

# OPTA NEWS

NEWSLETTER OF THE ONTARIO PUBLIC TRANSIT ASSOCIATION



## ONTARIO BUDGET

On March 4<sup>th</sup>, representatives of OPTA and CUTA met with senior policy advisors from Finance Minister Dwight Duncan's and Infrastructure Minister George Smitherman's office. The purpose for the meeting was to present key recommendations in our pre-Budget submission entitled "Investing in Transit in Challenging Times", and to ensure that transit funding remains near the top of the government agenda. We are pleased that the Budget announced on March 26<sup>th</sup> demonstrates the current government is still committed to funding transit. Details on a number of issues, including OBRP funding, and the impact of the harmonized tax system, remain unclear, and OPTA will be working with officials over the next few weeks to get further clarification.

## OTE APRIL 20-22: JUST DAYS AWAY!

Are you making plans to attend OTE on

April 20-22<sup>nd</sup> at the Toronto International Centre and the Holiday Inn Airport Select Hotel? In addition to a great trade show, there will be sessions on a number of different topics including: Managing Risk; Ontario Human Rights Code; Smart Technologies; Alternative Fuels; Finding, Developing & Keeping Good People; an AODA Update; and Roundtable sessions on Maintenance, Specialized and Conventional Services. For more information, please visit: [www.ote.ca/registration/](http://www.ote.ca/registration/).



## MEETING WITH DM OF LABOUR RE: CHANGES TO THE OHS/VIOLENCE IN THE WORKPLACE

A few weeks ago, representatives of OPTA and CUTA met with Virginia West, Deputy Minister of Labour, along with Kevin Wilson, the ADM Policy. The purpose of the meeting was to brief the Ministry which is in the very early stages of consulting with stakeholders on whether to amend the Ontario Health and Safety Act (OHS) as it pertains to violence in the workplace. OPTA's views were well received at the meeting, and included the following key points:

- Transit is supportive of initiatives that mitigate and/or support the prevention of workplace violence – this includes

appropriate tools and legislation (i.e. Criminal Code vs. OHS). The support is indicative of the initiatives the industry has already undertaken.

- Transit supports the need to complete a related risk assessment
- The right to refuse work as currently contained in the OHS should not be extended to Violence in the Workplace, given the current subjective nature of same
- The right to refuse work should be predicated on the basis of reasonable and probable grounds that there is imminent danger (as currently exists in other Canadian jurisdictions)

## BILL 118 – "COUNTERING DISTRACTED DRIVING AND PROMOTING GREEN TRANSPORTATION ACT"

In early February, OPTA and CUTA presented recommendations to the Safety Policy and Education Branch of the MTO regarding Bill 118, commonly known as the Bill to ban cell phones while driving. While we are in support of proposed aims to improve safety while driving on Ontario roads, the proposed Bill failed to recognize the special role of transit and the needs it has with respect to real-time communications to ensure the safety and efficiency of its operations. Specifically, the Bill as presently drafted may exclude the use of on-board communication devices and other technical equipment used by transit operators. The industry recommended, consistent with the manner in which emergency services are treated, an out-right exemption for transit systems from the proposed legislation itself, or through a regulatory amendment, exempting a "prescribed group" after the Bill is passed later this year. The MTO appears, at a minimum, to be receptive toward exempting hard-wired communication devices on transit systems, but no timelines have been announced as to when the Ministry will announce its intentions.

## SKILFORM "TAXI MODULE" PILOT ON APRIL 16<sup>TH</sup>

For the past few months, OPTA has been working with the Accessibility Directorate at MCSS and OTEC to develop a sedan taxi module for the SkilForm "Train the Trainer" course on providing customer service to persons with disabilities.

The new program will be piloted to a group of stakeholders and future customers on April 16th to get industry feedback. The curriculum will be fully compliant with the requirements of the new Customer Service standard under the AODA, which comes into force on January 1, 2010, for public sector organizations. Persons taking the course will be deemed to be compliant with the training requirements under the AODA legislation as it applies to taxi services.

