



Hamilton

INFORMATION REPORT

TO:	Mayor and Members of Council General Issues Committee
COMMITTEE DATE:	April 20, 2022
SUBJECT/REPORT NO:	Labour Relations Activity Report & Analysis (2017 - 2021) (HUR22004) (City-Wide)
WARD(S) AFFECTED:	City-Wide
PREPARED BY:	Julie Shott (905) 546-2424 Ext. 4335 Matthew Sutcliffe (905) 546-2424 Ext. 2655
SUBMITTED BY:	Lora Fontana Executive Director Human Resources
SIGNATURE:	

COUNCIL DIRECTION

To provide Council with an overview of the City’s labour relations activities for the period 2017-2021.

INFORMATION

This Report focuses on a five-year historical review of the data for period of 2017 to 2021 and reviews the general labour relations activities across unions and departments. The Report is intended to provide Council and other City stakeholders with an understanding of the state of labour relations as well as gain insights into indicators that may require a modified approach to managing labour relations service delivery.

Demographic Overview

The following Chart provides an overview of unionized headcount by department along with the number grievances filed respectively:

Chart 1 - 2021 Union Headcount by Department and Number of Grievances

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Department	2021 Headcount	Unionized Headcount	% of Union Employee within Department	% of Union Employee within COH	Number of Grievances	% of Overall Grievances
CityHousing Hamilton	199	108	54.3%	1.3%	4	1.1%
City Manager's Office	135	5	3.7%	0.1%	0	0.0%
Corporate Services	501	281	56.1%	3.5%	11	3.1%
Healthy & Safe Communities	4156	3422	82.3%	42.1%	150	41.9%
Planning & Economic Development	870	472	54.3%	5.8%	30	8.4%
Public Works	2261	2073	91.7%	25.5%	155	43.3%
City-Wide Policy Grievances	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a</i>	8	2.2%
Total	8122	6361	N/A	78.3%	358	100.0%

Not surprisingly, the largest number of grievances filed in 2021 occurred in the two largest departments – Public Works and Healthy and Safe Communities. Further analysis of this is provided in the Grievances section (Chart 6 - Grievance by Department).

The following chart informs further analysis by providing bargaining unit breakdown relative to headcount and grievance activity:

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Chart 2 – 2021 Union Headcount by Bargaining Unit and Number of Grievances

Union Group	Headcount	% of Union Employees within COH	Number of Grievances	% of Overall Grievances submitted by Union	Grievance Rate per 100 Unionized Employees
ATU 107	798	12.5%	45	12.6%	5.6
CUPE 1041	329	5.2%	32	8.9%	9.7
CUPE 5167 Inside/Outside	3148	49.5%	174	48.6%	5.5
CUPE 5167 Lodges	671	10.5%	38	10.6%	5.7
GHVFFA 911	197	3.1%	1	0.3%	0.5
HOWEA	47	0.7%	8	2.2%	17.0
HPFFA 288	535	8.4%	15	4.2%	2.8
IUOE	8	0.1%	0	0.0%	0.0
ONA 50 Lodges	52	0.8%	20	5.6%	38.5
ONA 50 Public Health	208	3.3%	4	1.1%	1.9
OPSEU 256	368	5.8%	21	5.9%	5.7
Total	6361	100.0%	358	100.0%	5.6

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As expected, Chart 2 above, shows that the largest bargaining unit, CUPE 5167 (Inside/Outside), submitted the largest number of grievances. It should be noted that the grievance submission rate per 100 employees is lower than in other bargaining units much smaller in size (N = 5.5).

Grievance Activity (Overall)

The 2017-2021 Report identifies the degree of stability in the overall level of grievance activity and the state of labour relations across the City. As noted in Graph 1 and Chart 3 below, the total number of grievances in 2021 decreased slightly to 358, representing the lowest level of grievance activity during the historical period of this Report (2017-2021). The total grievances for 2021 fell roughly 11% below the 5-year average of 396 grievances per year.

