

Council approves contracts 21-17 as services resume

Miller estimates changes in sick-day plan will save \$140-million over five years

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A 39-day strike by Toronto civic workers is officially over after city council approved a three-year contract, but bitter, politically charged recriminations may linger for some time.



A Toronto city manager waits to accept residential garbage at the Birchmount Park temporary dump site in Toronto on Wednesday. The Canadian Press

Even before council's vote of 21-17 – a narrower margin of victory for Mayor David Miller than usual – many city services resumed early Friday, with a cleanup of temporary garbage dumps held up until the green light from city hall.

Five new collective agreements with Locals 79 and 416 of the Canadian Union of Public Employees include annual wage increases of 1.75 per cent in 2009, 2 per cent in 2010 and 2.25 per cent in 2011, costing \$75.6-million over the next three years.

The most controversial feature of the deal is a provision to phase out, but not immediately scrap, a long-standing benefit that allows current employees to cash out unused sick days, to a maximum of six months pay at retirement. The perk will not be extended to new employees, who will enroll in a new short-term disability plan.

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“We met all of our bargaining goals,” said Mr. Miller, defending a deal that drew intense criticism from right-leaning councillors and some members of the public as capitulation to union demands.

Asked how he will sell a skeptical public on the fact the perk was grandfathered for existing employees, not scrapped, Mr. Miller said “the facts speak for themselves.”

He pointed to estimated savings of \$140-million over the next five years as some employees retire and others opt to cash in the accumulated sick days now and switch to the new short-term disability plan.

After the vote, Local 416 president Mark Ferguson said he anticipated “a mood of elation” among members, as it ended any risk of a resumption of the strike had council rejected the tentative settlement reached earlier this week.

Relief at the strike's end was a widely shared emotion, with behind-the-scenes evidence that neither the city nor its unions could endure the dispute much longer.

For the city, any declaration of public health concerns could have triggered provincial back-to-work legislation and arbitration that, in Mr. Miller's view, would have wiped out any chance of addressing the sick leave benefit.

And the clock was ticking.

Toronto medical officer of health David McKeown said “as we approached the end of July, and were moving into the sixth week of suspension of service, I began to become quite concerned.”

He cited the “cumulative impact” of a loss of services to high-risk infants and pregnant teens, no regular health inspections of restaurants and the need to intensify preparations for a possible fall outbreak of the H1N1 virus.

“Had the labour disruption gone on, we would not have been able to do everything we needed to do to prepare for the fall,” said Dr. McKeown, who gave regular updates to the provincial chief medical officer of health, top city officials and Mr. Miller's office. He said he had not made a recommendation about the strike's impact, but was getting close to doing so.

For the unions, the pressure was internal in nature. Their members were about to lose of a third regular paycheque, and almost 1,000 strikers had already asked to cross the picket lines and return to work.

Throughout the strike, Mr. Miller's leadership came under intense scrutiny.

In Friday's debate, a usually loyal ally, Councillor Joe Mihevc (Ward 21, St. Paul's), tartly summed up the issue: “We don't have a content problem with this deal, we have a communications problem with this deal.”

The mayor's critics charged he was too distant from the talks, urging him to intervene as had his predecessor, Mel Lastman, who acceded to job security provisions that he later came to regret.

By contrast, Mr. Miller is of the firm belief that city officials, on instructions from the politicians, take the lead in negotiations. He is known to have contacted union leaders only once during the strike, on July 10, when he called to let them know he was about to go public with the city's offer.

“All the negotiations took place at the table,” said Mr. Ferguson. “That's where the deal was struck.”

Also unlike Mr. Lastman, the mayor does not rely on an informal “kitchen cabinet,” preferring to receive advice from bureaucrats, a close-knit team of advisers and some councillors.

“He pulls in the information he needs and then filters the information and makes a decision,” says Councillor Pam McConnell (Ward 28, Toronto Centre-Rosedale), citing his lawyerly, scholarly bent.

A fierce Miller loyalist, she is dismayed at the sight of the mayor under siege from critics and the media at what she sees as “his greatest moment: he was able to do something absolutely impossible, get a good reasonable settlement.”

But former Etobicoke mayor and now councillor Doug Holyday (Ward 3 Etobicoke Centre), a frequent critic of Mr. Miller who voted with him Friday, said “he's tried to be all things to all people” in the strike, praising residents and city workers. “It does make you wonder who's side he's on at times.”

At council, it emerged that only 15,000 employees currently qualify to bank sick days, with 5,000 aged 55 years or older. When they retire, they would be replaced by new hires ineligible for the perk.