




Hamilton

INFORMATION REPORT

TO:	Mayor and Members of Council General Issues Committee
COMMITTEE DATE:	May 3, 2023
SUBJECT/REPORT NO:	Labour Relations Activity Report & Analysis (2018-2022) (HUR23006) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Julie Shott (905) 546-2424 Ext. 4335 Yakov Sluchenkov (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 2018-2022.

INFORMATION

This Report focuses on a five-year historical review of the data for the period of 2018 through 2022 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.

CITY UNIONIZATION OVERVIEW

The City has a highly unionized workforce with unionized employees representing 78.5% of the City’s overall workforce. Chart 1 provides an overview of the unionized headcount by department. The largest number of unionized employees are in the two largest City departments – Public Works and Healthy and Safe Communities.

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Chart 1 – 2022 Union Headcount by Department

Department	Headcount	Unionized Headcount	% of Unionized Headcount within Department	% of Unionized Headcount within COH
CityHousing Hamilton	199	100	50.3%	1.2%
City Manager's Office	148	5	3.4%	0.1%
Corporate Services	539	274	50.8%	3.2%
Healthy and Safe Communities	4358	3639	83.5%	42.8%
Planning & Economic Development	875	489	55.9%	5.8%
Public Works	2375	2162	91.0%	25.5%
Total	8494	6669	N/A	78.5%

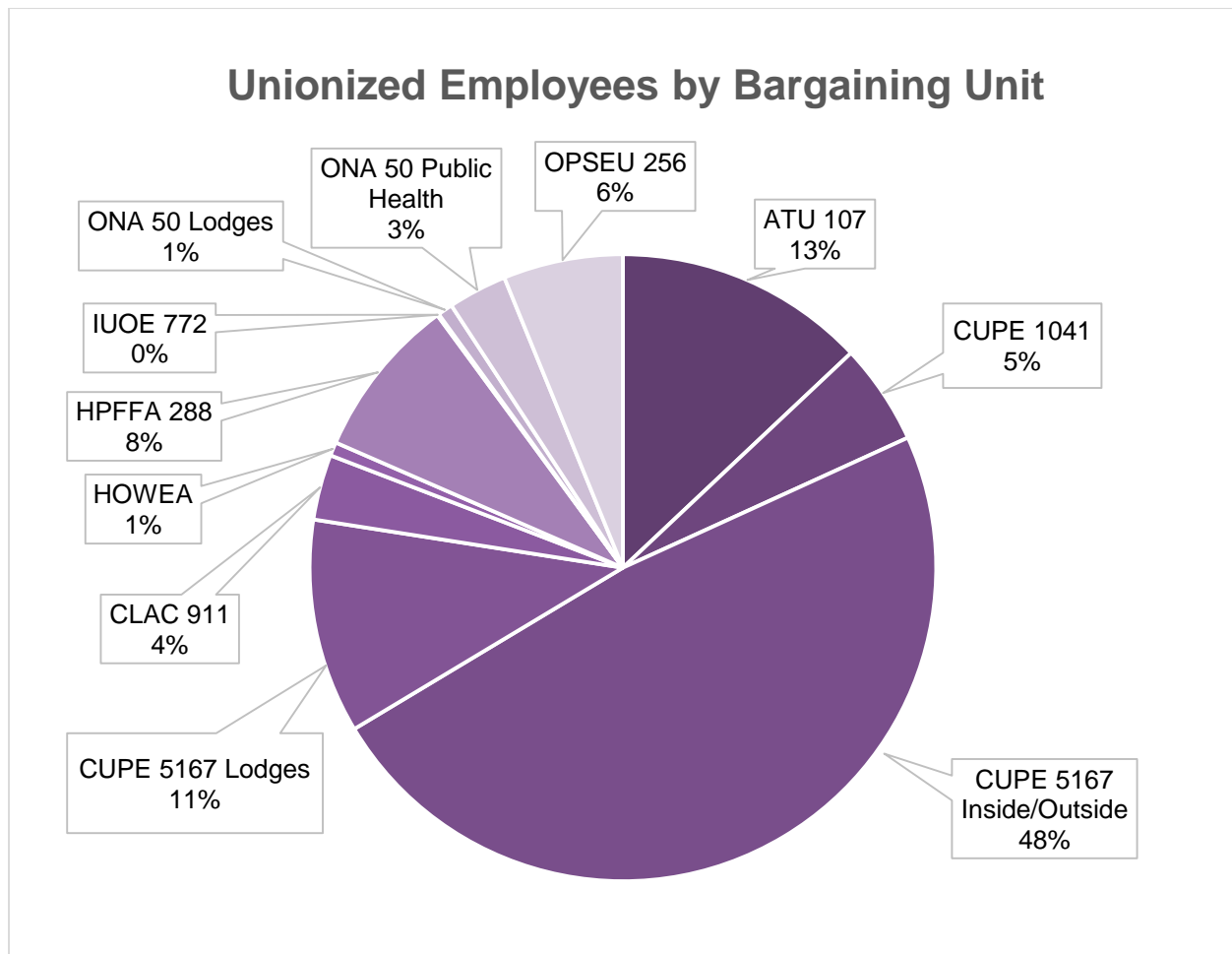
Graph 1 below shows the percentage of the City’s unionized workforce across the eleven bargaining units. CUPE 5167 Inside/Outside is the largest bargaining unit at the City and accounts for approximately 48.2% of the City’s overall unionized headcount. In contrast, IUOE 772 is the smallest bargaining unit and accounts for approximately 0.1% of unionized headcount at the City.

