

**THE CITY OF TORONTO**

**City Clerk's Office**

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

**Meeting 3**

**Wednesday, May 10, 2006**

The Employee and Labour Relations Committee met on Wednesday, May 10, 2006, in Committee Room 2, 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 11:55 a.m. (Including In-Camera Session)
Mayor David R. Miller, Chair	X
Councillor Sandra Bussin	X
Councillor Frank Di Giorgio	X
Councillor Rob Ford	X
Councillor Cliff Jenkins	X
Councillor David Soknacki	X
Councillor Sylvia Watson	X

Confirmation of Minutes.

On motion by Councillor Soknacki, the Employee and Labour Relations Committee confirmed the minutes of its meetings held on November 9, 2005, and February 20, 2006.

**3-1. Harmonization of Sick Leave Plans for Management and Non-Union Employees**

The Employee and Labour Relations Committee considered the following reports:

- (i) (March 6, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer providing a supplementary report on the harmonization of the Sick Leave Plans for the Management and Non-Union employees of the City of Toronto.

Recommendations:

It is recommended that:

- (1) the Short-Term Disability plan outlined in this report (Appendix A – Harmonized Short-Term Disability Plan – Management and Non-Union Employees) be approved for all Management and Non-Union employees who have entitlement to a Sick Leave Plan or Short-Term Disability plan;
  - (2) all Management and Non-Union employees be provided with a sufficient (12 month) notice period at the end of which they will be enrolled in the new Short-Term Disability plan (Appendix A – Harmonized Short Term Disability Plan - Management and Non-Union Employees);
  - (3) those employees currently in a Short-Term Disability plan be enrolled in the new Short-Term Disability plan (Appendix A – Harmonized Short-Term Disability plan - Management and Non-Union Employees) on the implementation date following the notice period;
  - (4) those employees currently in a Sick Leave Plan be enrolled in the new Short-Term Disability plan (Appendix A – Harmonized Short-Term Disability plan - Management and Non-Union Employees) on the implementation date following the notice period and in addition have their sick bank balances frozen. The sick bank balances can be used to top-up future Short-Term Disability plan payments or be held for payout upon the employee's termination. The payout will be based upon the number of days, the salary and the service as at the date of implementation. The remaining provisions of the payout still apply, based on the terms of the plan from the former municipality;
  - (5) this policy supersede, replace and repeal any authorities, by-laws, policies and procedures of the seven former municipalities pertinent to Sick Leave Plans and Short-Term Disability plans other than those covered by collective agreements;
  - (6) this policy be forwarded to each of the City's ABC's and that they be encouraged to implement the same policy for their Management and Non-Union employees; and
  - (7) the appropriate City Officials be authorized to take the necessary action to give effect thereto; and
- (ii) (November 2, 2005) from the City Manager and the Deputy City Manager and Chief Financial Officer providing recommendations on the harmonization of the

Sick Leave Plans for the Management and Non-Union employees of the City of Toronto.

Recommendations:

It is recommended that:

- (1) the Sick Leave Plan outlined in Appendix A and described in this report be approved for all Management and Non-Union employees who have entitlement to a Sick Leave Plan or Short-Term Disability Plan;
- (2) this policy supersede, replace and repeal any authorities, by-laws, policies and procedures of the seven former municipalities pertinent to Sick Leave Plans other than those covered by collective agreements;
- (3) this policy be forwarded to each of the City's ABC's and that they be requested to implement the same policy for their management and non-union employees; and
- (4) the appropriate City Officials be authorized to take the necessary action to give effect thereto.