Graph 1 – Total Grievance Activity 2017 – 2021

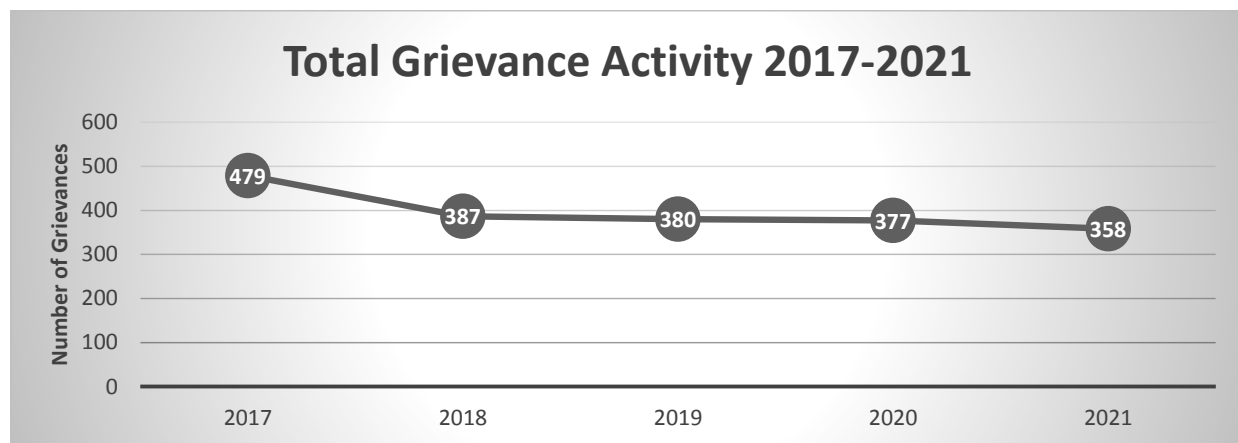


Chart 3 – Grievances Filed, Resolved, and Outstanding 2017 - 2021

Year	Number of Grievances Filed	Total Number of Grievances Resolved	Number of Outstanding Grievances
2017	479	368	111
2018	387	324	63
2019	380	305	75
2020	377	259	118
2021	358	134	224
Total	1981	1390	591

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Chart 4 – Number of Grievances Resolved 2017-2021

Year Grievance Filed	Number of Grievances Resolved in 2021
2017	6
2018	13
2019	62
2020	172
2021	134
Total	387

While the total number of grievances filed can be one general indicator of the state of labour relations, it is not the sole indicator of the labour-management relationship. The grievance activity is primarily a communication tool, indicating disagreement with an outcome or policy. Analysis beyond a direct count of grievances is always necessary, and caution should be given to drawing too many conclusions in relation to the data presented in this report. While the cause (and underlying issues) may not be immediately apparent, what is clear is that on the overall grievance volume, the submission rate has dropped, which is a positive signal for an organization.

In terms of the number of grievances resolved, these resolutions represent mediated settlements and those withdrawn by the unions. In 2020, COVID-19 significantly affected the regular union-management processes, resulting in deferred grievance meetings and cancelled mediation proceedings. Most of the 2020 hearing dates were rescheduled to 2021, which resulted in the higher-level of 2021 active grievances at year end. At the same time, many grievances from previous years were resolved in 2021, for a total of 387 grievances resolved (Chart 4).

Grievance Activity by Bargaining Unit

In addition to the overall rate of grievances remaining relatively stable, the same relative stability can be seen within the bargaining unit's activity. Graph 2 and Chart 5 show the level of grievance activity and compares them with the previous four years. Of the eleven bargaining units within the City, three show a reduction in grievance submission.

It should be noted that there was a significant increase in grievance activity for the ONA Lodges bargaining group. This increase in grievances for 2021 are mostly related to COVID-19 related matters, such as vacation scheduling and overtime call out, as well as Union Policy grievances related to COVID policies and bargaining unit scope matters. Many of these items have been resolved and a lower grievance rate for this bargaining unit is anticipated in 2022.

In contrast, there was a 24% decrease in grievance activity for the CUPE 5167 group. The decrease in grievances filed can be attributed to the positive working relationship between management, Labour Relations and the CUPE 5167 executive. In 2021, the parties made the effort to meet and discuss issues before grievances were filed, which had a positive impact on grievance activity. More specifically, the Labour Relations team made a concerted effort to meet with the City’s various union partners with a view to pro-actively resolve issues prior to grievances being filed. For example, there was sixteen (16) non-grievance related agreements reached in 2021.