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Graph 1 – Unionized Employees by Bargaining Unit



OVERALL GRIEVANCE ACTIVITY

The 2018-2022 Report identifies the degree of stability in the overall level of grievance activity and the state of labour relations across the City. As shown in Graph 2 and Chart 2 below, the total number of grievances filed in 2022 decreased to 309, representing the lowest level of grievance activity over the last five years. The total number of grievances filed in 2022 was roughly 17% below the five-year average of 362 grievances per year.

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 to resolve conflict regarding the terms and conditions of employment. Analysis beyond a direct count of grievances is always necessary, and caution should be given to drawing too many conclusions. While

the cause and underlying issues may not always be immediately apparent, what is clear is that the grievance submission rate has dropped, which is a positive sign for an organization.

Graph 2 – Total Grievance Activity 2018-2022

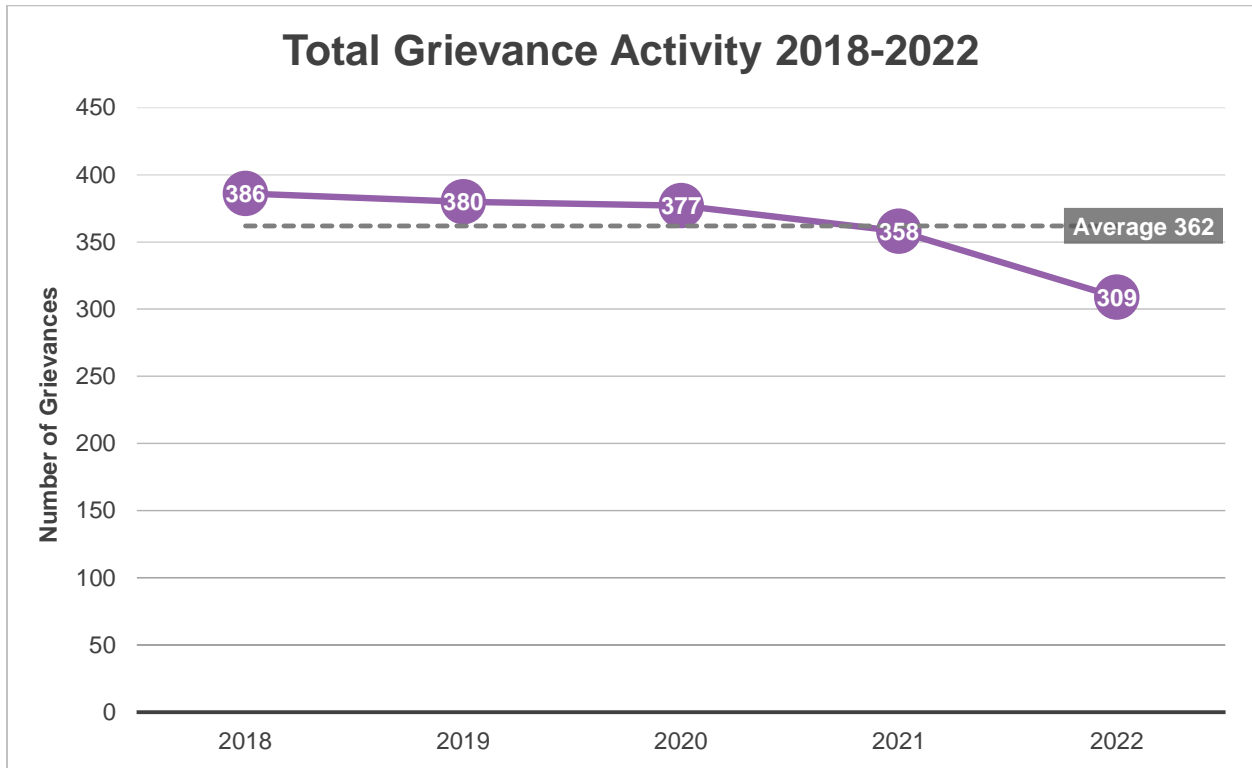


Chart 2 – Grievances Filed, Resolved, and Outstanding 2018-2022

Year	Number of Grievances Filed	Total Number of Grievances Resolved	Number of Outstanding Grievances
2018	386	332	54
2019	380	337	43
2020	377	326	51
2021	358	260	98
2022	309	154	155
Total	1810	1409	401

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The grievance resolutions include those achieved in the grievance process, mediated settlements and grievances withdrawn by the bargaining unit. In 2020, COVID-19 significantly affected the regular union-management processes, resulting in deferred grievance meetings and cancelled mediation proceedings. A majority of