



CITY OF HAMILTON

CORPORATE SERVICES DEPARTMENT
Financial Services Division
- and -
CITY MANAGER'S OFFICE
Human Resources Division

TO: Chair and Members Audit Finance and Administration Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: June 10, 2013	
SUBJECT/REPORT NO: Proposed Fair Wage Policy and Fair Wage Schedule (FCS12083(b))/HUR12015(b) (City Wide)	
SUBMITTED BY: Mike Zegarac Acting General Manager Finance & Corporate Services Department - and - Chris Murray City Manager City Manager's Office	PREPARED BY: Rick Male (905) 546-2424 ext. 4157 Lora Fontana (905) 546-2424 ext. 4091
SIGNATURE:	

RECOMMENDATION

That the Fair Wage Policy and Fair Wage Schedule, attached as Appendix 'A' to report FCS12083(b)/HUR12015(b) be approved.

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That the Fair Wage Schedule remain frozen for a three year period and that a report outlining options for increasing the Fair Wage Schedule be presented to the appropriate standing committee of Council in the first quarter of 2016 for consideration.

EXECUTIVE SUMMARY

The current Fair Wage Policy requires that the Fair Wage Policy and Fair Wage Schedule be reviewed, from time to time, and any proposed amendments to the Policy and Schedule be forwarded to Council for approval.

Report FCS12083/HUR12015 was presented at the November 12, 2012, meeting of the Audit Finance and Administration Committee (AF&A) and at the January 17, 2013, meeting of AF&A the report was referred back to staff for a new report to be presented at the March 25, 2013, meeting of AF&A.

Report FCS12083(a)/HUR12015(a,) was presented at the March 25, 2013 meeting of the Audit Finance and Administration Committee (AF&A). Delegations were received from the Hamilton-Brantford Ontario, Buildings and Construction Trades Council (HBBCTC), LIUNA Local 837, Municipal Solutions, the Christian Labourers Association of Canada (CLAC) and David McDonald. After hearing the delegations, staff was directed to meet with the delegates to discuss the new proposals presented and the following recommendations were approved:

- (a) That the presentation, respecting Report FCS12083(a)/HUR12015(a)– Proposed Fair Wage Policy and Fair Wage Schedule, be received.
- (b) That Report FCS12083(a)/HUR12015(a), respecting the Fair Wage Policy and the Fair Wage Schedule, be referred back to staff with the following direction:
 - (i) That staff be directed to meet with all representatives to discuss their new proposals; and,
 - (ii) That staff be directed to review and detail all options put forward by the delegates present at the March 25, 2013 Audit, Finance & Administration Committee and the subsequent meeting(s); and report back to the Audit, Finance and Administration Committee by June 24, 2013.

A meeting was held on May 22, 2013 with representatives of LIUNA Local 837, HBBCTC, CLAC, the Hamilton and District Heavy Construction Association (HAND) and Merit OpenShop Contractors Association of Ontario in attendance. The following changes to the Fair Wage Policy and Schedule were unanimously agreed to by all parties attending the May 22nd meeting:

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- Eliminate the reference in the Policy presented at the March 25th AF&A meeting that recognizes the wages and benefits contained in the respective collective agreements registered with the Ontario Minister of Labour.
- Amend the policy to incorporate the concept of “Total Hourly Compensation” which is a combination of hourly wages, employer paid benefits and vacation pay.
- Use the current 2009/10 Fair Wage Schedule as the basis for determining the “Total Hourly Compensation” Schedule and that these rates be frozen and reviewed after three years.
- Establish a minimum Audit fee of \$5,000 to be assessed in accordance with Section 10. of the Fair Wage Policy.
- Increase the Threshold Value of Construction Contracts so that the Fair Wage Policy will apply to Construction Contract of \$500,000 or greater.
- Reinstate the Ad Hoc Fair Wage Committee comprised City staff and industry representatives to discuss issues and provide a forum for consultation regarding issues related to the Fair Wage Policy and Fair Wage Schedule.

The Fair Wage Policy and Fair Wage Schedule attached to this report as Appendix ‘A’ have been revised to incorporate the agreed to changes.