On motion by Mayor Miller, the Employee and Labour Relations Committee recommended to the Policy and Finance Committee that City Council adopt the staff recommendations in the Recommendations Section of the report (March 6, 2006) from the City Manager and the Deputy City Manager and Chief Financial Officer subject to amending:

- (i) the first paragraph under the heading "Employees Absent from Work as of January 1st", contained in Appendix A to read as follows:

"Employees will receive a 'fresh bank' of 130 days each January 1st. Unused days will not be carried over from year to year, and there is no payout of these days upon termination. Employees must be actively at work to receive their new bank. If an employee is not actively at work on January 1st, their bank will be refreshed once they have returned to work for a period of two (2) weeks.";

- (ii) Recommendation (2) by adding "with an implementation date no earlier than January 1, 2008" after "notice period", so that it now reads:

"(2) all Management and Non-Union employees be provided with a sufficient (12 month) notice period, with an implementation date no earlier than January 1, 2008, at the end of which they will be enrolled in the new Short-Term Disability plan

(Appendix A – Harmonized Short-Term Disability Plan Management and Non-Union Employees);” and

(iii) Recommendation (4) to read as follows:

“(4) that those employees currently in a Sick Leave Plan be enrolled in the new Short-Term Disability Plan (Appendix B – Harmonized Short-Term Disability Plan – Management and Non-Union Employees) on the implementation date following the notice period and in addition have their sick bank balances frozen. The sick bank balances can be used to top-up future Short-Term Disability plan payments or be held for payout upon the employee’s termination. The payout will be based upon the number of days and the service as at the date of implementation and the salary at termination. The remaining provisions of the payout still apply, based on the terms of the plan from the former municipality;”.

(Policy and Finance Committee – May 10, 2006)

### **3-2. Occupational Health and Safety Report – Fourth Quarter and End of Year, 2005**

The Employee and Labour Relations Committee considered a report (March 20, 2006) from the City Manager and the Executive Director of Human Resources reporting on the status of the City’s health and safety system, providing information on health and safety activities, priorities and performance during 2005, with particular emphasis on the 4th quarter.

#### Recommendations:

It is recommended that:

- (1) a Council representative be identified to serve in the capacity of ex-officio chair to the Occupational Health and Safety Co-ordinating Committee; and
- (2) the information on the City’s health and safety systems contained in this report be forwarded to City Council for information.

Councillor Janet Davis, Beaches-East York, addressed the Employee and Labour Relations Committee.

The Employee and Labour Relations Committee recommended to the Policy and Finance Committee that City Council adopt the staff recommendations

in the Recommendations Section of the report (March 20, 2006) from the City Manager and the Executive Director of Human Resources.

(Policy and Finance Committee – May 10, 2006)

**3-3. Separation Program Costs for Both Union and Non-Union Employees (between December 2003 and November 2005) – Supplementary Report**

The Employee and Labour Relations Committee considered a report (February 14, 2006) from the City Manager providing additional information as requested by City Council and the Employee and Labour Relations Committee on separation program costs for both union and non-union employees.

Recommendation:

It is recommended that this report be received for information.

The Employee and Labour Relations Committee received the report (February 14, 2006) from the City Manager for information.

**3-4. Status of Continuous Improvement Plans and Labour Relations Steering Committees arising from the Collective Agreements with CUPE, Locals 79 and 416**

The Employee and Labour Relations Committee considered the following reports:

- (i) (February 10, 2006) from the City Manager providing information on the concept of “continuous improvement” and a status report on continuous improvement plans and the Labour Relations Steering Committees arising from the Collective Agreements with CUPE, Local 79 and Toronto Civic Employees’ Union (TCEU), Local 416.

Recommendation:

It is recommended that the report on the status of Continuous Improvement plans and Labour Relations Steering Committees arising from the Collective Agreements with CUPE, Local 79 and TCEU, Local 416, be received for information.; and

- (ii) (May 8, 2006) from the City Manager providing an update on the Labour Relations Committees and Continuous Improvement Initiatives since February 10, 2006.

Recommendation:

It is recommended that this report be received for information.

Councillor Jane Pitfield, Don Valley West, addressed the Employee and Labour Relations Committee.

The Employee and Labour Relations Committee received the reports (February 10, 2006 and April 24, 2006) from the City Manager for information.

### **3-5. Compensation Review: Elected Officials**

The Employee and Labour Relations Committee considered the following:

- (i) report (April 24, 2006) from the City Manager reporting back on the results of the external review of compensation for elected officials.