the 2020 scheduled hearing dates were rescheduled to 2021 and 2022, which resulted in the higher-level of active grievances at year end in 2021 and 2022. Nevertheless, many of the grievances previously filed in 2018 to 2022 were resolved in 2022, for a total of 341 grievances resolved from the five-year term (Chart 3).

Chart 3 – Number of Grievances Filed in 2018-2022 that were Resolved in 2022

Year Grievance Filed	Total Number of Grievances Filed	Number of Grievances from Year Resolved in 2022
2018	386	9
2019	380	30
2020	377	57
2021	358	115
2022	309	131
Total	1810	342

GRIEVANCE ACTIVITY BY BARGAINING UNIT

The overall rate of grievance activity remained relatively stable until 2022 where a drop in the number of grievances filed is observed. Grievance activity by bargaining unit over the last five years can be found in Chart 4. The overall grievances filed in 2022 decreased by 13.7% from 2021 and, of the eleven bargaining units within the City, five bargaining units showed a reduction in grievance submissions in 2022 (Chart 4).

The CUPE 5167 Inside/Outside bargaining unit continues to show a downward trend in the number of grievances filed, with total grievances filed in 2021 and 2022 below the five-year average. As the largest bargaining unit at the City, this downward trend in CUPE 5167 Inside/Outside grievances significantly decreases the total number of yearly grievances. In 2022, there was 44 less CUPE grievances filed than in 2021. One of the reasons for this downward trend includes the state of labour relations between management and CUPE 5167 Inside/Outside union leaders continuing to make concerted efforts to meet and discuss issues with a view to pro-actively resolving them prior to the grievances being filed.