## MEETING WITH FINANCE RE: NO-FAULT INSURANCE REGIME

A few months ago, OPTA and CUTA submitted a [letter](#) to the Ontario Auto Insurance Five-Year Review. In an effort to minimize skyrocketing insurance costs, the brief urged the province to exempt public transit systems from the no-fault regime and return bodily injury claims relating to surface vehicles owned by public transit systems to a pure tort regime. In mid-March, representatives of the two associations met with Ministry officials responsible for overseeing the review of the Act. Last week, the government issued its [Report](#), which included Recommendation #37 that the “government should consider legislative amendments to reflect the unique status of public transit services operated by municipal authorities by excluding injuries from no-fault where no collision has occurred”. OPTA and CUTA, working in concert with AMO, will be holding further discussions with the Ministries of Transportation and Municipal Affairs and Housing.

## AODA IMPLEMENTATION: AN UPDATE

OPTA and CUTA have now provided a second round of commentary on the Transportation Standard as well as provided input on the draft Information & Communication and Employment Standards. We continue to press for realistic implementation timeframes and harmonization of all remaining standards, and to work with AMO in assessment and providing input on the content of the above referenced standards as well as the Built Environment standard.

A reminder to all members that you need to be compliant with the Customer Service Standard (Regulation 429/07) effective January 1, 2010. A full update will be provided at OTE on Wednesday, April 22nd at 10:15 am.

## FEDERAL HOURS OF WORK

Transport Canada, at the request of OC Transpo, is proposing an amendment to the Commercial Vehicle Drivers Hours of Service Regulation under the Motor Vehicle Transport Act to remove the compliance exemption for public transit. The immediate impact of eliminating the exemption will be on the

three transit systems that provide service across Federal and/or Provincial boundaries (Ottawa, Windsor and Gatineau). The Federal Government believes that the application of the work-rest rules to transit service under federal jurisdiction is equally applicable to those operating under provincial and territorial jurisdiction and will be pursuing the removal of such exemptions for transit as may currently exist under provincial and territorial legislation. Currently in Ontario, similar provisions to the Federal regulation are set out under the Highway Traffic Act Regulation 555/06 to which Ontario transit systems are exempt, consistent with the current exemption under the Federal legislation.

An OPTA/CUTA committee is in the process of assessing the impact of the removal of the current exemption under Regulation 555/06 giving consideration to requirements under the Employment Standards Act, Collective Agreements and Work Rules. The committee, on behalf of Ontario systems, will provide input via CUTA on a national position paper to the Federal Government and in a joint OPTA/CUTA submission to the Provincial government. At a minimum, if the exemption were removed, the likely result would be increased “administrative time” associated with tracking and reporting hours of work for each employee.

## NEW CVOR FACILITY AUDIT PROGRAM

Effective April 1st, MTO is introducing a revision to the CVOR Facility Audit Program. The old facility audit is a “**performance based**” assessment of the on-road activity of an Operator. The modernized facility audit is a “**risk based**” assessment of the elements known to cause or contribute to commercial motor vehicle collisions. For more details on the new program, please visit: [www.ontariopublictransit.ca/forum/viewmessages.cfm?Forum=25&Topic=2842](http://www.ontariopublictransit.ca/forum/viewmessages.cfm?Forum=25&Topic=2842)

## UPCOMING EVENTS

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| <b>April 16</b>    | SkilForm “Taxi Module” Pilot - Toronto                                   |
| <b>April 20-22</b> | Ontario Transportation Exposition and Conference -- Toronto              |
| <b>June 26</b>     | Specialized Services Workshop and Networking Session – York Region       |
| <b>July 5-10</b>   | PROfessional Instructor in Driver Education [or P.R.I.D.E.] – Burlington |
| <b>Aug. 9-14</b>   | PROfessional Instructor in Driver Education [or P.R.I.D.E.] – Burlington |
| <b>Sept 23</b>     | SkilForm Customer Service “Train the Trainer” – OTEC offices, Etobicoke  |



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