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## NEWS LOCAL

### Council wants report on potential OLRB appeal

By Elaine Della-Mattia, Sault Star

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City council unanimously supported a motion that asks city staff to complete a report outlining the procedures and costs associated with acquiring a non-construction employer designation that could reduce the costs of municipal capital projects.

Councillors Matthew Shoemaker and Rick Niro moved the resolution that may see the city try to find an end to the 1987 Ontario Labour Relations Board ruling that allows the city to only accept bids for city infrastructure projects from only two unions.

Shoemaker told his colleagues that it is incumbent on council to do what it can to get the best bang from taxpayer's money by being responsible and to ensure that the municipality has fair and open processes.

"We are failing both as a result of bad legislation" that was decided years ago, he said.

Shoemaker said the motion is "not a unionized versus non-union battle" and shouldn't be viewed as such.

Currently the city can only allow contractors with either the International Brotherhood of Carpenters and Joiners and the labourers International Union of North America to work on municipal projects.

Council heard last month that there would be an upfront cost associated with any effort to achieve a non-construction employer designation under Ontario's Labour Relations Act in an attempt to lift the restriction but those costs were never fully set out.

Shoemaker said there are a number of high priced ticket capital projects on the books that are projected to move forward in the coming years, including a west end sewage treatment plant and a potential biosolids plant and it is in the city's best interest to have competitive bids from all qualified contractors.

Ward 2 Coun. Susan Myers said she supports the resolution with the longstanding issue that the city has been trying to tackle for several years.

Four other municipalities are in a similar situation – Hamilton, Kitchener, Waterloo and Toronto.

Myers suggested that staff also consult with those municipalities to determine if there is interest where a joint force effort can be made to fix the binding legislation.

"It's obvious to me that to link arms with other communities could be a key to success. It's strength in numbers," she said.

CAO Al Horsman said the other municipalities would be consulted to determine if a potential partnership could be formed and that information will be part of the review.

Last month director of human relations Peter Niro told council that a recent decision in favor of the Greater Essex County School Board does not change the landscape enough to have the City of Sault Ste. Marie receive the same ruling.

In the Essex school board case, which dates back to last September, the labour board ruled that the school board was no longer considered a 'construction employer' as defined in the act.

That case took three years to complete and it was the school board's third attempt to prove legally that it met the definition of a non-construction employer.

The Sault Ste. Marie case goes back to 1987 when the OLRB ruled that employees hired directly or sub-contracted by the city on commercial, institutional and other sites must become party to respective collective agreements and receive union scale.

The ruling was released after a case involving workers at the city's fish hatchery project. At that time, the workers were hired under a government job program and complained they were only being paid minimal wages of \$6.50 per hour compared to the union labour rate of \$14.95.

As a result of a communication mix up, the City did not appear before the OLRB at the hearing or make any submissions. As a result, the board rendered its decision that bound the city to the construction employer rules.

Two attempts to decertify over the past decade have failed and the city remains bound to provincial labour and carpenters agreements.

City council wants a report to include the estimated costs of any upcoming city infrastructure projects that would require the city to only accept bids from the two unions permitted to do so under the existing designation, the cost of appealing to the OLRB to be granted a non-construction employer designation and the time frame it would take to have the appeal heard.

In addition, council also wants a report outlining actions the city would have to take for the appeal and if the costs associated with the appeal could be recovered.

Meanwhile, CLAC, an independent multi-sector union representing over 60,000 workers in almost all sectors, applauds Shoemaker's resolution.

"This is an issue of both cost and fairness," said Ian DeWaard, CLAC representative. "The current tendering restrictions are preventing local contractors from bidding on public projects and this is fundamentally wrong. All qualified union and non-union companies should have the right to bid on publicly funded projects. Fair and open tendering is the only way to give residents the right to work in their own community and to achieve maximum value for money on municipal projects."

CLAC says the Essex school board situation creates the precedent for the city but admits that the process will take considerable resources and time.

The Progressive Contractors Association of Canada also welcomes the resolution and says the city is paying up to 30 per cent more than they should for local projects because of the current designation.

PCA has been urging the Ontario government to amend its outdated labour laws so that all cities, including the Sault, can openly tender construction work.

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