Chart 4 – Total Grievances Filed by Bargaining Unit 2018-2022

Bargaining Unit	2018	2019	2020	2021	2022	2021/2022 Percent Change	Five-Year Average
ATU 107	12	46	28	45	44	-2.2%	35
CUPE 1041	28	31	39	32	23	-28.1%	31
CUPE 5167 Inside/Outside	214	192	229	174	130	-25.3%	188
CUPE 5167 Lodges	20	50	35	38	44	15.8%	37
CLAC 911	1	0	0	1	1	100.0%	1
HOWEA	26	15	5	8	12	50.0%	13
HPFFA 288	15	9	16	15	11	-26.7%	13
IUOE 772	0	0	0	0	0	0.0%	0
ONA Lodges	4	7	4	19	14	-26.3%	10
ONA PH	3	2	3	5	6	20.0%	4
OPSEU 256	63	28	18	21	24	14.3%	31
Total	386	380	377	358	309	-13.7%	362

In 2021, there was a significant increase in grievance activity for the ONA Lodges group due to COVID-19 related matters, such as vacation scheduling and overtime call out, as well as policy grievances and bargaining unit scope matters. With some carryover of these grievances into 2022, many of these items have been resolved and a lower grievance rate for this bargaining unit is anticipated for 2023.

HOWEA ratified a new collective agreement at the end of 2021. After a new collective agreement is negotiated, an increase of grievances may be filed as a result of a lack of familiarity with new language or interpretation disputes. This is the case for HOWEA which saw an increase in grievances in 2022.

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In contrast, many bargaining units experienced a decrease in total grievances filed in 2022 compared to 2021. The decrease in grievances can be attributed to the positive working relationship between management, and largely the union leaders. In many instances, both parties made concerted efforts to meet and discuss issues before grievances were filed, resulting in a positive impact on overall grievance activity.

Chart 5 provides an overview of bargaining unit breakdown relative to headcount and grievance activity. As expected, Chart 5 shows that the City’s largest bargaining unit, CUPE 5167 Inside/Outside, submitted most of the total grievances filed in 2022. However, it should be noted that CUPE 5167 Inside/Outside’s grievance submission rate per 100 employees (N = 4.0), was lower than other bargaining units of smaller size.

Chart 5 – 2022 Union Headcount by Bargaining Unit and Number of Grievances

Union Group	Headcount	% of Unionized Headcount within COH	Number of Grievances (2022)	% of Overall Grievances submitted	Grievance Rate per 100 Unionized Employees
ATU 107	866	13.0%	44	14.2%	5.1
CUPE 1041	347	5.2%	23	7.4%	6.6
CUPE 5167 Inside/Outside	3215	48.2%	130	42.1%	4.0
CUPE 5167 Lodges	738	11.1%	44	14.2%	6.0
CLAC 911	225	3.4%	1	0.3%	0.4
HOWEA	47	0.7%	12	3.9%	25.5
HPFFA 288	558	8.4%	11	3.6%	2.0
IUOE	6	0.1%	0	0.0%	0.0
ONA 50 Lodges	52	0.8%	14	4.5%	26.9
ONA 50 Public Health	203	3.0%	6	1.9%	3.0
OPSEU 256	412	6.2%	24	7.8%	5.8
Total	6669	100%	309	100%	4.6

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GRIEVANCE ACTIVITY BY DEPARTMENT

Another indication of the state of labour-management relations outside of the broader organizational context, is a review of grievance activity in the various City departments. Chart 6 provides an overview of unionized headcount by department along with the number grievances filed in the 2022 calendar year. As expected, the largest number of grievances filed in 2022 occurred in the two of the City’s largest departments – Public Works and Healthy and Safe Communities.

