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c 71 The Toronto Transit Commission Labour Disputes Settlement Act, 1974

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CHAPTER 71

An Act respecting Labour Disputes between the Toronto Transit Commission and Division 113, 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 31st, 1974

WHEREAS the Toronto Transit Commission and Division 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 strikes by the unions against the employer have continued since the 12th day of August, 1974; and whereas conciliation efforts have reached an impasse and the parties are unable to achieve a settlement of the disputes; and whereas the public interest and welfare requires that means be provided to bring the strikes to an end and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties;

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

1. (1) In this Act,

(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) Division 113, Amalgamated Transit Union, the 30th day of June, 1974,
(ii) Lodge 235, International Association of Machinists and Aerospace Workers, the 31st day of March, 1974, and

(iii) the Canadian Union of Public Employees, Local No. 2, the 31st day of March, 1974;

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

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

(e) "unions" means Division 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 Act have the same meaning as in The Labour Relations Act.

2. — (1) This Act 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 Act, 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 into and decide upon the matters referred to in section 4.

(2) Where the arbitrator is unable to enter on or to carry on his duties so as to enable him to render his decision within a reasonable time after his appointment, the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator in his place and the inquiry shall begin de novo.

(3) The arbitrator shall determine his 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 into and decide all matters remaining in dispute between the employer and the
unions immediately before the coming into force of this Act, 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 his 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) such other matters as may be agreed upon by the employer and the unions or may appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

5.—(1) The decision of the arbitrator 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 decision of the arbitrator 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 decision of the arbitrator 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 decision of the arbitrator and any agreement of the parties within the period mentioned in subsection 2, the parties or any of them shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision of the arbitrator 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 of submission of the documents by the arbitrator to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements under The Labour Relations Act.
6.—(1) The Arbitrations Act does not apply to the proceedings under this Act.

(2) Part 1 of The Statutory Powers Procedure Act, 1971 does not apply to the proceedings under this Act.

7. The basic hourly rates of wages for employees to whom this Act applies are hereby increased by 12 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 and the decision of the arbitrator shall include such increase, but nothing in this section prevents the arbitrator from granting increases in the basic hourly wage rates in excess of those established in this section.

8.—(1) Upon the coming into force of this Act, the strikes shall be terminated immediately by the unions and the employees mentioned in subsection 1 of section 2.

(2) Notwithstanding any provision of The Labour Relations Act, upon the coming into force of this Act,

(a) the employees mentioned in subsection 1 of section 2 shall report for work in accordance with the regular practices of the employer for the purpose of enabling the resumption of normal service, and shall not go on strike;

(b) the employer shall not cause a lock-out;

(c) the employer shall not, except with the consent of the unions, alter the rates of wages of the employees as increased by this Act, 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; and

(d) the unions shall not, except with the consent of the employer, 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.

(3) Any difference between the parties as to whether or not subsection 2 has 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 section 37 of The Labour Relations Act applies mutatis mutandis thereto.
9. Subsection 3 of section 63, sections 65 and 66, subsection 1 of section 67 and sections 82, 83, 84, 85, 86, 87, 88 and 90 of The Labour Relations Act apply *mutatis mutandis* under this Act as if such sections were enacted in and form part of this Act.

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

11. This Act comes into force on the day it receives Royal Assent and is repealed on the day on which the last of the three collective agreements made under this Act comes into operation.

12. This Act may be cited as *The Toronto Transit Commission Labour Disputes Settlement Act, 1974*. 


