



INFORMATION REPORT

TO:	Chair and Members Audit, Finance and Administration Committee
COMMITTEE DATE:	March 6, 2017
SUBJECT/REPORT NO:	Fair Wage Policy and Schedule Complaints Annual Report (FCS17009) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Maryanne Morris (905) 546-2424 Ext. 4346
SUBMITTED BY:	Rick Male Director of Financial Services and Corporate Controller Corporate Services Department
SIGNATURE:	

Council Direction:

Section 4.4 of the Fair Wage Policy and Fair Wage Schedule, approved by Council on March 9, 2016, requires the Procurement Manager to co-ordinate the preparation of an annual report for the appropriate Standing Committee of Council regarding complaints investigated and resulting audits performed pursuant to the Fair Wage Policy and Fair Wage Schedule.

Information:

The complaints referenced in this report were governed under the requirements of the Fair Wage Policy and Schedule approved by Council on June 12, 2013 and the Fair Wage Policy and Schedule approved by Council on March 9, 2016. The requirements of both these Policies at that time, affected construction contracts over \$500,000 and required all contractors and sub-contractors providing construction and construction maintenance work to provide wages and benefits to their employees in accordance with the Policy.

The City received three complaints between January 1, 2016 and December 30, 2016. Of the three complaints received:

- One complaint was not investigated as it was received by the Procurement Section outside of the complaint period allowed for in the Fair Wage Policy. Per

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the Policy a complaint may be initiated at any time during the construction contract but shall be received by the City no later than 21 calendar days following substantial performance of the related construction contract.

- Two complaints were investigated as follows:
 - FW22-2016 - complaint was investigated and the audit found the sub-contractor to be non-compliant with the requirements of the Fair Wage Policy and Schedule. The audit determined that the amounts paid to employees (required vacation pay, hourly wage and/or employer paid benefits) did not meet the requirements of the Fair Wage Policy and Schedule. The City is awaiting confirmation of the required payment to the employees of the sub-contractor, as well as payment of the audit costs from the general contractor.
 - FW24-2016 – complaint is still under investigation as of January 31, 2017.

The three complaints, and associated audit results, have been summarized and provided in Appendix 'A' to Report FCS17009.

MM/dw

Fair Wage Policy and Fair Wage Schedule Complaints Annual Report

Complaint not investigated:

Fair Wage Complaint Number	Contract Number and Title	Contract Award Amount	Contractor	Complaint Against	Reason complaint was not investigated:
FW23-2016	C13-12-14 – Demolition & Reconstruction of the Birge Pool and Change Room Facilities in the City of Hamilton	\$1,817,539.00	Caird-Hall Construction Inc.	Sub-contractor: Violin Electric	Fair Wage complaints must be submitted within 21 calendar days following substantial performance of the construction contract. Complaint submitted after the timeframe allowed for the submission of a complaint.

Complaint under investigation as of January 31, 2017:

Fair Wage Complaint Number	Contract Number and Title	Contract Award Amount	Contractor	Complaint Against
FW24-2016	C13-45-16 - General Contractors for the Completion of Various Construction Work Required at Tim Horton's Field	\$712,598.00	Bestco Construction (2005) Ltd.	Sub-contractor: S&G Electric Ltd.

Complaint investigated - non-compliant with the requirements of the Fair Wage Policy:

Fair Wage Complaint Number	Contract Number and Title	Contract Award Amount	Contractor	Complaint Against	Audit Fee to be Collected from the Contractor (excludes HST)	Value of Fair Wage Shortfall	Sanctions Imposed (if any)
FW22-2016	C13-12-14 – Demolition & Reconstruction of the Birge Pool and Change Room Facilities in the City of Hamilton	\$1,817,539.00	Caird-Hall Construction Inc.	Sub-contractor: Practical Plumbing Co. Ltd.	\$5,000.00	\$11,319.54	As of January 31, 2017 the City is reviewing if further sanctions should be imposed.