Recommendations:

It is recommended that the recommendations from Mercer Human Resource Consulting be approved, specifically, that:

- (1) the salaries for City Councillors be adjusted to \$95,000; for the Mayor to \$160,000 and that the adjustments be implemented January 1, 2007; and
  - (2) for the longer term the City use an Advisory Council with members selected from experienced professionals in the business and education sectors to help establish a compensation philosophy for Elected Officials and facilitate credible, independent advice and recommendations; and
- (ii) communication (May 3, 2006) from Mayor David Miller advising that he would like to assemble an expert panel of Torontonians to obtain their opinions regarding the report entitled "Compensation Review: Elected Officials"; that it is his intent to arrange for the report of the expert panel to be available for the June Policy and Finance Committee meeting; and that he will be moving a motion to refer the report to his office for submission to the June Council meeting.

Mr. George Pappas addressed the Employee and Labour Relations Committee.

The following Members of Council also addressed the Employee and Labour Relations Committee:

- Councillor Doug Holyday, Etobicoke Centre;
- Councillor Frances Nunziata, York South-Weston;
- Councillor Jane Pitfield, Don Valley West; and
- Councillor Michael Walker, St. Paul's.

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On motion by Mayor Miller, the Employee and Labour Relations Committee:

- (1) referred the report (April 24, 2006) from the City Manager respecting the "Compensation Review: Elected Officials" to the Mayor's Office for a report to the June meetings of the Policy and Finance Committee and City Council, if possible; and
- (2) forwarded this issue, including the following motions tabled by Councillor Soknacki and Deputy Mayor Bussin, to the Community Councils for consideration as a deputation item at their June 13, 2006, meetings for comment to the Mayor's Office to be forwarded to the Blue Ribbon Panel established by the Mayor:

Moved by Councillor Soknacki:

That the Employee and Labour Relations Committee recommend to the Policy and Finance Committee that City Council receive the recommendations in the report (April 24, 2006) from the City Manager and adopt instead the following:

"It is recommended that:

- (1) a study be done prior to the beginning of each term to determine the average cash compensation of City Councillors and Mayors in an appropriate comparator group defined by a specialist consultant;
- (2) the salary level of Councillors and the Mayor be set at the greater of their current compensation or at the 50 percent percentile of the comparator group as at January 1, 2007, at the beginning of the new term; and
- (3) during the term of office compensation be adjusted annually to the Statistics Canada cost of living index for the City of Toronto."

Moved by Deputy Mayor Bussin:

"That Recommendation (2) of the motion by Councillor Soknacki be amended by deleting '50 percent' and inserting instead '75 percent'."

The following motions moved at the meeting were declared by the Chair to be lost or redundant:

Moved by Councillor Jenkins:

“That the Community Council consultations be advertised by direct mail to our current mailing lists for community and residents associations.” **(lost)**

Moved by Councillor Di Giorgio:

“That the Employee and Labour Relations Committee recommend to the Policy and Finance Committee that City Council adopt the staff recommendations in the Recommendations Section of the report (April 24, 2006) from the City Manager.” **(redundant)**

Moved by Councillor Ford:

“That the Employee and Labour Relations Committee recommend to the Policy and Finance Committee that City Council receive the report (April 24, 2006) from the City Manager.” **(redundant)**

(Mayor David Miller; Etobicoke York Community Council; North York Community Council; Scarborough Community Council; Toronto and East York Community Council; c. City Manager; Administrator, Policy and Finance Committee; George Pappas – May 10, 2006)

On motion by Councillor Watson, the Employee and Labour Relations Committee met privately to discuss the following Item 3-6, as the subject matter relates to labour relations or employee negotiations, in accordance with the Municipal Act.

### **3-6. Executive and Senior Management: Compensation and Benefits Policies**

The Employee and Labour Relations Committee considered a report (April 24, 2006) from the City Manager reporting back on the results of the external review of the compensation and benefit policies governing executive and senior management positions.

