

## A weekend poker game with a massive payoff



*CUPE members await an announcement on Monday.*

Deadline of midnight Sunday was a calculated risk for Local 416 in contract talks. Here's how they turned it into a win

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If collective bargaining is high-stakes poker, Mark Ferguson pushed his chips “all-in” shortly after 5 a.m. Monday. Huddled with advisers in a hotel room at the Delta Toronto East in Scarborough, Mr. Ferguson, president of CUPE Local 416, finalized the decision to hold a 7 a.m. press conference, where he was prepared to make good on a threat to walk away from the table.

At 5:39 a.m., the union sent out a media release promising to “announce the outcome” of an intense weekend of negotiations. A number of thorny issues were still on the table, including wages and a few concession demands by the city. The union sent city negotiators a revised offer and waited for the phone to ring.

It didn't.

As red-eyed reporters set up microphones and cameras in a ground-floor conference room at the hotel shortly before 7 a.m., Mr. Ferguson called Toronto's chief negotiator, Bruce Anderson, and asked whether the city intended to respond to the offer before his press conference began.



### Mark Ferguson talks with Brodie Fenlon

The President of Toronto Civic Employees Union Local 416 CUPE discusses the deal

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With minutes to go, the city asked for a half-hour extension. Mr. Ferguson agreed, took the elevator down to the

hotel's main floor with CUPE spokeswoman Pat Daley at his side, sat before the cameras and made a terse statement: No deal yet. Half an hour. A settlement is "in the hands of the city."

Half an hour later, the city dropped a last concession and a tentative deal was struck, putting in motion a chain of events leading to Wednesday's ratification vote by the city's 30,000 striking indoor and outdoor workers and the probable end to the longest strike in Toronto's history.

It was a calculated risk for Mr. Ferguson, to be sure. The game had changed significantly three days earlier, on Friday, when the city removed several stumbling blocks in its talks with both union locals. Mr. Ferguson said he knew a deal was possible. To get it, he made a whopper of a bet later that afternoon.

#### **Friday, 4:30 p.m.**

Mr. Ferguson dropped the bombshell at a press conference where he had been expected to respond to Mayor David Miller's call to add more paramedics to an essential services agreement. Instead, he told surprised reporters that he had set a deadline of midnight Sunday to get a settlement or "we are finished."

Asked Monday about the ultimatum, Mr. Ferguson said it was strategic. "On Friday, it became apparent there was a potential deal in the making. We knew that through our experience with the city there was only one way to get there and that was to instill a sense of urgency at the table."

Within an hour, Mr. Miller had released a statement of his own using the same terminology. He said he was pleased Local 416 had brought "a sense of urgency" to the negotiations.

Mr. Ferguson and his counterpart for the indoor workers, Local 79 president Ann Dembinski, who was camped at the Sheraton Centre across from city hall, remained silent Saturday as their bargaining committees and city negotiators sent proposals back and forth through provincial mediators.

#### **Sunday, 2:09 p.m.**

Local 416 invited the media to the Delta beginning at 4 p.m. to await the union response and the countdown to the midnight deadline. It was obvious there had been movement on both sides and hope was in the air. That evening, Ms. Dembinski sent out an automated voice message by phone to her members expressing optimism that a settlement was near. At 8:01 p.m., Kevin Sack, Toronto's director of strategic communications, gave the order to remove the online version of the city's offer, which had been posted July 10. It included a calculator that allowed striking workers to figure out the payout they'd receive under the city's proposed sick-leave benefit program. The "disappeared" offer boasted a 7.2-per-cent wage increase compounded over four years.

#### **Monday, 12:03 a.m.**

Yet still, the hours passed. Just before Mr. Ferguson's midnight deadline expired, the city asked for a one-hour extension. It came and went without comment. Across the city at the Sheraton, negotiations with Local 79 wound down for the night at 1:30 a.m. Only a few issues remained. Ms. Dembinski and a union colleague spent the next several hours in consultation with Mr. Ferguson and their Local 416 counterparts.

By 5 a.m., Mr. Ferguson was ready to push all of his chips on the table. It may have been a bluff, but by 7:30 a.m., a tentative deal was struck. Mr. Ferguson told reporters his team had achieved a "framework" for a settlement, but promised it wouldn't be ratified until Local 79 reached a similar deal. He said the deadline ultimatum "made all the difference in this dispute" and told reporters the city had backed down on all of its major concessions. A deal could have been reached in March, he added.

#### **Monday, 3:30 p.m.**

After 51/2 more hours of bargaining, Ms. Dembinski stepped outside the Sheraton to confirm her team had reached tentative deals on four collective agreements. She said labour relations had been set back decades in Toronto and complained about Mr. Miller's provocative handling of the dispute. As if to prove the point, the mayor and his city manager held a competing press conference across the street at city hall at the very same time, trumping the end of Ms. Dembinski's announcement on live TV newscasts. Mr. Miller said the terms are "fair to workers, affordable to Torontonians and will allow the city the flexibility it needs."