Chart 6 – 2022 Union Headcount by Department and Number of Grievances

Department	Headcount	Unionized Headcount	% of Unionized Headcount within Department	% of Unionized Headcount within COH	Number of Grievances (2022)	% of Overall Grievances
CityHousing Hamilton	199	100	50.3%	1.2%	2	0.6%
City Manager's Office	148	5	3.4%	0.1%	0	0.0%
Corporate Services	539	274	50.8%	3.2%	13	4.2%
Healthy and Safe Communities	4358	3639	83.5%	42.8%	127	41.1%
Planning & Economic Development	875	489	55.9%	5.8%	25	8.1%
Public Works	2375	2162	91.0%	25.5%	131	42.4%
City Wide Grievances*	n/a	n/a	n/a	n/a	11	3.6%
Total	8494	6669	N/A	78.5%	309	100%

**City Wide grievances are grievances that are not tied to a single department.*

In general, the overall grievances filed in 2022 decreased from 2021 and, of the six departments within the City, four departments experienced a reduction in grievance submissions in 2022 (Chart 7).

City Wide grievances are those that are not tied to a single department. For example, policy grievances that affect employees across multiple departments. In 2022, there was an increase of approximately 57% of City Wide grievances. This increase is largely due to the amendments to the COVID-19 Mandatory Vaccination Verification Policy and the introduction of a termination provision. The majority of City Wide grievances filed in 2022 were related to this corporate policy.

Overall, the grievance activity across the City's departments provides a favourable outlook on the state of labour-management relations showing either relative stability or a reduction in grievances filed.

Chart 7 – Grievance Activity by Department 2018-2022

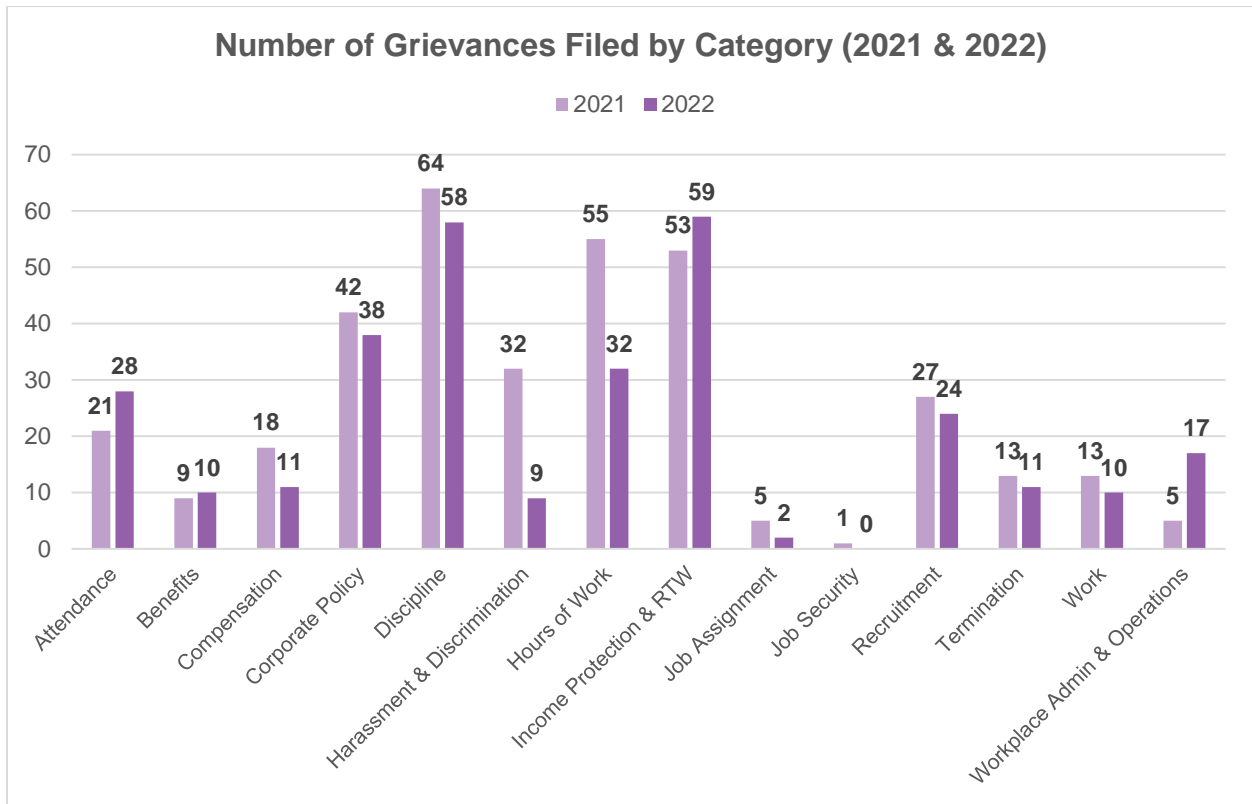
Department	2018	2019	2020	2021	2022	2021/2022 Percent Change	5-Year Average
CityHousing Hamilton	3	9	4	4	2	-50.0%	4
City Manager's Office	2	1	0	0	0	0.0%	1
Corporate Services	9	18	11	11	13	18.2%	12
Healthy & Safe Communities	144	148	146	149	127	-14.8%	143
Planning & Economic Development	32	27	28	31	25	-19.4%	29
Public Works	188	175	182	156	131	-16.0%	166
City Wide Grievances*	8	2	6	7	11	57.1%	7
Total	386	380	377	358	309	-13.7%	362