#### Recommendations:

It is recommended that:

- (1) the previously established payline, as approved by Council for the non-union group of employees, be confirmed;



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- (2) the cost of living adjustments (COLA) be approved for the executive and senior management staff consistent with the non-union group for the 2006-2008 term, specifically:
  - (a) January 1, 2006 – 3%;
  - (b) January 1, 2007 – 3.25%; and
  - (c) April 1, 2008 – 3.25%; and
  
- (3) the City Manager review the recommendations from the Consultant and make the internal equity adjustments resulting from the external review, within the wage grade structure and payline, effective January 1, 2006.

Mr. Bruce Martin, Mercer Human Resource Consulting, gave an in-camera presentation to the Employee and Labour Relations Committee and filed a copy of his confidential presentation materials.

On motion by Councillor Watson, the Employee and Labour Relations Committee:

- (1) recommended to the Policy and Finance Committee that City Council adopt staff recommendations (1) and (2) in the Recommendations Section of the report (April 24, 2006) from the City Manager; and
  
- (2) referred Recommendation (3) to the City Manager for a report directly to the Policy and Finance Committee on May 16, 2006, providing further details, including the cost of amending salaries, an analysis of comparative salaries and a detailed rationale for altering salaries.

(Policy and Finance Committee – May 10, 2006)

### **3-7. City Hiring Practices and Employment Policies – Supplementary Report**

The Employee and Labour Relations Committee considered a report (February 13, 2006) from the City Manager and the Executive Director of Human Resources providing additional information as requested by the Employee and Labour Relations Committee on declarations submitted relative to the revised Employment of Relatives Policy and on the temporary workforce.

Recommendation:

It is recommended that this report be received for information.

On motion by Councillor Jenkins, the Employee and Labour Relations Committee received the report (February 13, 2006) from the City Manager and the Executive Director of Human Resources for information.

**3-8. Quarterly Report: Grievance and Arbitration Activity  
October 1 to December 31, 2005**

The Employee and Labour Relations Committee considered a report (January 31, 2006) from the Executive Director of Human Resources providing the quarterly report of grievance and arbitration activity between October 1 and December 31, 2005, for information.

Recommendation:

It is recommended that this report be received for information.

The Employee and Labour Relations Committee received the report (January 31, 2006) from the Executive Director of Human Resources for information.

**3-9. Conditions of Employment – Council Staff**

The Employee and Labour Relations Committee considered a report (April 20, 2006) from the City Clerk responding to a request from the January 20, 2006 Administration Committee meeting regarding mechanisms whereby the City's overtime costs do not apply to staff of Councillor's offices; and seeking Council approval to amend the conditions of employment and contracts for Council staff beginning with the new Council term which will enable Councillors to more effectively manage the operation of their offices through greater flexibility in human resource and payroll administration.

Recommendations:

It is recommended that:

- (1) the current overtime and lieu time policy for Councillor staff continue;
- (2) effective December 1, 2006, Councillors cannot choose to pay out lieu time for those staff currently earning lieu time for overtime worked, except as a final payment for resignations or terminations. Council staff contracts be amended to reflect this change to coincide with the new term of Council that begins December 1, 2006;

- (3) effective December 1, 2006, the current conditions of employment for Council staff be amended to reclassify the Council group of employees as a unique, separate sub-group of the non-union group of employees for the purposes of payroll and human resource administration, and that the staff contracts reflect these approved changes; and
- (4) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.

On motion by Councillor Soknacki, the Employee and Labour Relations Committee postponed consideration of the report (April 20, 2006) from the City Clerk to the June 19, 2006, meeting of the Employee and Labour Relations Committee to allow interested Members of Council an opportunity to provide feedback to the City Clerk.

(All Members of Council; c. City Clerk; Director of Council and Support Services; Manager of Council Services – May 10, 2006)

### **3-10. Payment of City Staff Working on the Municipal Elections**

The Employee and Labour Relations Committee considered a report (December 13, 2005) from the City Clerk on the City policy for the payment of City staff working on the municipal election.

#### Recommendation:

It is recommended that this report be received for information.

On motion by Mayor Miller, the Employee and Labour Relations Committee received the report (December 13, 2005) from the City Clerk for information.