Graph 2 – Total Grievances Filed by Bargaining Unit 2021 (Rounded)

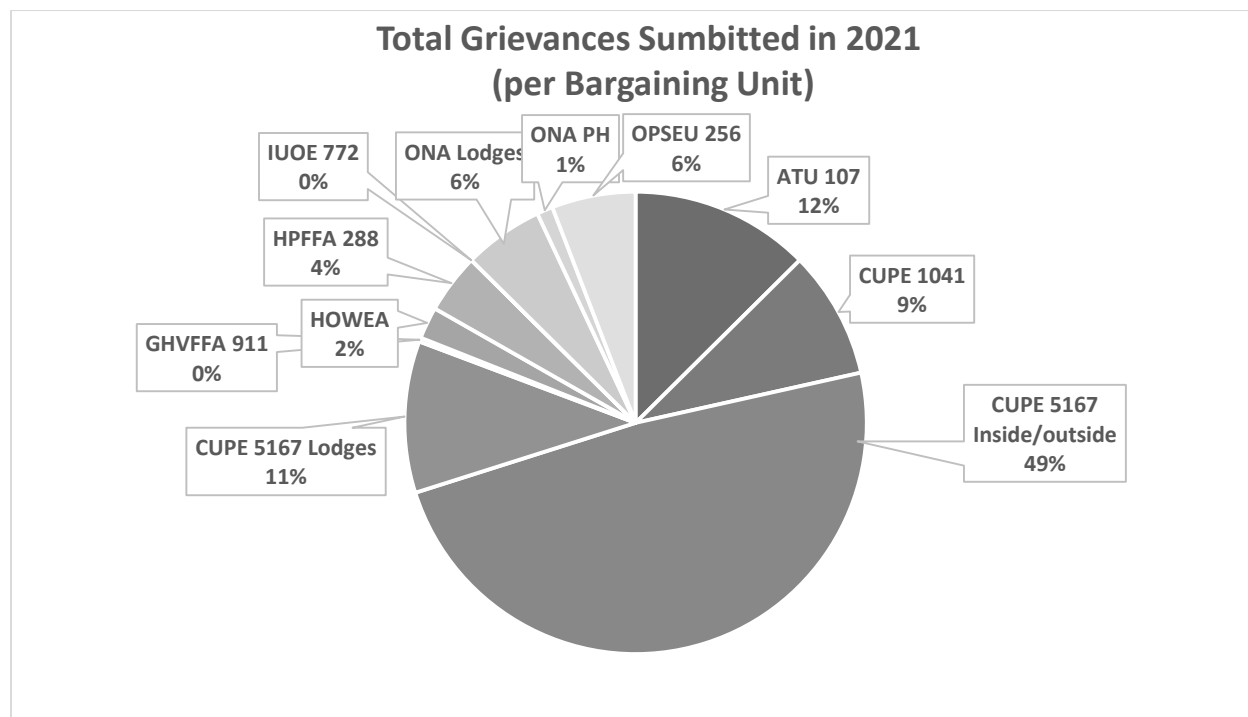


Chart 5 – Total Grievances Filed by Bargaining Unit 2017 – 2021

Bargaining Unit	2017	2018	2019	2020	2021	% Change from 2020 to 2021
ATU 107	50	13	46	29	45	55.2%
CUPE 1041	62	28	31	38	32	-15.8%
CUPE 5167	211	214	192	229	174	-24.0%
CUPE 5167 Lodges	18	20	50	35	38	8.6%
GHVFFA 911	6	1	0	0	1	100.0%
HOWEA	9	26	15	5	8	60.0%
HPFFA 288	29	15	9	16	15	-6.3%
IUOE 772	0	0	0	0	0	0.0%
ONA Lodges	10	4	7	4	20	400.0%
ONA PH	2	3	2	3	4	33.3%
OPSEU 256	82	63	28	18	21	16.7%
Total	479	387	380	377	358	-5.0%

Grievance Activity by Department

Another indication of the state of labour-management relations outside of the broader organizational context, is a review of activity occurring in various City departments (Chart 6). Again, the grievance activity provides a favourable outlook with comparisons showing either relative stability or a reduction in grievances filed in most departments from 2020-2021.