Alternatives for Consideration – See Pages 6- 7.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: The Fair Wage Policy and Fair Wage Schedule attached to this report as Appendix ‘A’ and ‘B’ incorporate the freezing of the Fair Wage Schedule at the current 2009/10 rates. The Fair Wage Policy has also been changed to simplify the compliance audit aspects and reduce time spent by staff administering the policy.

As agreed at the May 22nd meeting, the wage schedules have been amended and will be reviewed after three years. The wage schedules have been changed to reflect a total hourly compensation amount. This is the total of the hourly wage, employer provided benefits and vacation. This accomplishes the objective of staff to simplify the compliance auditing of construction contracts. The current policy requires the City to conduct separate audits of vacation pay, hourly wage and employer paid benefits. If amounts paid to employees or employer paid benefits for any one of these audits were

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found to be insufficient, the contractor was required to top up the shortfall and could not use any excess provided in one of the other categories to offset the shortfall. In the previous Fair Wage Policy the hourly rate paid had to be equal to or greater than the rate in the Fair Wage Schedule, employer paid benefits or amount paid in lieu of benefits had to be worth at least 20% of the hourly wage and vacation had to be worth at least 4% of the hourly wage. By combining wages/employer paid benefits/vacation into a total hourly compensation amount the audit will be simplified and if a contractor chooses to pay a greater hourly wage, provide more costly employer paid benefits or provide more than the 4% vacation allowance, the excess cost will count as part of the total compensation package.

Staffing: The simplification of the Policy will reduce the amount of time staff spend administering the Policy.

Legal: None.

HISTORICAL BACKGROUND (Chronology of events)

Clerks undertook a search of City records to try to document the history of the Fair Wage Policy. The first reference to Fair Wage was in the Board of Control Report of November 28, 1967 - item 4 which makes mention of inserting a Fair Wage Clause into City contracts to stipulate the wages for bricklayers, masons and foremen. The next reference that could be found regarding Fair Wage Policy was section 15 of the Finance & Administration Committee Report dated September 28, 1993, which stated: "That the City of Hamilton adopt a Fair Wage Policy which would apply on all construction contracts with the City."

The Fair Wage Policy was updated in 1998 and wages remained unchanged until the Policy was revised in 2005. The Policy was next revised in 2008/2009 and the Fair Wage schedule was changed to reflect the Provincial ICI contracts ending May 2010 and Hand agreement ending December 31, 2011.

A survey of Ontario municipalities conducted in late 2012 revealed that, of the in excess of 440 municipalities in Ontario, only eight have a Fair Wage Policy.

The Federal and Ontario Provincial Governments also had Fair Wage legislation, however, the Federal Government passed Bill C-38 in the Spring of 2012 which repealed the Fair Wages and Hours of Labour Act (also known as the Fair Wages Act) and similarly, the Province of Ontario repealed the Provincial Fair Wage legislation in 2001.

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

The recommendations in this report affect the City's Fair Wage Policy and Fair Wage Schedule.

RELEVANT CONSULTATION

Several meetings have been held with representatives from the construction industry with the most recent meeting held on May 22, 2013. Attending the May 22nd meeting were representatives from HBBCTC, LIUNA Local 837, Merit OpenShop Contractors Association of Ontario and the Hamilton and District Heavy Construction Association (HAND).

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

The changes to the Fair Wage Policy streamline the administration of the Policy. Procurement staff have spent an estimated 200 hours, over the past year, dealing with auditors (internal and external), complainants and contractors on issues that arose on contracts being audited. The amount of time required for staff to administer the policy has grown significantly since Council last approved the policy in 2008 and continues to grow.

The proposed Fair Wage Schedule, attached as Appendix 'A' to report FCS2083(b)/HUR12015(b) has been amended to reflect "Total Hourly Compensation", based upon the wage schedules in the current Fair Wage Schedule. These rates were based on the rates in the provincially negotiated trade union agreements (ICI sector) and the Hamilton & District Heavy Construction Association (HAND) agreement. The "Total Hourly Compensation" rates are to be frozen and reviewed after 3 years.

The current Fair Wage Policy permits the City to require, where appropriate, contractors or sub-contractors, found to be non-compliant, to submit an accountant's report on future construction contracts. The proposed Fair Wage Policy has been amended to clarify that the City requires a licensed Public Accountant assurance report, acceptable to the City.

