




INFORMATION REPORT

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	September 4, 2024
SUBJECT/REPORT NO:	Labour Relations Activity Report & Analysis (2019-2023) (HUR24006) (City Wide)
WARD(S) AFFECTED:	City Wide
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SIGNATURE:	

COUNCIL DIRECTION

To provide Council with an overview of the City of Hamilton's labour relations activities for the period of January 1, 2019 through December 31, 2023.

INFORMATION

This Report focuses on a five-year historical review of the general labour relations activities across the City of Hamilton's bargaining units and departments from January 1, 2019 through December 31, 2023. This Report is intended to provide Council and other City stakeholders with an overview of the City's labour relations activities.

In addition, this Report provides a summary of the City's collective agreement status with the eleven bargaining units and an overview of collective bargaining activity in 2023 and 2024.

CITY UNIONIZATION OVERVIEW

The City of Hamilton has a highly unionized workforce with unionized employees representing approximately 77.6% of the City's overall workforce. Graph 1 below shows the percentage of the City's unionized workforce across the eleven bargaining units. CUPE Local 5167 Inside/Outside is the largest bargaining unit and accounts for approximately 48.6% of the City's overall unionized employees. In contrast, IUOE 772 is the smallest bargaining unit and accounts for approximately 0.1% of unionized employees at the City.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

Graph 1 – Unionized Employees by Bargaining Unit

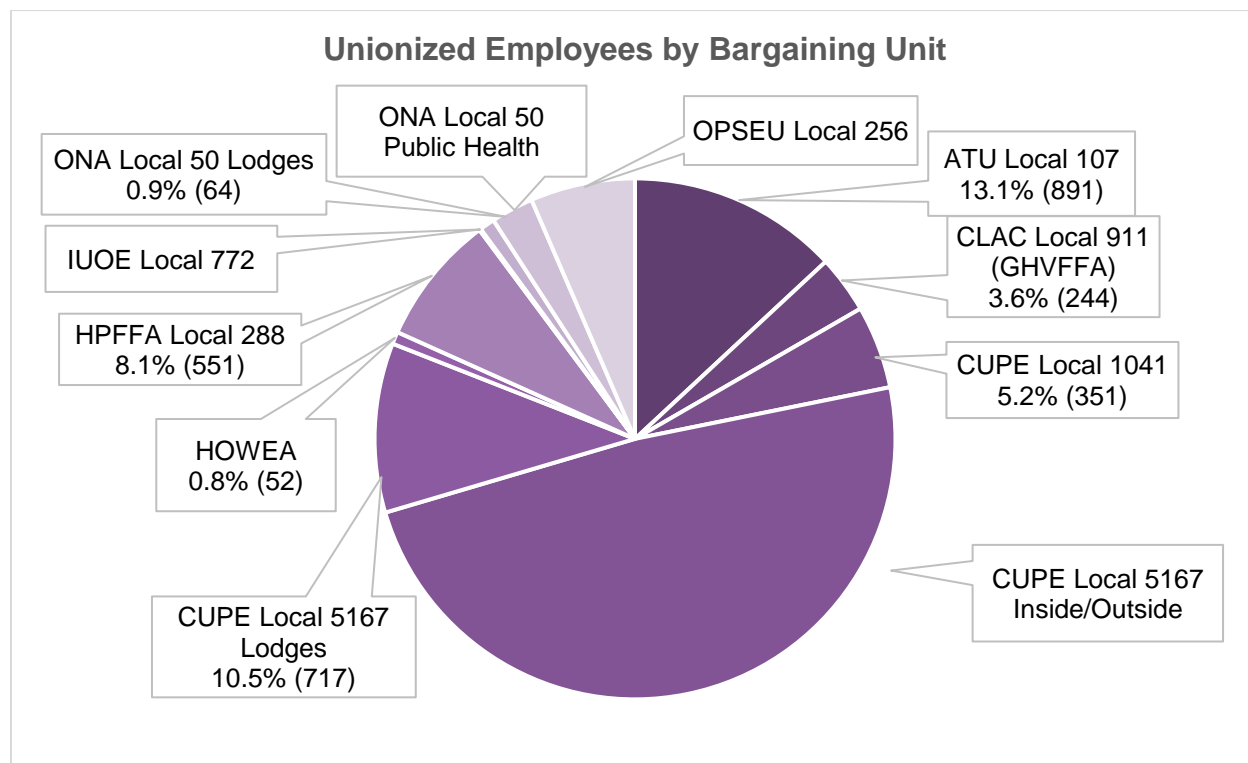


Chart 1 below provides an overview of the unionized head count by department at the end of 2023. The largest number of unionized employees are in the two of the City’s largest departments: Public Works and Healthy & Safe Communities.

