

The strike explainer

City Hall reporter Brodie Fenlon answers your questions about the right to strike, recycling and illegal dumping



Strikers allowed people to drop off garbage at the Bermondsey Transfer Station in Toronto.

Brodie Fenlon

Toronto — Last updated on Saturday, Jul. 04, 2009 01:07AM EDT

The municipal workers strike continues, and residents' questions are piling up as fast as the trash at Christie Pits park. In an occasional series, City Hall reporter Brodie Fenlon will explain everything you need to know about the strike. Got a question? [E-mail him at bfenlon@globeandmail.com](mailto:bfenlon@globeandmail.com).

Plus: Join us online Monday when Brodie Fenlon takes your strike-related questions, starting at noon ET.

What is this pesticide that the city is spraying on the garbage bags piled up in our parks? What does it do, exactly? Will these sites need to be cleaned up to remove toxic chemicals ?

Two products, both approved by Health Canada's Pest Management Regulatory Agency, are being used by the contractor Orkin Canada at the temporary garbage dumps. Flies and mosquitoes are controlled by a widely used insecticide called permethrin, a synthetic chemical that replicates a toxic property found in chrysanthemums. It has a short residual life outdoors, usually a few days, and is only applied when there is no forecast of rain or winds, said Bill Melville, quality assurance director with the company.

Mice and rats are controlled by physical baits – placed in fenced-off areas – with a poison that causes internal bleeding about four to six days after it's ingested. Most rodents will die in their burrows. When the strike ends, cleanup will involve removing the baits.

At what point can the city legally hire full-time workers to permanently replace union workers ?

Now, although it would be highly provocative. Ontario's NDP government under Bob Rae passed a law banning the use of replacement workers, but it was repealed by the Progressive Conservatives under Mike Harris. The Liberals have not moved to reintroduce the ban, though Premier Dalton McGuinty is on the record saying his government would never approve the use of scabs in a labour dispute with the public service. Windsor, now in the 11th week of a citywide strike, is hiring replacement workers from other municipalities to help manage its growing welfare caseload. Toronto says it has no intention of doing the same. Quebec and B.C. are the only provinces that prohibit the use of replacement workers during strikes.

What happens to all the money the city will save by not paying its workers for as long as the strike continues ?

Don't count your pennies yet. Toronto's last civic strike in 2002, which lasted 16 days, actually cost the city \$3.3-million when overtime, cleanup, security and lost revenues were accounted for. A three-month strike by indoor and outdoor workers in Vancouver in 2007 saved the city \$11.8-million net, which councillors gave back to residents in the form of a very modest tax break. Mayor David Miller indicated Friday he'd consider some form of rebate, but said it's too early to say how much.

What happens to restaurant inspections if the inspectors are on strike ?

Routine restaurant inspections are cancelled. Managers are responding only to food safety complaints.

I'm renovating my kitchen. I have a building permit and I require an inspection on certain parts. Do I have to wait until the strike is over ?

Yes. Deputy city manager Richard Butts said there's no remedy for people who need building permits or inspection until the strike ends.

Do strikers have a legal right to delay or prevent access to picketed sites? What are the police doing about it?

Workers have a right to picket, but delays and blocked access are a grey area. Toronto Police Constable Wendy Drummond said police must balance the strict enforcement of the law with the rights of free speech and public safety, as they did when Tamils shut down a local highway during a recent protest. Discretion and de-escalation have been the force's guiding principles, she said.

What should I do with my recycling? It's starting to build up. Is there somewhere to drop it off?

The city asks that you to continue to store recyclables, yard waste and bulky items until the strike is over.

How does the city decide what counts as an essential service? I gather that police and firefighters don't have the right to strike. How is their compensation determined? And why isn't the same model used with all city workers to avoid strikes?

The city doesn't get a say. Strikes, lockouts and work stoppages are governed by the provincial Labour Relations Act, which makes no mention of essential services.

Police, fire and hospital workers have their own labour-dispute acts and cannot strike. They go automatically to arbitration if they can't get a negotiated settlement. There are separate acts for ambulance services and the Ontario public service, which provide the right to strike as long as essential-service agreements are in place specifying what work must continue during a walkout. In Toronto, that means paramedics can reduce service, but must respond to all emergency calls. The Ontario government would have to introduce new legislation if other city workers were to be deemed essential.

How will the Windsor strike affect the Ontario government's decision to intervene with back-to-work legislation for Toronto?

Some think Premier Dalton McGuinty's hands are tied in Toronto because of the 11-week-old strike by indoor and outdoor workers in Windsor. Mr. McGuinty said last week he has no intention of interfering in the Toronto dispute as long as both sides are at the table. But Frank Reid, director of the Centre for Industrial Relations and Human Resources at the University of Toronto, said he'd be "very surprised if they [the province] let the Toronto strike drag on as long as they have the Windsor strike. We are more spoiled here." If the province moves, it would only be after getting a clear call for help from the city.

A few of my neighbours have put out piles of festering garbage and compost in front of their house. And what about the piles of garbage being dumped beside public garbage cans?

Anyone caught dropping garbage anywhere outside of the city's seven transfer stations and 19 temporary sites is subject to a \$380 illegal-dumping fine. Of course, you have to be caught first by a city manager filling in as a bylaw officer. As of yesterday, the city had issued 205 tickets and 2,400 warnings.

With a report from Jennifer Lewington