

**THE CITY OF TORONTO**

**City Clerk's Office**

**Minutes of the Employee and Labour Relations Committee**

**Meeting 1**

**Monday, April 5, 2004**

The Employee and Labour Relations Committee met on Monday, April 5, 2004, in Committee Room 1, 2nd Floor, City Hall, Toronto, commencing at 9:35 a.m.

Attendance

Members were present for some or all of the time period indicated.

	9:35 a.m. to 11:43 a.m. (Including In-Camera Session)
Mayor David R. Miller, Chair	X
Councillor Sandra Bussin	X
Councillor Janet Davis	X
Councillor Frank Di Giorgio	X
Councillor Cliff Jenkins	X
Councillor David Soknacki	-
Councillor Michael Walker	-

**1-1. Terms of Reference – Employee and Labour Relations Committee**

The Employee and Labour Relations Committee had before it had before it the following communications:

- (i) (March 5, 2004) from the City Clerk forwarding a copy of Clause No. 5 of Report No. 2 of The Policy and Finance Committee, headed “Terms of Reference for Roundtables on: Access, Equity and Human Rights; Arts and Culture; Beautiful City; Children, Youth and Education; Environment; Seniors; and the Employee and Labour Relations Committee”, which was adopted, without amendment by City Council on March 1, 2 and 3, 2004, wherein it is recommended that the following recommendation contained in the communication dated February 24, 2004, from COTAPSA be referred to the Chief Administrative Officer for report to the first meeting of the Employee and Labour Relations Committee:

“(2) that the Terms of Reference of the Employee and Labour Relations Committee be amended to reflect the Terms of Reference of the former Personnel Sub-Committee.”; and

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- (ii) (March 22, 2004) from the City Clerk advising that the City of Toronto Council, at its meeting held on March 1, 2 and 3, 2004, in adopting Clause No. 1 of Report No. 4 of The Striking Committee, headed “Appointments of Members of Council to the Employee and Labour Relations Committee; Roundtable on Access, Equity and Human Rights; Roundtable on Arts and Culture; Roundtable on a Beautiful City; Roundtable on Education, Children and Youth; Roundtable on the Environment; and Roundtable on Seniors”, appointed the following Members of Council to the Employee and Labour Relations Committee, for a term of office expiring May 31, 2005:

Mayor David R. Miller, Chair;  
Councillor Frank Di Giorgio;  
Councillor Cliff Jenkins;  
Councillor Sandra Bussin, Deputy Mayor designated by the Mayor;  
Councillor Janet Davis, Vice-Chair, Administration Committee;  
Councillor David Soknacki, Chair, Budget Advisory Committee; and  
Councillor Michael Walker, Chair, Administration Committee.

Mr. Richard Majkot, Executive Director, COTAPSA, appeared before the Committee in connection with the foregoing matter.

On motion by Councillor Jenkins, the Employee and Labour Relations Committee received the foregoing communications.

(Chief Administrative Officer; c.: Mr. Richard Majkot, Executive Director, COTAPSA – April 5, 2004)

**1-2. Staff Presentation on Overview of Current Employee and Labour Relations Climate**

Ms. Brigitte Hohn, Executive Director, Human Resources, and Mr. Bill Adams, Director, Employee and Labour Relations, gave a presentation to the Employee and Labour Relations Committee providing information on the Toronto Public Service demographics, on Toronto Public Service issues and initiatives and also on labour relations, and filed a copy of their presentation material.

Mr. Richard Majkot, Executive Director, COTAPSA, appeared before the Committee in connection with the foregoing matter, and filed a copy of a communication (March 18, 2004) from Councillor Mihevc, St. Paul’s, requesting that Human Resources staff prepare a report to the Employee and Labour Relations Committee on procedures involving termination of management employees.

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The Employee and Labour Relations Committee:

- (1) received the staff presentation; **(Motion by Mayor Miller)**
- (2) requested the Executive Director of Human Resources to arrange a briefing for all Members of Council on Bill C-45, The Criminal Liability of Organizations Act; **(Motion by Mayor Miller)**
- (3) requested the City Clerk to forward a copy of the presentation to the Presidents of CUPE Locals 416 and 79 and the Executive Director of COTAPSA and invite them to submit their comments on this presentation to the next meeting of the Employee and Labour Relations Committee to be scheduled in June 2004; and **(Motion by Councillor Davis)**
- (4) received the communication (March 18, 2004) from Councillor Mihevc, St. Paul's. **(Motion by Mayor Miller)**

(Executive Director, Human Resources; c. Councillor Joe Mihevc, St. Paul's; Mr. Bill Adams, Director, Employee and Labour Relations; Mr. Richard Majkot, Executive Director, COTAPSA; Mr. Brian Cochrane, President, CUPE Local 416; Ms. Ann Dembinski, President, CUPE Local 79 – April 5, 2004)

### **1-3. Employee Separation Program Payment Review**

The Employee and Labour Relations Committee had before it a communication (March 5, 2004) from the City Clerk forwarding a copy of Clause No. 10 of Report No. 2 of The Audit Committee, headed "Employee Separation Program Payment Review", which was adopted, without amendment, by City Council on March 1, 2 and 3, 2004, requesting that the Employee and Labour Relations Committee:

- (a) review the policies regarding severance packages and continuation pay to determine whether these policies are current, particularly with respect to continuation pay and a clawback provision regarding placement in a comparable job, so that the employee is not receiving salary in excess of City remuneration; and
- (b) develop a process which would ensure that all members of Council can be informed of the activities of the sub-committee.