Chart 1 - Unionized Head Count by Department

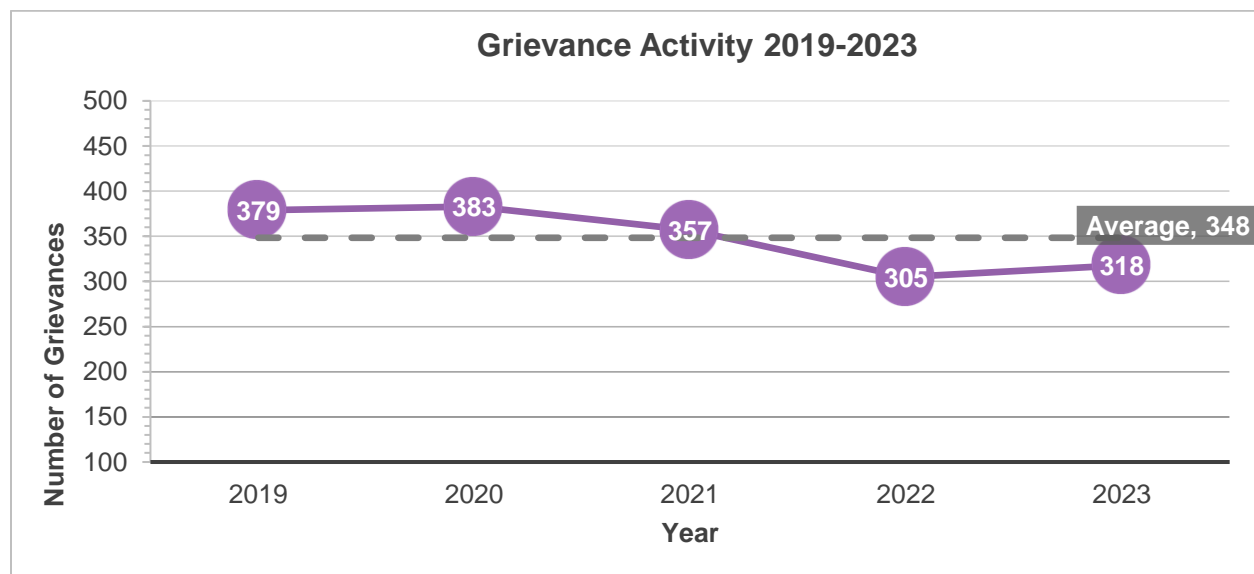
Department	Total Head Count	Unionized Head Count	Percent Unionized
City Manager's Office	143	3	2.1%
CityHousing Hamilton	217	115	53.0%
Corporate Services	564	282	50.0%
Healthy & Safe Communities	4484	3701	82.5%
Planning & Economic Development	928	509	54.8%
Public Works	2437	2201	90.3%
Total	8773	6811	77.6%

OVERALL GRIEVANCE ACTIVITY

The Report presents an analysis of grievance activity spanning the years 2019 through 2023. Grievances are an important communication tool which offer insights into potential areas of concern or opportunities for improvement within the organization. Over the five-year period, there have been minor fluctuations in the number of grievances filed. As shown in Graph 2 below, the total number of grievances filed in 2022 was the lowest at 305 and represents the lowest level of grievance submissions over the five-year period. While the total number of grievances filed in 2023 increase slightly by 4.3% to 318, it remains below the five-year average suggesting an overall downward trend.

