

# **THE COMMISSION OF THE WALKERTON INQUIRY**

The Honourable Dennis R. O'Connor, Commissioner

## **SUPPLEMENTARY RULING ON STANDING AND FUNDING**

In my Ruling on Standing and Funding of September 11, 2000, I granted standing in Part I of the Inquiry to the Bargaining Agents Coalition, made up of the Canadian Union of Public Employees (“CUPE”) Local 255, the Ontario Public Service Employees Union (“OPSEU”), and the Professional Engineers and Architects of the Ontario Public Service (“PEGO”), limited to issues affecting municipal, public sector and provincial government employees. In terms of funding for the members of the Coalition, I recommended funding for PEGO for one counsel limited to issues involving decredentialization. I deferred CUPE Local 255’s request for funding in the hope that its national union would see fit to support the Local. No funding was requested by OPSEU and none was recommended.

In a letter dated February 26, 2001, Mr. Roland, counsel for OPSEU, wrote on behalf of the Coalition to request funding for one counsel for the Coalition members, as a group, in Part IB. He indicated that PEGO, a very small union, has limited ability to participate without financial support, that both OPSEU and CUPE have expended substantial financial resources both on legal and other necessary assistance in respect of Part I of the Inquiry, and that OPSEU has expended substantial resources on Part II. As such, Mr. Roland stated that the members of the Coalition do not have the funds to continue to employ legal counsel to fully participate in the hearings in Part IB.

In a letter dated February 27, 2001, Maurice A. Green, counsel for PEGO, wrote to confirm Mr. Roland's letter with respect to the funding difficulties faced by PEGO and its ability to participate in the hearings.

In a letter dated March 30, 2001, Mr. Hadwen, General Counsel for OPSEU, wrote to confirm that OPSEU will not be able to participate fully in Part IB without funding given its present financial circumstances and given its expenditures to date on the Inquiry. In particular, he stated that OPSEU runs its operations on a deficit and is unable to use its strike fund for the purposes of the Inquiry. Further, OPSEU has already dedicated considerable resources to the work of the Inquiry including substantial funds to retain external counsel. Finally, Mr. Hadwen outlined how the members of the Coalition intend to coordinate their participation in the Part IB hearings so as to minimize overlap.

I have not received any correspondence from CUPE Local 255 to confirm Mr. Roland's letter of February 26 or to re-apply for funding.

I am of the opinion that the members of OPSEU, PEGO and CUPE Local 255 bring an important frontline perspective to the issues in Part IB. I also note with appreciation the contribution they have thus far made, without reimbursement, to both Parts I and II of the Inquiry. The proposed participation by the members of the Coalition appears to me to be reasonable and appropriate in terms of avoiding duplication and bringing forward relevant and beneficial perspectives on behalf of the members of these

organizations. I note, however, that CUPE Local 255 has not written to confirm its need for funding or to explain whether its national union has been able to contribute funds.

I will therefore recommend that the Attorney General provide funding for one counsel, with disbursements, for OPSEU and PEGO for those portions of the IB hearings which raise issues affecting public sector and provincial government employees, and in which Mr. Hadwen has proposed that OPSEU and PEGO participate on behalf of the Coalition in his letter of March 30. I will defer any ruling with respect to funding for CUPE Local 255 pending the receipt of further information.

DATE RELEASED: April 5, 2001