*City Wide grievances are grievances that are not tied to a single department.

GRIEVANCE ACTIVITY BY CATEGORY

When grievances are filed, they are categorized into grievance categories by the issue being grieved. A description of all grievance categories can be found in Appendix “A” to Report HUR23006. Graph 3 below compares the number of grievances filed by grievance category in 2022 compared to 2021.

Graph 3 – Grievances Filed by Category 2021 and 2022



Income protection plan, discipline, corporate policy, and hours of work related grievances continue to make the top five list of grievance categories from 2021 to 2022. In 2022, the top five grievance categories were income protection plan, discipline, corporate policy, hours of work, and attendance.

The “Attendance” grievance category displaced the “harassment and discrimination” grievance category in the top five list in 2022. There was a decrease of approximately 72% of harassment and discrimination grievances being filed last year (Chart 8). The number of harassment and discrimination related grievances filed in 2021 were mainly in response to performance management issues, returning to the office and evolving expectations within the departments.

Chart 8 below provides an overview of the number of grievances filed by grievance category in 2021 and 2022. Overall, there was a decrease in the number of grievances filed over most grievance categories, with only a few grievance categories experiencing increases or remaining relatively stable. The Workplace Admin & Operations category increased from five (5) to seventeen (17) grievances in 2022. This is a miscellaneous category and the increases are due to a variety of grievances including but not limited to clothing/ uniform, seniority and training.

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Chart 8 – Grievances Filed by Grievance Category 2021 and 2022

Grievance Category	Number of Grievances (2021)	Number of Grievances (2022)	2021/2022 Percent Change
Attendance	21	28	33.3%
Benefits	9	10	11.1%
Compensation	18	11	-38.9%
Corporate Policy	42	38	-9.5%
Discipline	64	58	-9.4%
Harassment & Discrimination	32	9	-71.9%
Hours of Work	55	32	-41.8%
Income Protection & RTW	53	59	11.3%
Job Assignment	5	2	-60.0%
Job Security	1	0	-100.0%
Recruitment	27	24	-11.1%
Termination	13	11	-15.4%
Work	13	10	-23.1%
Workplace Admin & Operations	5	17	240.0%
TOTAL	358	309	-13.7%

LABOUR RELATIONS LEGAL COSTS FOR 2021 AND 2022

In 2022, the total labour relations legal costs increased by approximately 14%. This increase is predominately due to union and non-union COVID-19 related disputes and hearings. Chart 9 provides a summary of legal costs in 2022 compared to 2021. Although there has been a rise in overall labour relations legal costs, the total cost remains below the budgeted amount (Graph 4).