While the number of grievances filed in any given year can be one general indicator of the state of labour relations, it is not the sole indicator of the labour-management relationship. Often, a collective bargaining year with contentious negotiations, unprecedented and high-profile events, may have an impact on statistics in any given year. Grievances filed in 2020 and 2021, as an example, are impacted by external influences such as the COVID-19 pandemic and the City's navigation through that unprecedented time. Grievances in 2023 and 2024 will reflect a period of active negotiations and the City navigating through a cyber security incident. The grievance process is one of the methods to resolve disputes regarding the terms and conditions of employment and workplace policies and processes. It also provides individual employees as well as union leaders, an opportunity to communicate concerns in a formal and structured manner outlined in their collective agreement. Analysis beyond a direct count of grievances is always necessary, and caution should be given to drawing too many conclusions.

Graph 2 – Total Grievance Activity 2019-2023



Grievance resolutions include those achieved in the grievance process, mediations, arbitrations, and grievances withdrawn by the bargaining unit. Chart 2 below shows the number of resolved grievances from those files in 2019 through 2023. Out of all the grievances filed in the five-year period, 74.8% of the grievances were resolved by the end of 2023. Those grievances that remain unresolved are generally either held in abeyance for a variety of reasons, or they are awaiting a hearing date in the future.

Chart 2 – Grievances Filed, Resolved, and Outstanding from 2019-2023

Year	Number of Grievances Filed	Number of Resolved Grievances	Number of Outstanding Grievances	Percent of Grievances Resolved
2019	379	341	38	90.0%
2020	383	336	47	87.7%
2021	357	292	65	81.8%
2022	305	193	114	63.3%
2023	318	141	177	44.3%
Total	1742	1303	441	74.8%

GRIEVANCE ACTIVITY BY BARGAINING UNIT

The grievance activity data by bargaining unit over the last five years can be found in Chart 3 below. Grievances filed by bargaining unit from 2019 to 2023 reveal fluctuating patterns across different groups. CUPE Local 5167 Inside/Outside bargaining unit showed some fluctuations over the five-year period; however, total grievances filed in the last three years were below the five-year average for this bargaining unit. As the largest bargaining unit at the City, the number of grievances submitted by CUPE Local 5167 Inside/Outside being below the 5-year average contributes to the overall downward trends in the last two years compared to earlier years in this reporting period. The stability of grievance submissions often reflects the effectiveness of the City's grievance handling process, the level of communication between parties, and concerted efforts of management to meet and discuss issues to proactively to resolve issues prior to the grievances being filed.

Chart 3 – Grievances Filed by Bargaining Unit in 2019-2023

Bargaining Unit	2019	2020	2021	2022	2023	Five-Year Average
ATU Local 107	46	28	45	44	42	41
CLAC Local 911 (GHVFFA)	0	0	1	1	0	0
CUPE Local 1041	32	41	33	21	23	30
CUPE Local 5167 Inside/Outside	192	228	173	132	168	179
CUPE Local 5167 Lodges	48	36	38	44	28	39
HOWEA	15	5	8	12	8	10
HPFFA Local 288 Fire	9	16	15	11	11	12
IUOE Local 772	0	0	0	0	0	0
ONA Local 50 Lodges	8	6	19	13	6	10
ONA Local 50 Public Health	1	6	4	3	1	3
OPSEU Local 256	28	17	21	24	31	24
Total	379	383	357	305	318	348

GRIEVANCE ACTIVITY BY DEPARTMENT

A further analysis of the state of labour-management relations is done through a review of grievance activity in the various City departments. Chart 4 provides an overview of grievances filed by department over the five-year reporting period. As expected, the largest number of grievances filed in 2023 occurred in the two of the City’s largest departments: Public Works and Healthy and Safe Communities. City Wide grievances are those that are not tied to a single department. For clarity, policy grievances that affect employees across multiple departments would be categorized as a City Wide grievance. When comparing 2022 and 2023, there was a decrease in City Wide grievances filed in 2023. This change is largely due to the amendments to the COVID-19 Mandatory Vaccination Verification Policy that occurred in 2022 causing more City Wide grievances related to the corporate policy to be filed in 2022. Overall, the grievance activity across the City’s departments provides a favourable outlook on the state of labour-management relations showing relatively stable grievance submissions over time by department.