### **3-11. Certification of Iron Workers, Local 721**

The Employee and Labour Relations Committee considered the following communications and report:

- (i) (November 9, 2005) from the Administration Committee advising that the Committee on November 7, 2005:
  - (1) requested the Executive Director, Human Resources, in consultation with the City Solicitor, to report to the Administration Committee and the

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Employee and Labour Relations Committee on action the City could take to de-certify construction unions as allowed by provincial legislation; and

- (2) referred the following motion to the Employee and Labour Relations Committee for consideration:

“That:

- (1) Chapter 67 of the City of Toronto Municipal Code be amended by amending Part B2, “Current Labour Trade Obligations in the Construction Industry” and Part B3. “Guidelines for Prospective Bidders” in Attachment “A”, titled “Labour Trades Contractual Obligations in the Construction Industry”, to include The Ontario Erectors Association and The International Association of Bridge, Structural, Ornamental and Reinforcing Iron Works; and
  - (2) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto.”;
- (ii) (February 17, 2006) from the City Clerk advising that City Council on February 14, 2006, adopted the following staff recommendation contained in the Recommendations Section of the report (February 9, 2006) from the City Solicitor:

“It is recommended that:

- (1) Schedule B of Municipal Code, Chapter 67, Fair Wage (Labour Trades Contractual Obligations in the Construction Industry) be amended to include references to the International Association of Bridge, Structural and Ornamental Iron Workers, Local 721 and the Iron Workers District Council of Ontario and the Ontario Erectors Association, Incorporated;
  - (2) this report be forwarded to the Employee and Labour Relations Committee and the Administration Committee for information; and
  - (3) the appropriate City officials be authorized and directed to take the necessary action to give effect thereto, including introducing bills to Council to give effect to Recommendation (1).”;
- (iii) confidential report (February 9, 2006) from the Executive Director of Human Resources entitled “De-Certification of Construction Trades Unions”, such report to be considered in-camera as the subject matter relates to labour relations or employee negotiations; and

- (iv) (May 2, 2006) from the Administration Committee advising that the Committee on May 2, 2006, received the confidential report (February 9, 2006) from the Executive Director of Human Resources entitled “De-Certification of Construction Trades Unions”, such report to be considered in-camera as it relates to labour relations or employee negotiations.

On motion by Councillor Soknacki, the Employee and Labour Relations Committee received this matter for information.

(Executive Director, Human Resources; City Solicitor – May 10, 2006)

### **3-12. Human Resource Issues relating to Pandemic Influenza Preparedness**

The Employee and Labour Relations Committee considered a communication (November 24, 2005) from Councillor John Filion, Chair, Board of Health, identifying a number of human resource issues that have been identified through a post-SARS evaluation that was conducted with staff and management in Toronto Public Health and pandemic planning work.

Councillor Michael Walker, St. Paul’s, addressed the Employee and Labour Relations Committee.

On motion by Mayor Miller, the Employee and Labour Relations Committee referred the communication (November 24, 2006) from Councillor John Filion, Chair, Board of Health, to the Executive Director of Human Resources for a report to the June 19, 2006, meeting of the Employee and Labour Relations Committee.

(Executive Director, Human Resources – May 10, 2006)

### **3-13. Implementation of the Employment Equity Policy**

The Employee and Labour Relations Committee considered a report (April 18, 2006) from the Chair, Working Group on Immigration and Refugee Issues, submitting recommendations respecting the Employment Equity Policy.

#### Recommendations:

It is recommended that the City:

- (1) expedite the implementation of the Employment Equity Policy;

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- (2) complete the existing or implement a new employment equity workforce survey;  
and
- (3) review and undertake new methods to increase participation of City employees in  
the survey.

Councillor Janet Davis, Beaches-East York, addressed the Employee and Labour Relations Committee.

On motion by Mayor Miller, the Employee and Labour Relations Committee referred the report (April 18, 2006) from the Chair, Working Group on Immigration and Refugee Issues, to the City Manager for a report to the June 19, 2006, meeting of the Employee and Labour Relations Committee.

(City Manager – May 10, 2006)

The Employee and Labour Relations Committee adjourned its meeting at 11:55 a.m.

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Chair.