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The current Fair Wage Policy allows for the City to recover the cost of the investigation and audit process. A minimum fee (\$5,000) is being recommended to cover the cost of Procurement staff (not previously recovered) as well as the auditors. Such minimum fees have been established in other Fair Wage Policies throughout Ontario. The majority of compliance audits are usually fairly straight forward and would be assessed the minimum fee. More complex contracts may involve numerous sub-contractors and the use of sub-contractors by those sub-contractors. This increased complexity significantly increases the work and cost to complete the audit and in these cases the actual cost of the audit will be recovered.

The reinstatement of the Ad Hoc Fair Wage Committee will facilitate better communication and understanding of the issues related to construction and Fair Wage.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The following options were considered but are not being recommended.

Option – Eliminate the Fair Wage Policy

The City could consider eliminating the Fair Wage Policy and allow for a procurement process that relies entirely on competitive wages within the Construction Industry. In this regard, the Ontario Government provides for fair and consistent laws relevant to wages, benefits and other working conditions within various industries, including the Construction Industry. These legislative requirements adequately address the social and economic needs of workers throughout Ontario, including various labour policies and wage legislation.

Similar to the recent repeal of the Fair Wages and Hours of Labour Act (also known as the Fair Wage Act) by the Federal Government, through Bill C-38 in the Spring of 2012, the City could take the view that mandating minimum wages within the construction industry is unnecessary and arguably creates an increased financial burden on the City's taxpayers. While the Federal Fair Wages Act was originally intended to regulate the wages and hours of labour for construction workers engaged in projects funded by the Government of Canada, today, there are a host of legislative measures in place to enhance and protect working conditions, employment standards, labour relations and wages and hours of labour. The Fair Wages Act was considered to be outdated, created unnecessary administrative costs for government and the construction industry, and significantly increased the burden on Canadian taxpayers. These arguments could also be applied to the City's Fair Wage Policy.

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There are in excess of 440 municipalities in Ontario and only Toronto, London, Greater Sudbury, Oshawa, Thunder Bay, Pickering, Clarington and Hamilton have a Fair Wage Policy. In September, 2012, The Regional Municipality of Durham Council accepted a staff recommendation not to proceed with a Fair Wage Policy. In this case, the Report recommended against proceeding with such Policy citing additional administrative processes, as well as, additional costs without taxpayer benefit as considerations for not adopting the Policy.

Currently, the City's open and competitive procurement process allows for competent and reputable contractors to bid on City contracts, irrespective of affiliation. The elimination of the Fair Wage Policy would have little or no impact on the quality of work performed while ensuring a level playing field for competent and reputable contractors within the Industry.

The Fair Wage Policy arguably imposes higher wages on construction related contracts which ultimately results in higher costs for such projects. The elimination of the Fair Wage Policy would have no impact on the quality of work for construction projects and more importantly, it would also arguably result in lesser costs to the taxpayer.

Option – Approve the policy amendments contained in report FCS12083(a)/HUR12015(a) which recognize the Wage and Benefit Provisions in Collective Agreements registered with the Ontario Ministry of Labour.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

Strategic Objective

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.
- 2.4 Ensure City Contractors pay their employees a fair wage

APPENDICES / SCHEDULES

Appendix "A" to Report FCS12083(b)/HUR12015(b) – Fair Wage Policy and Fair Wage Schedule



Hamilton

City of Hamilton

Fair Wage Policy and Fair Wage Schedule

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1. POLICY STATEMENT

Every Contractor and Sub-Contractor shall compensate their Employees in accordance with the Fair Wage Policy and Fair Wage Schedule on all Construction Contracts with the City. The compensation requirements as set out in the Fair Wage Policy and Fair Wage Schedule are minimum requirements.

2. INTERPRETATION

In this Fair Wage Policy and Fair Wage Schedule:

- (a) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;
- (b) the provisions shall be read with changes of gender or number as the context may require;
- (c) a reference to any Act, by-law, rule, procedure or regulation shall be deemed to include a reference to any substitution or amendment thereof;
- (d) any reference to an officer of the City shall be construed to mean the person holding that office, the designate or delegate of that person.

3. DEFINITIONS

Capitalized words and phrases used in this Fair Wage Policy and Fair Wage Schedule shall have the following meanings, unless expressly stated otherwise.