Chart 6 - Grievance Activity by Department 2017 – 2021

Department	2017	2018	2019	2020	2021
City Housing Hamilton	8	3	9	4	4
City Manager's Office	0	1	0	2	0
City-Wide	5	9	3	4	8
Corporate Services	16	9	18	11	11
Healthy & Safe Communities	210	145	148	146	150
Planning & Economic Development	32	32	27	28	30
Public Works	208	188	175	182	155
Total	479	387	380	377	358

Grievance Activity by Category

The issues most grieved at the City continue to be discipline, the income protection plan outcomes and hours of work. Having said that, harassment and discrimination, and corporate policy grievances increased significantly over the last year.

The increase in the number of harassment and discrimination related grievances have been found to be largely filed in response to performance management issues and evolving expectations within the departments rather than those considered to be *bona fide* cases that have been managed through Human Rights. Graph 3 and Chart 7 illustrate disputes by grievance category.

The increase in the number of corporate policy-related grievances can primarily be attributed to the implementation of the Mandatory COVID-19 Vaccination Verification Policy and Rapid Antigen Testing Program. These results are not surprising given the current COVID related circumstances.

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Graph 3 – Grievances Filed by Category 2020 and 2021

Description of grievance categories can be found in Appendix “A” to Report HUR22004

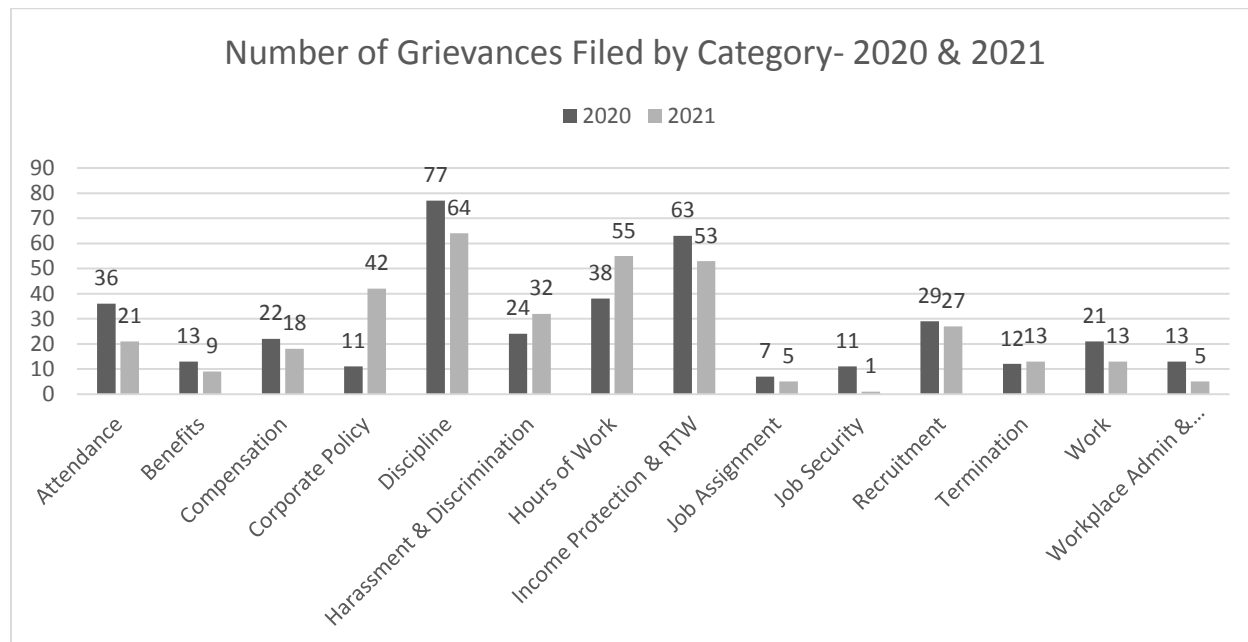


Chart 7 – Grievances Filed by Grievance Category 2020 and 2021

Grievance Category	Number of Grievances (2020)	Number of Grievances (2021)	% Change from 2020 to 2021
Attendance	36	21	-41.7%
Benefits	13	9	-30.8%
Compensation	22	18	-18.2%
Corporate Policy	11	42	281.8%
Discipline	77	64	-16.9%
Harassment & Discrimination	24	32	33.3%
Hours of Work	38	55	44.7%
Income Protection & RTW	63	53	-15.9%
Job Assignment	7	5	-28.6%
Job Security	11	1	-90.9%
Recruitment	29	27	-6.9%
Termination	12	13	8.3%
Work	21	13	-38.1%
Workplace Admin & Operations	13	5	-61.5%
TOTAL	377	358	-5.0%

In terms of grievance category activity, a few categories have experienced atypical results, while other categories remain relatively stable. There is often an inflated number of grievances after a new collective agreement is negotiated, where unforeseen issues arise and meaning must be given to new language, or an employee fails to comply with the new terms as a result of a lack of familiarity. This was the case in 2020 with increased income protection plan (IPP) and return to work (RTW) related grievances as a result of the changes made to the administration of the IPP (sick leave) language in the CUPE 5167 collective agreement. However, in 2021, there was a 15.9% decrease in IPP and RTW related grievances as employees became more familiar with the language. Labour Relations was also able to resolve a majority of the 2020 IPP and RTW grievances in 2021.

