



Hamilton

INFORMATION REPORT

TO:	The Mayor and Members, General Issues Committee
COMMITTEE DATE:	March 30, 2015
SUBJECT/REPORT NO:	Labour Relations Grievance Activity Reporting & Analysis (2010-2014) - (HUR15003) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Lora Fontana 905-546-2424 Ext 4091
SUBMITTED BY:	Chris Murray City Manager
SIGNATURE:	

Council Direction:

In response to Council's direction, a Labour Relations Information System (LRIS) was developed in 2009 so that meaningful data would be provided to Council and other City stakeholders as to the state of labour relations in the City as well as provide a more strategic approach to addressing a number of labour relations challenges.

Information:

Labour Relations has provided annual analytical accounts of the City's labour relations activities dating back to 2007. This year's Report focuses on a five (5) year historical review of the data for the period 2010 – 2014, summarizing all labour relations activities for the City of Hamilton. The Report continues to provide Council and other City stakeholders with an understanding of the state of labour relations as well as a strategic approach to managing labour relations service delivery. The annual Corporate Report speaks to the general labour relations activities across unions and departments in addition to the departmental reports which outline specific labour relations matters at both divisional and operational levels. These departmental reports are delivered under separate cover by the appropriate Labour Relations Officer to the respective Department Management Teams.

Appendix A to Report HUR15003 provides a summary of labour relations activities for the 5 year period (2010 – 2014) in the following areas:

1. Total Grievances – City Wide
2. Total Grievances – By Union

3. Total Grievances – By Department
4. Total Grievances – By Category
5. Legal and Mediation Costs – By Union, Issue and Department
6. Non-grievance related costs – By Issue

Generally speaking, the 2014 Report summarizes positive results from all measurements of available labour relations data. Overall, the grievance activity in 2014 decreased by a remarkable -23% compared to 2013, which yet again reports a general decline in grievance activity for all union groups throughout the City. The total number of grievances in 2014 was 349 which is the lowest level of grievance activity during the historical period of this Report (2010-2014) and throughout any historical period from which grievance activity has been monitored.

The most noteworthy decrease in grievance activity was within the HPFFA, Local 288 (Fire Services) group, reporting a decrease of -60% over 2013. This decline in grievance activity is largely attributable to the significant reduction in the number of benefits related grievances (i.e. definition of reasonable and customary services) which were arbitrated in 2014. With the exception of ONA (Public Health), overall grievance activity either declined or experienced very moderate increases in 2014.

In 2014, the City also received the long awaited Interest Arbitration awards for CUPE Local 5167 (Lodges) and OPSEU Local 256 (Paramedic Services). These awards included financial adjustments greater than the Council mandate however, were reflective of the financial adjustments made for similar classifications in the industry.

The City's largest and most diverse union, CUPE Local 5167, which represents approximately 53% of the City's unionized workforce, continued to generate the majority of grievances (N=191), however, accounted for a -22% decrease in grievance activity over 2013. With the exception of a relatively small increase in 2011, the grievance activity for this group has continued to decrease throughout the period 2010 – 2014. In fact, since 2007, overall grievance activity for CUPE Local 5167 has decreased by -46%. The year was also marked by significant changes in union leadership, with the election of a new union president and vice-president in June, 2014. The overall decline in grievance activity level for CUPE Local 5167 continues to speak to the good and stable relations environment between this union group and the various stakeholders.

Notable decreases in grievance activity in 2014 include benefits (-60%) and termination (-56%) related grievances, which are largely due to the resolve of the benefits matter with Fire Services as well as the absence of the number of terminations experienced in Public Works (Roads) Department in 2013 respectively. Of particular interest is the

continued decline in overtime related grievances, which decreased by -15% in 2014 and since 2010, have decreased by -46%. This significant reduction in grievance activity can be largely attributed to the greater diligence exercised by operating managers in the assignment of overtime hours.