Chart 4 – Grievance Activity by Department in 2018-2022

Department	2019	2020	2021	2022	2023	Five-Year Average
City Manager's Office	1	1	0	0	0	0
CityHousing Hamilton	9	4	4	2	3	4
Corporate Services	18	11	11	13	6	12
Healthy & Safe Communities	146	152	148	124	123	139
Planning & Economic Development	27	28	31	25	24	27
Public Works	176	182	156	131	161	161
City Wide*	2	5	7	10	1	5
Total	379	383	357	305	318	348

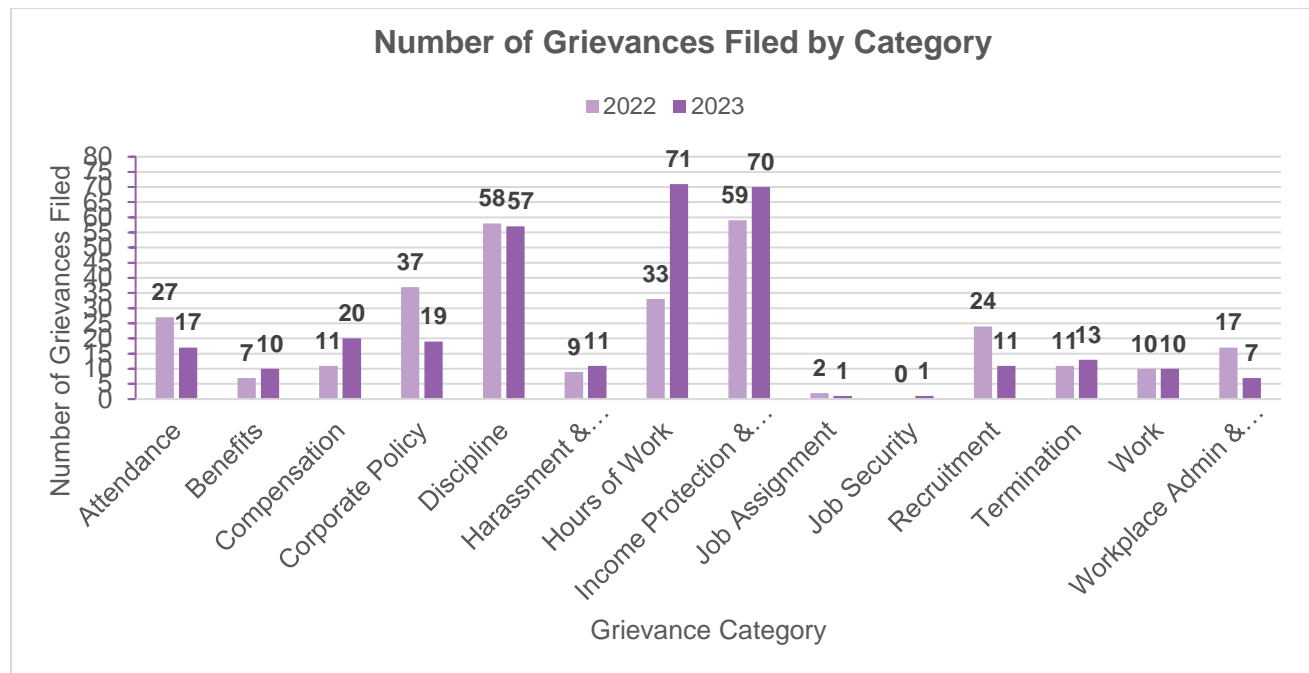
*City Wide grievances are grievances that are not tied to a single department.

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” of this Report. Graph 3 below compares the number of grievances filed by grievance category in 2022 and 2023. A few grievance categories consistently make the top five list year over year, including Hours of Work, Income Protection Plan and Return to Work (RTW), and Discipline. In 2023, the top five grievance categories were Hours of Work, Income Protection Plan and RTW, Discipline, Compensation, and Corporate Policy.

Overall, the number of grievances filed in each category remain relatively stable with only a few grievance categories experiencing notable change. The largest increase was observed in the Hours of Work category with an approximately 115% increase. Most of the hours of work grievances filed were related to overtime and shift schedule discrepancies at the operational level. Specifically, the City made operational changes to the way work is assigned between various classifications causing a spike in grievances. The parties have now settled this matter and resolved the issue going forward. In addition, the Compensation grievance category replaced the Attendance grievance category in the top five list in 2023 with compensation grievances increasing by approximately 82% (from 11 in 2022 to 20 grievances in 2023). The compensation grievances are about a variety of topics including but not limited to wages, premiums, allowances and job evaluation. Appendix “B” to this Report provides an overview of the number of grievances filed by grievance category for the five-year period from 2019 to 2023 in the top five grievance categories.

