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January 18, 2017

File No.: 19383

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VIA FACSIMILE

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Dear Mr. Haley

RE: City of Toronto

RE: Public Works and Infrastructure Committee Consideration on January 18, 2017

RE: Future Curbside Waste Collection Service Delivery East of Yonge Street

On January 18, 2017, the Public Works and Infrastructure Committee engaged in discussions with respect to contracting out garbage collection for neighbourhoods East of Yonge Street in the City of Toronto. During these discussions, the Public Works and Infrastructure Committee Chair, Councillor Jaye Robinson, disclosed information contained in a confidential document that was attached to the Future Curbside Waste Collection Service Delivery East of Yonge Street Report being discussed (Item 3 on the Agenda).

The integrity of the process that has been recommended in this Report may have been compromised by the disclosure of this confidential information.

Therefore, we request a full review of the actions of the Chair, including the disclosure of information contained in the confidential attachment, and whether it has in any way compromised the process that has been recommended.

Until this review has taken place, we ask that the Committee (and the City of Toronto) delay any decision on this matter.

We look forward to your prompt response.

Yours very truly,


WATSON JACOBS McCREARY LLP

J. David Watson

Encl.

Cc: Eddie Mariconda: President, Toronto Civic Employees Union, Local 416
Members of the Public Works and Infrastructure Committee
City Clerk's Office



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File No.

January 20, 2017

J. David Watson
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Sent as an email attachment

Dear Mr. Watson:

Re: PW18.3 Future Curbside Waste Collection Service Delivery East of Yonge Street

I acknowledge receipt of your correspondence of January 18, 2017, which has been forwarded to me for a response.

In your correspondence, you report a concern that information, disclosed in the course of the Public Works and Infrastructure Committee meeting of January 18, was contained in a confidential attachment to the Staff Report on the above noted topic. You suggest that this disclosure may compromise the process that is recommended in the Staff Report. With respect, I do not agree with this assertion.

The information that was disclosed during the course of the Committee meeting was the staffing numbers for the District in which the work that is the subject of the Staff Report is performed. While this information was referenced in the confidential attachment to the Staff Report it is not confidential information. Any allegation that the disclosure of this information could compromise the process that is recommended in the Staff Report is untenable.

As the Chair of the Committee indicated during the course of the January 18 meeting, she requested staff advice, including advice from HR and Legal representatives, as to whether these staffing numbers could be disclosed publicly. Staff confirmed that this information was provided for context purposes in the confidential attachment but was not itself confidential and could be shared publicly. At the same time, the Committee resolved, in the course of the January 18 meeting, that:

...the General Manager, Solid Waste Management Services, submit a supplementary report directly to City Council that indicates the number of employees who are employed by the City and who provide the service that is the subject of this report, being the collection of residential waste in District 4.

I note that the Councilor's inquiry which lead to the subsequent disclosure of this information arose due to concerns that inaccurate information was circulating, regarding the number of employees who perform the work that is the subject of the Staff Report. Unfortunately, this inaccurate information appears to include information as to the number of City employee who would be "fired and kicked to the curb," as described in the attached circular.

Finally, your correspondence was addressed to the City Solicitor and copied to the Clerk and Members of the Committee. The correspondence was not distributed to Committee members and the public during the Committee meeting because it did not satisfy the requirements of the City's Council Procedures By-law. The Council Procedures By-law provides that, in order for correspondence to be distributed to Committee Members and the public, it must:

- (1) Be delivered in person or sent by regular mail, e-mail, or fax;
- (2) **Be addressed to Council, a committee, or to the Clerk;**
- (3) Be legible;
- (4) Include the name and the mailing address or the telephone number of the author;
- (5) Be in reproducible format; and
- (6) Not be defamatory or contain offensive language.

As your correspondence was directed to the City Solicitor and not to the Clerk, Council or a Committee, it did not meet the requirements of the Council Procedures By-law that would permit its distribution.

I will forward both your correspondence and this response, to the Clerk so that both documents may be placed before Council at its meeting of January 31, 2017, when this matter will be considered.

Yours very truly,



Darragh Meagher
Director, Employment Law

- c. Brian Haley, Interim City Solicitor
Jim McKay, General Manager, Solid Waste Management
Robert J. Reynolds, Director, Employee & Labour Relations
Barbara Shulman, Director, Strategic Recruitment

**KICKED
TO THE CURB.**

SAY **"NO!"**
TO PRIVATIZING WASTE
COLLECTION EAST
OF YONGE STREET.



Mayor Tory is pursuing the privatization of waste collection east of Yonge Street, which will result in 500 hard-working City employees being fired and kicked to the curb. He says privatizing will save the City money. **However, the facts say otherwise...**

A 2015 City staff report, peer-reviewed by Ernst & Young LLP, recommended to *NOT* privatize as there would be *NO* cost savings.

"...the best value and lowest risk to the City of Toronto at this time is to continue with the current model!"

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83723.pdf>

"...it should also be noted that future contract prices are not guaranteed and that the reduction of in-house collection services could negatively impact the City's ability to keep prices competitive..."

<http://www.toronto.ca/legdocs/mmis/2015/pw/bgrd/backgroundfile-83723.pdf>

The men and women that work hard on behalf of the City collecting Toronto's waste east of Yonge Street provide an important service each and every day. They take pride in their work and are dedicated to quality residential service. Privatizing waste collection will mean 500 of these frontline workers will lose a job that currently provides liveable wages and support to their families.

SAY 'NO' TO PRIVATIZING WASTE COLLECTION EAST OF YONGE STREET!

Please voice your support for the protection of decent jobs and liveable wages by contacting Mayor Tory and your local Councillor.

Mayor John Tory
Phone: 416-397-2489
Email: mayor_tory@toronto.ca

Councillor Jaye Robinson, Ward 25
Phone: 416-395-6408
Email: councillor_robinson@toronto.ca



For more information on our campaign and how to get involved, please visit www.kickedtothecurb.ca and follow us on Twitter @Local416