On motion by Councillor Bussin, the Employee and Labour Relations Committee referred the communication (March 5, 2004) from the City Clerk to the Commissioner of Corporate Services for a report to the Committee in June 2004.

(Commissioner of Corporate Services – April 5, 2004)

**1-4. Report on Local 3888 Memorandum of Agreement for the Term 2002-2006**

The Employee and Labour Relations Committee had before it a copy of a communication (February 13, 2004) from the City Clerk addressed to the Chief Administrative Officer advising that City Council, at its special meeting held on January 30 and February 12, 2004, adopted, as amended, the following Motion:

“Moved by: Deputy Mayor Pantalone

Seconded by: Councillor Rae

“WHEREAS the City of Toronto and the Toronto Professional Fire Fighters’ Association, Local 3888 engaged in collective bargaining from September 2, 2003 to December 23, 2003; and

WHEREAS the City of Toronto and the Toronto Professional Fire Fighters’ Association have signed a Memorandum of Agreement in respect of the terms and conditions for the collective agreement covering the term; and

WHEREAS the City of Toronto and the Toronto Professional Fire Fighters’ Association have committed to recommend the Memorandum of Agreement to their principals; and

WHEREAS the financial impacts associated with this Motion are described in the attached confidential joint report dated January 16, 2004, from the Commissioner of Works and Emergency Services, the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services;

NOW THEREFORE BE IT RESOLVED THAT City Council give consideration to the attached confidential joint report dated January 16, 2004, from the Commissioner of Works and Emergency Services, the Chief Financial Officer and Treasurer and the Commissioner of Corporate Services, and that such report be adopted;

AND BE IT FURTHER RESOLVED THAT the Chair of the Toronto Police Services Board be requested to submit a report to City Council, through the Employee and Labour Relations Committee, on:

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- (1) how the retention bonus was included as part of the base salary of the Toronto Police Service; and
- (2) the current arrangements with regard to the compressed work week;

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer be requested to submit a report to the Employee and Labour Relations Committee with respect to collective bargaining and wage rates within the emergency services (Police, Fire and Emergency Medical Services), such report to include broader public sector comparators and serve as the basis for discussion with the Province of Ontario;

AND BE IT FURTHER RESOLVED THAT the Chief Administrative Officer, the Commissioner of Corporate Services and the Commissioner of Works and Emergency Services be requested to submit a joint report to the next regular meeting of City Council scheduled to be held on March 1, 2004, on:

- (1) the dates of the meetings and briefings with any elected official that were held after September 1, 2003, with regard to this particular contract; and
- (2) the actual hourly wage rate and other benefits the fire fighters in Toronto will be earning if the contract is approved, as compared to Windsor and Hamilton;

AND BE IT FURTHER RESOLVED THAT the Chief Financial Officer and Treasurer and the labour negotiators from both the City of Toronto and the Toronto Police Service be requested to convene a meeting to exchange information and negotiation strategies, prior to the next round of negotiations;

AND BE IT FURTHER RESOLVED THAT the Chief Financial Officer and Treasurer be requested to submit a report to the Policy and Finance Committee, through the Employee and Labour Relations Committee, on a comparison of the benefits for the Toronto Fire Fighters' Association, C.U.P.E. Locals 79 and 416 and the City of Toronto's non-union employees;

AND BE IT FURTHER RESOLVED THAT the Commissioner of Works and Emergency Services and the Fire Chief and General Manager be requested to submit a report to Council, through the Policy and Finance Committee, in six months' time, on the pilot project."

On motion by Councillor Di Giorgio, the Employee and Labour Relations Committee referred the communication (February 13, 2004) from the City Clerk to the Chief Administrative Officer, the Commissioner of Corporate Services and the Chief Financial Officer and Treasurer for a report to the Committee in June 2004.

(Chief Administrative Officer; Commissioner of Corporate Services; Chief Financial Officer and Treasurer – April 5, 2004)

#### **1-5. Scheduling of Future Meetings**

On motion by Councillor Davis, the Employee and Labour Relations Committee referred this matter to the Mayor's Office and the Committee Secretary for the preparation of a Meeting Schedule, in consultation with other Members of the Committee.

On motion by Councillor Bussin, the Employee and Labour Relations Committee met privately to discuss the following Item No. 1-6, having regard that the subject matter relates labour relations issues, in accordance with the Municipal Act.

#### **1-6. Labour Relations**

Ms. Rhonda Hamel-Smith, Senior Human Resources Consultant, and Mr. Bill Adams, Director of Employee and Labour Relations, gave a confidential presentation to the Employee and Labour Relations Committee respecting labour relations, and in accordance with the Municipal Act discussions on this matter were held in-camera as the matter relates to labour relations issues.

The Employee and Labour Relations Committee adopted the recommendation contained in the confidential communication (April 5, 2004) from the City Clerk addressed to the Commissioner of Corporate Services, and in accordance with the Municipal Act such communication to remain confidential as the matter relates to labour relations.

(Executive Director of Human Resources – April 5, 2004)

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On motion by Councillor Bussin, the Employee and Labour Relations Committee met privately to discuss the following Item No. 1-7, having regard that the subject matter relates to personal matters about identifiable individuals, in accordance with the Municipal Act.

**1-7. Personnel Matter**

The Chief Administrative Officer gave a confidential presentation to the Employee and Labour Relations Committee respecting a personnel matter, and in accordance with the Municipal Act discussions on this matter were held in-camera as the matter relates to personal matters about identifiable individuals.

The Employee and Labour Relations Committee received the in-camera presentation from the Chief Administrative Officer.

The Employee and Labour Relations Committee adjourned its meeting at 11:43 a.m.

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Chair.