Graph 3 – Grievances Filed by Category 2022 and 2023



LABOUR RELATIONS LEGAL COSTS

In 2023, the total labour relations legal costs decreased by approximately 13% from the previous year. Reduced grievance activity and legal costs can be partially attributed to the largest bargaining units prioritizing their time to collective bargaining in 2023. Chart 5 below provides a summary of legal costs in 2022 compared to 2021. In 2022, the higher cost was predominately due to union and non-union COVID-19 Mandatory Vaccination Policy related disputes and hearings. In 2023, there were fewer arbitration hearings scheduled as many arbitrators are booking further out by one or two years due to limited availability. Although there have been fluctuations in the overall labour relations legal costs in the five-year period, the total cost remains below the budgeted amount (Graph 4).

Graph 4 – Total Labour Relations Legal Costs (2019-2023)

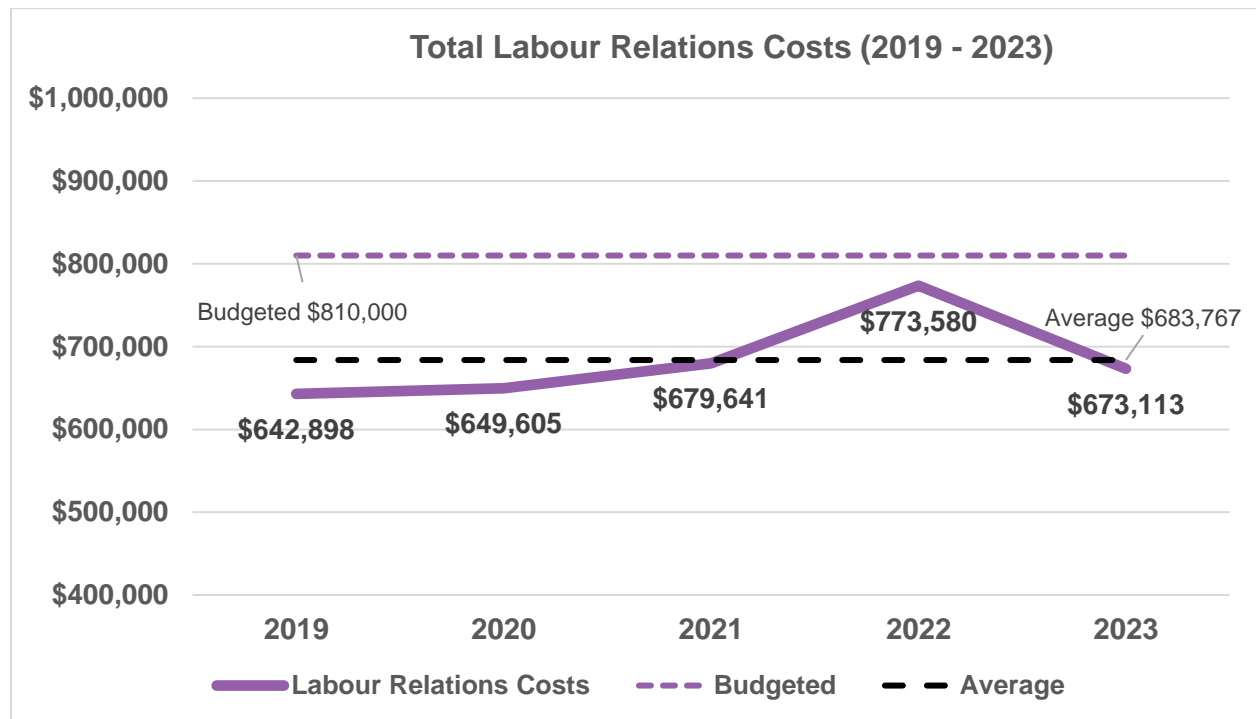


Chart 5 – Summary of Total Labour Relations Costs in 2023

Category	Mediator Fees	Arbitrator Fees	Legal Fees	Total Cost
Cancellation Fees	\$1,018	\$0	\$0	\$1,018
Interest Arbitration	\$0	\$9,127	\$29,255	\$38,382
Non-Union Termination	\$0	\$0	\$15,652	\$15,652
Human Rights Claims	\$0	\$0	\$115,053	\$115,053
Non-Grievance	\$3,744	\$0	\$231,939	\$235,683
Grievance Related	\$26,296	\$30,605	\$210,424	\$267,325
Total (2023)	\$31,057	\$39,733	\$602,323	\$673,113
<i>Total (2022)</i>	<i>\$40,114</i>	<i>\$67,208</i>	<i>\$666,258</i>	<i>\$773,580</i>
<i>Percent Change</i>	<i>-22.6%</i>	<i>-40.9%</i>	<i>-9.6%</i>	<i>-13.0%</i>

COLLECTIVE BARGAINING ACTIVITY

In 2023, the City began negotiations with several bargaining units to renew expiring collective agreements. Out of the eleven collective agreements that the City has with various unions/associations, eight were up for renewal in 2023. In addition, OPSEU Local 256 collective bargaining process that had commenced in 2020 proceeded to interest arbitration in 2023. The Labour Relations team, with the assistance of representatives from other operational and support departments, engaged in a total of 80 collective bargaining days with union representatives and one interest arbitration hearing in 2023. By the end of 2023, three collective agreements were renewed at various settlement stages (Chart 6). Collective bargaining continued into 2024, with a total of 25 collective bargaining days and two interest arbitration hearings taking place as of September 2024. At this time, six collective agreements have been renewed in 2024 (Chart 7) leaving three collective agreements outstanding for renewal (Chart 8). OPSEU 256 is reflected twice as their interest arbitration was for a preceding time period, with a 2024 expiration necessitating a renewal negotiation.

