

**CITY OF HAMILTON  
MOTION**

**Committee Date: August 12, 2013**

**MOVED BY COUNCILLOR J. PARTRIDGE.....**

**SECONDED BY COUNCILLOR .....**

**Bill 73 – Fair and Open Tendering Act**

Whereas on September 12, 2005, the Ontario Labour Relations Board (the “OLRB”) certified the United Brotherhood of Carpenters and Joiners of America, Local 18 (the “Carpenters Union”), as the bargaining agent for all construction carpentry work performed by or for the City of Hamilton (the “City”) meaning that all such work be performed by contractors that are signatory to the Carpenters Union Collective Agreement;

And Whereas this certification has had significant financial consequences to the City and has adversely affected the City’s ability to tender bids in an efficient manner;

And Whereas the OLRB treats municipalities as businesses for the purpose of its interpretation of the construction industry provisions in the *Ontario Labour Relations Act, 1995* (the “Act”) notwithstanding that municipalities are not businesses and have a different purpose and mandate from commercial enterprises;

And Whereas an amendment of the *Ontario Labour Relations Act, 1995* (the “Act”), to specifically exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act would ensure that municipalities are able to tender construction work in a fair and open competitive environment that would maximize value for construction expenditures;

And Whereas Bill 73, the *Fair and Open Tendering Act*, which was tabled and received First Reading at Queen’s Park on May 16, 2013, amends the Act to exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act and terminates existing collective agreements involving those public sector employers that were entered into for the purposes of those provisions of the Act;

And Whereas the effect of Bill 73 on the City, if it is passed, will be to bring to an end the City's existing obligations to the Carpenters Union such that the City's construction carpentry work will no longer be required to be performed by contractors who are a signatory to the Carpenters Union Collective Agreement. This would in turn allow all contractors the opportunity to participate in a fair and open competition for the City's construction projects.

Therefore Be It Resolved:

That the City of Hamilton fully supports any and all efforts to pass Bill 73, *the Fair and Open Tendering Act*, so that any collective bargaining obligations to the United Brotherhood of Carpenters and Joiners of America, Local 18 as it relates to the City of Hamilton construction projects would no longer apply.