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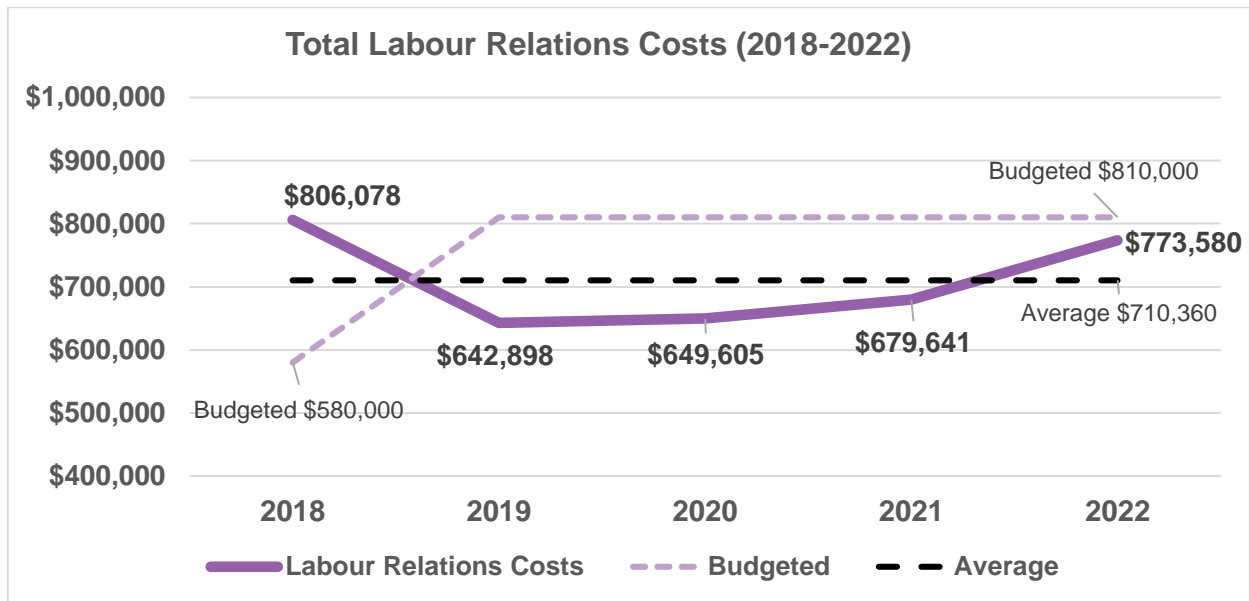
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Chart 9 – Summary of Total Legal Costs in 2021 and 2022

	Mediator Fees	Arbitrator Fees	Legal Fees	Total Labour Relations Costs
2022 Total	\$42,251	\$67,208	\$664,121	\$773,580
2021 Total	\$45,553	\$49,670	\$584,417	\$679,641
Difference	-\$3,302	\$17,537	\$79,704	\$93,939
Percent Change	-7.2%	35.3%	13.6%	13.8%

Graph 4 – Total Labour Relations Legal Costs (2018-2022)



Overall, there was an increase in grievance activity costs in 2022. As expected, the highest costs are associated with two of the City’s largest departments – Public Works and Healthy and Safe Communities. The increase in City Wide grievance activity costs is predominately due to COVID-19 Mandatory Vaccination Policy arbitration hearings that occurred in 2022.

Chart 10 – Grievance Activity Costs by Department

Department	Mediator Fees	Arbitrator Fees	Legal Fees	Total Cost	Percent of Total Cost
City Manager's Office	\$0	\$2,290	\$11,353	\$13,642	3.1%
Healthy & Safe Communities	\$13,293	\$38,618	\$169,124	\$221,035	50.5%
Public Works	\$26,383	\$15,793	\$41,019	\$83,196	19.0%
City Housing Hamilton	\$0	\$0	\$1,490	\$1,490	0.3%
Planning & Economic Development	\$1,079	\$0	\$253	\$1,332	0.3%
City Wide Grievances*	\$0	\$10,507	\$106,265	\$116,772	26.7%
Total (2022)	\$38,618	\$67,208	\$331,641	\$437,467	
Total (2021)	\$45,553	\$47,851	\$264,020	\$357,425	
Percent Change	-15.2%	40.5%	25.6%	22.4%	

**City Wide grievances are grievances that are not tied to a single department.*

In 2022, the non-grievance related activity remained relatively stable from the previous year. Chart 11 provides an overview of the total non-grievance labour relations legal fees. The total non-grievance labour relations legal costs increased by 4.3% in 2022, which was due to an increase in non-union employee relations matters.