The increase in hours of work grievances can be largely attributed to self-isolation absences and absence coding disputes due to COVID-19. However, the City's decision to continue to pay employees when they are required to isolate by Public Health related to COVID-19 has assisted in decreasing the number of potential disputes. Without these leaves with pay, the grievance activity would likely have been higher in this category.

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In 2020, there were a high number of job security grievances related to mass layoffs and employees exercising their right to bump. This type of activity did not occur in 2021, resulting in a 90.9% decrease in job security grievances.

Labour Relations Legal Costs – 2020 and 2021

The following chart provides a summary of legal costs for 2021 in comparison to 2020.

	Mediator Fees	Arbitrator Fees	Legal Fees	Total Fees
2021 Totals	\$45,553	\$49,670	\$584,417	\$679,641
2020 Totals	\$31,010	\$45,552	\$573,043	\$649,605
Difference	\$14,543	\$4,118	\$11,374	\$30,036
Percentage Changes	46.9%	9.0%	2.0%	4.6%

As identified, there was an increase in mediation and arbitration related costs for the 2021 reporting period. This increase is predominately due to the COVID-19 related delays and the absence of mediation and arbitration hearing dates in 2020. Most 2020 hearing dates were rescheduled to 2021, which resulted in an increase in fees (and number of grievances to resolve) for 2021. This trend is expected to occur next year as well.

COVID-19 Related Impacts

Beyond virtual collective bargaining, all stakeholders continue to work well together to resolve pandemic-related issues in a collaborative and efficient manner. During 2021, virtual meeting usage continued for Labour Relations meetings such as consultations, labour-management meetings, fact findings, investigations, discipline activity, layoffs and bumping, terminations, grievance handling, mediations, arbitrations and collective bargaining during the pandemic.

Collective Bargaining

Despite the challenges resulting from the COVID-19 pandemic, virtual negotiations continued with the successful ratification of three renewal collective agreements. The GHVFFA 911 (CLAC) collective agreement was ratified on February 24, 2021, the HOWEA collective agreement was ratified on October 27, 2021 and lastly, the CUPE Lodges collective agreement was ratified on December 15, 2021. The OPSEU collective bargaining process remains ongoing.

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Non-Union Related Activity

In 2021, the non-union related activity declined with the reduction in consultation with outside legal counsel. The total non-union labour relation legal fees decreased by 10.6% in 2021, which was due to a decrease in non-union employee relations matters.

The Labour Relations Activity Report continues to provide valuable insight 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 stability and, in many cases, 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 positive indicators of success on a City-Wide basis.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HUR22004 - Additional Data

Appendix "B" to Report HUR22004 - Infographic