The activity in 2014 was again marked with significant labour relations matters arising from the transfer of the HECFI operations (i.e. Convention Centre, Copps Coliseum and Hamilton Place) to either Hospitality Centre Corporation (Carmens) or Global Spectrum Facility Management (GS). The transfer of operations involved a number of human resources and labour relations challenges resulting from this “sale of business”, as defined under the Ontario Labour Relations Act. This included the successful transition of approximately 920 union and non-unionized, full and part-time employees, from the City to either Carmens or GS. The IUOE Local 772 took issue with this transfer in operations and filed an application with the Ontario Labour Relations Board (OLRB), requesting that the City of Hamilton be declared a related employer as a result of the transfer. After significant litigation of the matter, the Board denied the request and further ruled that both Carmens and GS are bound by the collective agreement that was formerly between the IUOE and the City. This ruling from the Board in September, 2014 successfully resolved all of the outstanding legal matters arising between the parties as well as other potential legal and labour relations exposures for the City.

Grievance related Arbitration/Mediation costs increased by 49% in 2014, which is predominately due to the Arbitrator fees associated with the terminated employees in the Public Works (Roads) Department. In 2014, there were 36 Arbitration hearing dates held for this matter, which generated a total arbitration and legal expenditure of \$445,270. Given the scope and magnitude of the matter, significant labour relations and legal preparations were necessary in order to prepare for and deliver comprehensive arguments at the various hearing sessions. These hearing dates have continued into the first quarter of 2015, with ruling expected in April or May, 2015. The other notable matter that was resolved in 2014 was the “shift splitting” Arbitration in our Transit operations. This matter dealt with the scheduling of runs and providing “intact” shifts to Bus Operators (vs. “splitting” the available shifts). This has been a long standing issue between the parties, and after much litigation, this matter was finally resolved through Minutes of Settlement in September, 2014.

Along with management representatives at Hamilton Water, Labour Relations staff consulted with legal counsel on a number of options available to the City in preparation for two (2) large projects at the Water/Wastewater Treatment Plant. These opportunities were considered at great length with a view to ensuring that the work fulfilled our obligations to the Carpenters union while securing bids that were technically

appropriate and cost effective. Finally, the City continued to exercise due diligence through either mediation or legal advice in the management of a number of human rights related matters. Legal costs associated with these human rights matters were \$114,382 in 2014, which was an increase of +334% over 2013. Such increase is reflective of the greater levels of activities in this area. Total legal fees increased by approximately 7.1 % (i.e. \$82,000) over 2013.

Appendix B to Report HUR15003 provides a summary of the grievances resolved during 2014 either through mediated settlements or Arbitration Awards.

Labour Relations staff continued with its training initiatives in 2014 with the delivery of the *Essentials of Managing in a Unionized Workplace for Managers* to non-union Managers. In accordance with the Audit Review conducted in 2013, Labour Relations staff also introduced a new training program for CUPE Local 1041 (Supervisory Group) in the fall, 2014 that comprised of three (3) parts: Labour Relations Legislative Framework; Performance Management and Progressive Discipline; and Grievance Handling. Staff continued to receive very positive ratings on course content, organization and presentation of course materials.

Labour Relations also participated in the delivery of the Attendance Support Program training, with specific content on culpable absenteeism and frustration of employment contracts. Finally, Labour Relations staff participated in the delivery of the corporate training of 627 leaders on Performance Accountability Development (PAD), with a specific focus on addressing employee challenges and performance related issues within a unionized environment.

The Labour Relations Activity Report (2010 – 2014) continues to provide valuable and analytical reporting with a view to delivering contextual data and trend analysis within the City's labour relations environment. This year's report summarizes continued improvements in labour relations activity with arguably the best results since the inception of reporting such data. Grievance activity has declined in virtually all areas, including departmental, union group and grievance category. This is particularly remarkable given the anticipation of collective bargaining for the majority of the City unions in 2015. Through improved dialogue and training, as well as a demonstrated willingness from all stakeholders to work in a collaborative and efficient manner, labour relations continues to achieve remarkable levels on a City wide basis.