Chart 6 - Collective Agreements Renewed in 2023

Bargaining Unit	Collective Agreement Term	Status
ATU Local 107	January 1, 2023 to December 31, 2026	Ratified - 2023
CUPE Local 5167 Inside/Outside	January 1, 2023 to December 31, 2026	Ratified - 2023
OPSEU Local 256	April 1, 2020 to March 31, 2024	Interest Arbitration Award - 2023 & 2024

Chart 7 - Collective Agreements Renewed in 2024

Bargaining Unit	Collective Agreement Term	Status
CLAC Local 911 (GHVFFA)	January 1, 2024 to December 31, 2027	Ratified - 2024
CUPE Local 1041	January 1, 2023 to December 31, 2026	Ratified - 2024
CUPE Local 5167 Lodges	April 1, 2023 to March 31, 2027	Ratified - 2024
HPFFA Local 288 Fire	January 1, 2023 to December 31, 2026	Interest Arbitration Award - 2024
IUOE Local 772	January 1, 2023 to December 31, 2026	Ratified - 2024
ONA Local 50 Public Health	January 1, 2023 to December 31, 2026	Ratified - 2024

Chart 8 - Collective Agreements Outstanding

Bargaining Unit	Collective Agreement Term	Status
HOWEA	January 1, 2021 to December 31, 2024	<i>Negotiations Pending</i>
ONA Local 50 Lodges	April 1, 2019 to March 31, 2023	<i>Negotiations Underway</i>
OPSEU Local 256	April 1, 2020 to March 31, 2024	<i>Negotiations Pending</i>

CONCLUSION

The Labour Relations Activity Report and Analysis of the five-year period spanning from January 1, 2019 to December 31, 2023 provides an overview of the City of Hamilton's interactions with its eleven bargaining units. This period has seen concerted efforts in fair negotiation and grievance resolution to address challenges in a productive manner with consideration for cost efficiency and fairness to taxpayers. The City has demonstrated a commitment to maintaining effective labour relations by working collaboratively with its bargaining units and stakeholders, which is important for operational continuity and overall employee satisfaction on a City Wide basis.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HUR24006 – Definitions Respecting Grievance Categories
Appendix "B" to Report HUR24006 – Top Five Grievance Categories in 2023