikes and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties; and whereas the matters in dispute between the Toronto Transit Commission, Gray Coach Lines, Limited and Local 113, Amalgamated Transit Union are affected by related negotiations between GO Transit and Local 1587, Amalgamated Transit Union under the Crown Employees Collective Bargaining Act because of the intended transfer of routes from Gray Coach Lines, Limited to GO Transit;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

1.—(1) In this Part,
(a) "employer" means the Toronto Transit Commission;

(b) "expiry date" means, in the case of the collective agreement between the Toronto Transit Commission and,

(i) Local 113, Amalgamated Transit Union, the 30th day of June, 1984,

(ii) Lodge 235, International Association of Machinists and Aerospace Workers, the 31st day of March, 1984, and

(iii) the Canadian Union of Public Employees, Local No. 2, the 31st day of March, 1984;

(c) "Minister" means the Minister of Labour;

(d) "parties" means the employer and the unions;

(e) "unions" means Local 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local No. 2 or any one of them.

(2) Unless a contrary intention appears, expressions used in this Part have the same meaning as in the Labour Relations Act.

2.—(1) This Part applies to the parties and to the employees of the employer on whose behalf the unions are entitled to bargain with the employer under the Labour Relations Act.

(2) Except as modified by this Part, the Labour Relations Act applies to the parties and to the employees mentioned in subsection (1).

3.—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine and decide upon the matters referred to in section 4.

(2) Where the arbitrator is unable to take up or to carry on his or her duties so as to enable him or her to render a decision within the period of time mentioned in subsection 4 (4), the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator and the inquiry shall begin anew.
(3) The arbitrator shall determine his or her own procedure, but shall give full opportunity to the employer and the unions to present their evidence and make their submissions.

(4) The arbitrator has all the powers of an arbitrator under the Labour Relations Act.

4.—(1) The arbitrator shall examine and decide all matters remaining in dispute between the employer and the unions immediately before the coming into force of this Act, including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

(2) The arbitrator shall remain seized of and may deal with all matters within the arbitrator’s jurisdiction until collective agreements between the employer and the unions are in effect.

(3) Where, before or during the proceedings before the arbitrator, the employer and the unions agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator’s decision shall be confined to,

(a) the matters not agreed upon between the employer and the unions; and

(b) any further matters that the employer and the unions agree should be decided by the arbitrator or that appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The arbitrator’s decision shall be made within forty-five days after the date of appointment or within such further period of time as the Minister may permit.

5.—(1) The arbitrator’s decision shall be binding upon the employer and the unions and the employees on whose behalf the unions are entitled to bargain with the employer under the Labour Relations Act.

(2) Within seven days of the date of the arbitrator’s decision or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the arbitrator’s decision and any agreement of the parties, and the documents thereupon constitute collective agreements.
(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the arbitrator's decision and any agreement of the parties within the period mentioned in subsection (2), they shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision and any agreement of the parties and submit the documents to the parties for execution.

(4) If the parties or any of them fail to execute the documents prepared by the arbitrator within a period of seven days from the day the arbitrator submits the documents to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements.

6. The Arbitrations Act and Part I of the Statutory Powers Procedure Act do not apply to the arbitration and the arbitrator's decision under this Part.

7. The basic hourly rates of wages for employees to whom this Part applies are hereby increased by 5 per cent over the basic hourly wage rates in effect on the expiry date, retroactive in each case to the day immediately following the expiry date, but the final basic hourly wage rates for the terms of the collective agreements shall be determined by the arbitrator.

8.—(1) Upon the coming into force of this Part,

(a) the unions and the employer shall not call or threaten to call a strike or lock-out;

(b) no employee, member, officer, official or agent of the employer or the unions or of any one of them shall engage in, declare, threaten, authorize or acquiesce in a strike, lock-out or picketing; and

(c) no person shall counsel, procure, support or encourage a strike, lock-out or picketing contrary to this Part and no person shall do any act if the person knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will engage in a strike or lock-out contrary to this Part.

(2) Upon the coming into force of this Part, the employers shall not, except with the unions' consent, alter the rates of wages of the employees as increased by this Part, or any other term or condition of employment, or any right, privilege or
duty of the unions or the employees, that were in operation on the expiry date.

(3) Upon the coming into force of this Part, the unions shall not, except with the employer's consent, alter any term or condition of employment or any right, privilege or duty of the employer, the unions or the employees, that were in operation on the expiry date.

(4) Any difference between the parties as to whether or not subsections (2) and (3) have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements were still in operation, and sections 44 and 45 of the Labour Relations Act apply to the arbitration with necessary modifications.

9. Sections 92, 93, 94, 95, 97, 98, 99 and 100 of the Labour Relations Act apply to the parties and to the employees mentioned in subsection 2 (1) with necessary modifications.

10.—(1) A person or union who contravenes any provision of this Part is guilty of an offence and on summary conviction is liable,

(a) if an individual, to a fine of not more than $1,000; or

(b) if a corporation or trade union, to a fine of not more than $10,000.

(2) Each day that a person or union contravenes any provision of this Part constitutes a separate offence.

11.—(1) No prosecution for an offence under this Part shall be instituted except with the written consent of the Minister.

(2) Section 101 of the Labour Relations Act does not apply to a prosecution for an offence under this Part.

(3) In a prosecution for an offence under this Part, a copy of a consent purporting to have been signed by the Minister is sufficient evidence of the Minister's consent without proof of the signature.

12. The employer and the unions shall assume their own costs of the proceedings under this Part, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund.
PART II

13.—(1) In this Part, "GO Transit" means the Toronto Area Transit Operating Authority continued by the Toronto Area Transit Operating Authority Act.

(2) Any collective agreement made between GO Transit and Local 1587, Amalgamated Transit Union under the Crown Employees Collective Bargaining Act shall be deemed to contain items 2 to 10, both inclusive, of Appendix R to the Memorandum of Agreement between the Toronto Transit Commission, Gray Coach Lines, Limited and Local 113, Amalgamated Transit Union, dated the 3rd day of August, 1984, as amended by item 1 of the Supplementary Memorandum of Settlement between GO Transit and Locals 113 and 1587, Amalgamated Transit Union, dated the 17th day of August, 1984.

(3) This Part binds the Crown.

14.—(1) This Act comes into force on the day it receives Royal Assent.

(2) Part I is repealed on the day on which the last of the collective agreements made under Part I comes into operation.

(3) Part II is repealed on a day to be named by proclamation of the Lieutenant Governor.