

Mr. Mayor, councillors,

I'm Phil Besseling the President of the Open Shop Contractors Association. Thank you for once again having the OSCA as a delegation before committee of the whole to speak on the issue of Hamilton's certification by the United Brotherhood of Carpenters and Joiners of America. I will endeavor to be brief with my comments, and am happy to field questions afterwards.

The OSCA is here speaking to you today because our membership believes strongly in fair and open public tendering and bidding processes. Many of our members happen to be based in Hamilton and the immediately surrounding area.

I won't go in to great detail about our association, as this is the fourth public meeting that OSCA representatives have attended. We have also made an attempt to meet with many staff and councillors on a one-on-one basis, to impress upon you the very serious nature of this situation.

Speaking directly to the item at hand, I would like to state our member's satisfaction with the action that the city has taken on this matter. Council's decision to fight the

certification is a demonstration of your commitment to fiscal responsibility and fairness for the citizens of Hamilton.

Public construction should be open to all qualified bidders. Whether the people on a job site are CLCA members, UBJCA members, or have chosen to remain unaffiliated-- our concern is that everyone gets a fair chance to both bid on, and perform work paid for from the public purse.

Your staff did an excellent job taking a very complicated situation and distilling the facts into a concise and accurate document. We commend them for their great work and hope that it strengthens your resolve in the action being taken by the city on this matter.

In all accounts the city's action is to be commended and encouraged. In fact, we would like to ask that council takes this fight a step further.

For a moment I would like you to consider that currently labour law in Ontario permits... no, *encourages*, forced association by allowing municipalities and other publicly funded bodies to be considered construction employers and hence be certified.

What do I mean by “forced association?” Well simply that as it stands, in Hamilton if you are a qualified, tax-paying carpenter, in order to perform any work you must belong to a Local 18. This sort of thing isn’t supposed to happen in Canada. We have a Charter of Rights and Freedoms that is supposed to protect such “fundamental freedoms.” Somewhere our system of checks and balances has failed.

As you know Ontario is in the midst of a provincial election, the timing is ripe to put the question of supporting a change of the definition of “non-construction employer” to each party. Council has already directed staff to seek these changes, such action could only strengthen this effort. Therefore we encourage you to take this fight a step further, and approach each party leader requesting a position on the matter in order to encourage public discourse and help Hamiltonians understand which party supports sound public policy.

Thank you for your attention and consideration, I am more than happy to field questions at this time.