



INFORMATION REPORT

TO:	The Mayor and Members, General Issues Committee
DATE:	March 23, 2016
SUBJECT/REPORT NO:	Labour Relations Grievance Activity Reporting & Analysis (2011 - 2015) (HUR16005) (City Wide)
WARD(S) AFFECTED:	City Wide
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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 2011 – 2015, 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 HUR16005 provides a summary of labour relations activities for the 5 year period (2011 – 2015) 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 2015 Report highlights general stability in the overall level of grievance activity and state of labour relations across the City. This is notable given that 2015 was marked by the start of our collective bargaining cycle within Council's revised bargaining mandate, and included negotiations with the City's larger unions (CUPE Local 5167 and ATU Local 107). The total number of grievances in 2015 was 354 which is essentially unchanged from 2014 at 355 grievances and remained below the average number of grievances (N=469) over the last 5 years.

In 2015, the City ratified collective agreements with CUPE Local 5167, ATU Local 107 and ONA 50 (Public Health) – all within Council's collective bargaining mandate. These agreements included administrative and operational efficiencies as well as benefits cost containment that will help ensure the future sustainability of the plans as well as preserve current entitlement levels.

The City's largest and most diverse union, CUPE Local 5167, which represents approximately 52% of the City's unionized workforce, generated 190 grievances, essentially remaining at same level as in 2014 (N=191), and remaining below the average number of grievances for this group (N=266) over the last 5 years. Community and Emergency Services and Corporate Services department experienced significant decreases in grievance activity at 49% and 42% respectively, primarily attributed to greater stability in the Recreation and Information Technology divisions.

In addition, there were decreases in grievance activity in over 50% of the grievance categories, including the allocation of overtime (16% decrease) suggesting greater management diligence in the allocation and assignment of overtime hours within City operations. Since 2011, there has been a 51% decrease in overtime related grievances. As well, there was a notable increase in the number of harassment and discrimination related grievances which were largely attributable to the management of performance issues within the departments. Notwithstanding, a more detailed report and analysis on harassment and discrimination related activities at the City will be provided to SMT and Council in the near future.

Total Legal, Grievance and Arbitration/Mediation related costs decreased significantly by 56% in 2015, which is primarily due to the resolve of the outstanding Roads (Asphalt) Arbitration as well as the settlements of outstanding litigations, including the termination of non-union employees in the Licensing division of the Planning & Economic Development Department. Non-Grievance related activity also declined with the significant reduction in consultation with outside legal counsel regarding Carpenter union related matters as well as the decline in the termination of employment of non-union employees. As well, the business and legal counsel arising from the transfer of HECFI operations was essentially concluded in early 2015.

In July, 2015, CUPE Local 5167 made an application to the Ontario Labour Relations Board (OLRB) for the certification of all Building Superintendents employed at City Housing Hamilton/City of Hamilton. In response to this application, a representation vote was held by the OLRB on July 27th, 2015. On the same day, the OLRB report was released indicating that sixteen (16) of the eligible eighteen (18) employees attended the vote, and that sixteen (16) employees voted to be represented by CUPE Local 5167. As a result of this vote, this group of employees are now represented by CUPE Local 5167 and City Housing Hamilton/City of Hamilton must now legally negotiate a first collective agreement with them. To this end, the collective bargaining between the parties started in January, 2016 and continues with dates scheduled throughout the next few months.

Appendix B to Report HUR16005 provides a summary of the grievances resolved during 2015 either through mediated settlements or Arbitration Awards.

Labour Relations staff developed and presented Information Sessions for all interested CUPE Local 5167 management and supervisory staff regarding the amendments made to the recently negotiated collective agreement. These sessions highlighted the changes made to the collective agreement as well as the rationale and intent behind those changes so that the amendments may be properly applied operationally on a day to day basis. Labour Relations staff received an overall positive rating of 92% for content, presentation and overall evaluation of these sessions as well as a 67% satisfaction rating for the general amendments made to the collective agreement.

The Labour Relations Activity Report (2011 – 2015) 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 continues to highlight positive labour relations activity with continued improvements in varying grievance activity categories.

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 positive levels on a City wide basis.