Chart 11 – Non-Grievance Activity Costs

Description	Mediator Fees	Arbitrator Fees	Legal Fees	Total Cost	Percent of Total Cost
Cancellation Fees	\$1,496	\$0	\$0	\$1,496	0.4%
Interest Arbitration	\$0	\$0	\$3,016	\$3,016	0.9%
Non-Union Termination	\$0	\$0	\$12,917	\$12,917	3.8%
Human Rights Claims	\$0	\$0	\$55,117	\$55,117	16.4%
Legal Fees	\$0	\$0	\$263,566	\$263,566	78.4%
Total (2022)	\$1,496	\$0	\$334,617	\$336,113	
Total (2021)	\$0	\$1,819	\$320,397	\$322,216	
Percent Change	100.0%	-100.0%	4.4%	4.3%	

COVID-19 RELATED IMPACTS

Working together with union partners in responding to the multitude of COVID-19 challenges had a direct impact on the City’s grievance numbers. All stakeholders continue to work well together to resolve pandemic-related issues in a collaborative and efficient manner. During 2022, in-person meetings were reintroduced with the return to the office for most City employees. While this may represent the beginning of a return to the status quo, from an operational perspective, all stakeholders continue to make use of the technologies they became accustomed to throughout the pandemic. Specifically, virtual meeting usage did continue for most 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. Virtual technology has made meetings and hearings more efficient, expeditious, and affordable to the parties that appear before it. It is expected that continued use of these practices and technologies will be used where it is appropriate to do so.

COLLECTIVE BARGAINING

No new collective agreements were ratified in 2022. The OPSEU collective bargaining process remains ongoing with an interest arbitration hearing date in May 2023. Collective agreements for CUPE 5167 Inside/Outside, ATU 107, HPFFA 288, ONA 50 Public Health, CUPE 1041, and IUOE 772 expired in December 2022. Collective agreements for CUPE 5167 Lodges, ONA 50 Lodges, and CLAC 911 are set to expire in 2023. The 2023 bargaining year has commenced with both virtual and in-person collective bargaining meetings being scheduled.

Chart 12 – Collective Agreement Activity

Collective Agreement	Term	Status
CUPE 5167 Inside/Outside	January 1, 2019 – December 31, 2022	Negotiations Underway
ATU 107	January 1, 2019 – December 31, 2022	Negotiations Underway
HPFFA 288	January 1, 2018 – December 31, 2022	Negotiations Pending
ONA 50 Lodges	April 1, 2019 – March 31, 2023	Negotiations Pending
ONA 50 Public Health	January 1, 2019 – December 31, 2022	Negotiations Pending
CUPE 1041	January 1, 2019 – December 31, 2022	Negotiations Pending
IUOE 772	January 1, 2019 – December 31, 2022	Negotiations Pending
CUPE 5167 Lodges	April 1, 2019 – March 31, 2023	Negotiations Pending
CLAC 911	January 1, 2020 – December 31, 2023	Agreement Ratified 2021
OPSEU 256	April 1, 2016 – March 31, 2020	Awaiting Interest Arbitration
HOWEA	January 1, 2021 – December 31, 2024	Agreement Ratified 2021

CONCLUSION

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 trending with stability and, in many cases, decreases in varying grievance activity categories. A snapshot of the 2022 Labour Relations Activity can be reviewed in the infographic provided for in Appendix “B” to Report HUR23006. Through improved dialogue, 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.

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HUR23006- Additional Data

Appendix "B" to Report HUR23006 - Infographic

Appendix "C" to Report HUR23006 – Definitions Respecting Grievance Categories

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