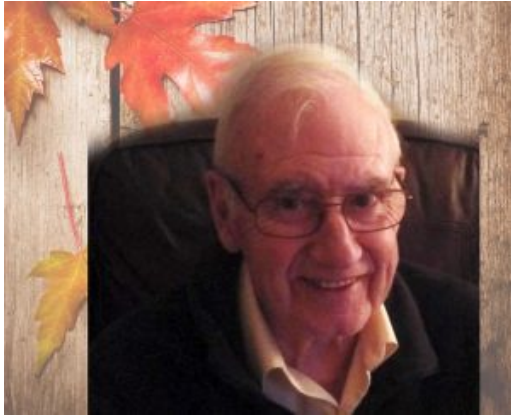


Millroy: The Labour War at City Hall

By **Doug Millroy** - September 8, 2018



Anyone who believes in fairness must get a warm and fuzzy feeling noting that the Labourer's International Union of North America is picketing the Civic Centre to protest that its members are not being employed on the \$6.9 million facelift the 45-year-old building is undergoing.

Instead, the union claims, work that should be done by its members is being done by carpenters with Timmins-based Cy Rheault Construction, a firm that is not a signatory to the labourers union, and it therefore has filed a grievance with the city to that effect.



In response, The Sault Star reports the Carpenters and Joiners of America Local 2486 has filed for intervention on the issue, taking the position that LIUNA's labour actions are disrupting work on the job site.

And the city has filed an application with the Ontario Labour Relations Board for a cease and desist order of the pickets.

For me, and it should be for all who believe in fairness when it comes to bidding on city construction projects, this is where the warm and fuzzy feeling comes in.

Because it means the city is finally going to have union help in getting out of the box it has been in for 30 years, being required to offer work on its projects only to contractors and sub-contractors that employ union workers.

This all came about in 1987 when several men, hired temporarily under a government job program to perform work at the fish hatchery, complained that they were being paid only \$6.50 an hour rather than the \$14.95 granted union labour. LIUNA Local 1036 signed them up and the OLRB for went along with it when the city's representative didn't show for a hearing..

The OLRB ruled that employees hired directly or sub-contracted by the city to work on city projects must become "party to respective collective agreements" and receive union scale.

This meant the city, in the eyes of the OLRB, essentially was considered to be a construction employer.

The cities of Toronto, Hamilton and Waterloo are the only other cities in Ontario to have suffered such designations.

It shows how stupid the ruling is that it is not in effect province-wide, but only in four cities where unions launched grievances. And it is just as stupid that the OLRB made such decisions and that successive Ontario governments, Liberal, NDP, Conservative and Liberal again, have done nothing to correct a practice that is unfair to non-unionized firms and their employees..

The Windsor and Essex County Boards of Education was under the same restriction but in 2016 it won its three-year fight before the OLRB to have its construction projects open to all contractors and workers.

The grievance LIUNA has filed in the Sault matter would seem to me to open the door for the city to again appeal the ruling, something it lost in two earlier attempts at decertification, in 1998 and 2004, but has been planning to take another run at.

But the jurisdictional challenge will be heard before the Ontario Labour Relations Board before the grievance, the latter being the one where the city should be able to get in its licks.

Wayne Scott, LIUNA's staff representative, is quoted as saying his unionized workers are not backing down and will continue to picket at the Civic Centre and fight for work it believes is theirs.

But Tom Cardinal, area manager for the Carpenters and Joiners Local 2486, told The Star he saw "no violation of anybody's collective agreement, The Labourers have a beef against the city and we're intervening and that's where we're at."

Cardinal said work will still proceed on the project as the Labour Relations Act does not allow work stoppage when a dispute occurs between two trades.

Scott said that if the city doesn't abide by the collective agreement and doesn't terminate the contractor's contract, it will cost taxpayers thousands of dollars in legal fees and penalties if LIUNA wins its challenge.

That may be so but I trust council will go ahead with the plan it has asked the administration to develop to again approach the OLRB in an attempt to extricate the city from the damaging and unfair construction employer's designation.

Ward 3 Coun. Matthew Shoemaker, a strong proponent of decertification, is quoted as saying that it is examples like this that show the city needs to move to decertify.

"These issues cost taxpayers money," he said. "I think council made the right decision to challenge the designation and I think that every candidate who is running in the upcoming election, needs to educate themselves on this issue."

He's right. Candidates should be asked how they stand on this issue so voters will know what they can expect from them when the issue comes up during discussions of next-year's budget.

In 2013 Progressive Conservative MPP Michael Harris had a private member's bill, Bill 73, the Fair and Open Tendering Act, before the legislature that city staff recommended council support.

Joe Fratesi, then the city's chief administrative officer, said there were many large construction firms in our community that would have bid for work on municipal building projects were it not for the clause restricting the hiring of non-union shops.

The intent of Harris's bill was to make the wording in the Act so clear that even the OLRB could understand the way it was supposed to work in the past and how, if his bill was passed, it would work in the future.

But instead of going with staff's recommendation, council deferred the issue on the basis of a complaint by Ward 6 Coun. Joe Krmpotich, council's resident unionist, that it was an attack on unions and needed public input.

There was, of course, plenty of input already available, as was pointed out by then-mayor Debbie Amaroso and Councillors Lou Turco and Susan Myers, the only three who voted against deferral.

Harris's bill, which had the support of our then MPP, David Oraziotti, unfortunately failed.

I don't think this city's attack should only be at the OLRB level, it should also take aim at the new provincial government. Bring forward the change that is required so that this will get not only the cities involved out from under this oppressive ruling but also ensure that it never happens again.

Maybe finally we will have a government that will actually take action.

Doug Millroy