

Initial response to the report to Mayor and members of the Committee of the Whole submitted August 30th/07 prepared by Gary Kuzyk

RE: United Brotherhood of Carpenters and Joiners of America - Local 18 Certification (LSO7012) (City Wide)

EXECUTIVE SUMMARY:

Paragraph (2)

This summary relating to the result of certification is purely hypothetical based on someone's opinion illustrated by the repeated use of "could be" and "if". We assert there are no facts substantiating the negative financial consequences resulting in "hundreds of millions of dollars" or any amount even close to these numbers.

We submit that due to increased material costs, labour costs and other related construction costs which continue to rise across the country, it would be more accurate to use these actual facts to substantiate the effect of cost to the economic development. We also submit that a close review of the financial data would not indicate the preposterous amounts projected; and that the projected numbers are not a result of the certification by Local 18 of the Carpenter Employees of the City of Hamilton.

We would like the opportunity to see and review all of the materials that formed the basis for the projections and an opportunity to make further submissions on this matter.

BACKGROUND:

It is important to note that certification was granted by the Ontario Labour Relations Board and reaffirmed their decision by denying the City's Application for Reconsideration.

As to the City's legal direction to seek relief of certification, we identify this as an actual cost

Baseline consequences of Certification to the City:

Paragraph (4) (Outside the ICI Sector)

Under the terms and conditions of the Heavy and Residential Agreement for those sectors it has been agreed to recommend for approval by the City that under Article (6) of the Heavy Engineering and Article (7) of the Residential Agreements state the following notwithstanding Article 5 of the Carpenters' Provincial Collective Agreement, any work that is the work of the Union under the provisions of Article 19 of the Carpenters' Provincial Collective Agreement, shall only be performed by an employer that is bound to an agreement with Local 18 covering such work. Thereby, allowing any contractor with City's approval to bid, provided they contract work under provision 19 to Local 18.

As for the two reasons for increased cost to the City, as a result of certification in paragraphs 5 to 11, we submit that there is no substantiated cost as staff estimates and anticipates rise in cost without information regarding why signatory or non-signatory contractors bid work previously to certification or signatory companies in post certification. Although, we cannot comment on the actual bids and monies spent by the City, we dispute the 260 “large construction” contractors of which only 17 are affiliated to the UBCJA.

Extraordinary consequences of Certification to the City:

We submit that while staff uses words such as “difficult to predict” and “could be substantial” the actual fact is the rise in anticipated cost is due to a comparison of bids submitted to budgets prepared by the City – not the certification by Local 18 of the Carpenter Employees. The cost is directly related to the scope of work, risks and responsibilities passed on through the tender documents to the contractors whether they are signatory to Local 18 or not. This would be better explained by the contractors as to any problems concerning documents.

It is important to note that Local 18 members’ rates are consistent with the Fair Wage requirements of the City for carpentry work performed by the City of Hamilton; resulting in no extra cost as a result of the certification by Local 18.

In summary, we would ask the City to work with Local 18 as the bargaining agent for carpenters and as we have stated from day one post certification, to discuss any and all concerns relating to the Carpenters' certification.

Only through this process can we give the Committee of the Whole a clear, concise and consistent report for their consideration. It is our opinion that the fear mongering surrounding alleged projected costs do not assist in a rational discussion of the effect of the certification by Local 18 of the Carpenter Employees of the City of Hamilton.

Other self-interested parties have only clouded the issue when in fact Local 18 is the only body with the legal right to represent carpenters with the City of Hamilton.

The City of Hamilton has a statutory obligation under the Labour Relations Act to meet, bargain and dialogue with Local 18; in our respectful opinion this should be the focus of the Committee of the Whole.

All of which is respectfully submitted this 12th day of September, 2007.

United Brotherhood of Carpenters and Joiners of America – Local 18.