“Benefits” includes employer contributions to such items as a pension plan, Registered Retirement Savings Plan (RRSP), medical plan bonus, retention pay or the like and vacation;

“City Council” means the Council of the City of Hamilton;

“City” means the City of Hamilton, its officers, officials, employees and agents;

“Construction Contract” means any construction work awarded to a Contractor of a minimum of \$500,000.00 excluding residential sectors;

“Contractor” means any person having a Construction Contract with the City but does not include any person that only supplies materials for the Construction Contract;

"Employees" mean those persons employed by the Contractor or Sub-Contractor who perform work identified in the Fair Wage Schedule, for a Construction Contract with the City;

"Fair Wage Policy" means the Fair Wage Policy approved by Council, as amended from time to time;

"Fair Wage Schedule" means the Fair Wage Schedule approved by Council, as amended from time to time. The Fair Wage Schedule stipulates the Total Hourly Compensation for Employees;

"Hours of Work" means the regular hours of work per day and week and shall include a provision for the payment of overtime beyond such regular hours, as per the *Employment Standards Act, 2000, S.O. 2000, c.41*;

"Sub-Contractor" means any person performing work on a City Construction Contract for a Contractor, or an agreement with another Sub-Contractor, but does not include any person that only supplies materials for the Construction Contract;

"Total Hourly Compensation" means the aggregate amount of Wages and Benefits as stated in the Fair Wage Schedule;

"Wages" means the Employees basic hourly rate, which is paid as earned at the time of undertaking the work.

4. CITY RESPONSIBILITIES

- 4.1 The Director of Financial Services shall periodically review the Fair Wage Policy and recommend to the appropriate standing committee of Council any required amendments to the Fair Wage Policy.
- 4.2 The Director of Employee & Labour Relations will prepare and review the Fair Wage Schedule from time to time and recommend to the appropriate Standing Committee of Council those amendments to the Fair Wage Schedule.
- 4.3 The Procurement Manager shall reference the Fair Wage Policy and Fair Wage Schedule in all City Construction Contracts. The City's Procurement website will post the *Fair Wage Policy and Fair Wage Schedule* and *Fair Wage Complaint Form* at hamilton.ca/procurement.
- 4.4 The Procurement Manager will co-ordinate the preparation of an annual report for the appropriate Standing Committee of Council regarding complaints investigated and resulting audits performed pursuant to the Fair Wage Policy and Fair Wage Schedule.
- 4.5 The City shall address a written objection to the administration of the Fair Wage Policy and Fair Wage Schedule.

4.6 The City is not in any way liable, obligated or responsible to any Employee, Sub-Contractor, Contractor or any other person for the payment of any monies not paid by a Contractor or Sub-Contractor in accordance with the Fair Wage Policy and Fair Wage Schedule, and the City assumes no responsibility to such Employee, Sub-Contractor, Contractor or any other person for the administration and enforcement of the Fair Wage Policy and Fair Wage Schedule.

5. AD HOC FAIR WAGE COMMITTEE

5.1 The City shall participate in an ad hoc Fair Wage Committee to discuss issues, and provide a forum for consultation regarding issues related to the Fair Wage Policy and Fair Wage Schedule.

5.2 The Committee shall meet on an as required basis.

5.3 The Committee, as determined by the City, shall be comprised, as a minimum, of the following members:

- a. Director of Financial Services or designate,
- b. Director of Employee & Labour Relations or designate,
- c. A representative from:
Hamilton & District Heavy Construction Association,
Hamilton-Brantford Ontario, Building and Construction Trades Council,
Labourers' International Union of North America,
Christian Labour Association of Canada, and
Merit OpenShop Contractors Association of Ontario.

6. CONTRACTOR AND SUB-CONTRACTOR RESPONSIBILITIES

6.1 A Contractor shall ultimately be responsible for any violations or non-compliance of Sub-Contractors on its City Construction Contracts.

6.2 A Contractor is fully responsible for ensuring that all Sub-Contractors comply with the Fair Wage Policy and Fair Wage Schedule.

6.3 The Contractor or Sub-Contractor shall not be responsible for any increase to the Fair Wage Schedule which occurs after the closing of the Request for Tenders or Request for Proposals for the City Construction Contract awarded to the Contractor.

6.4 At the commencement of the work, the Contractor shall post a copy of the Fair Wage Policy and Fair Wage Schedule in a prominent location at the City Construction Contract site to enable Employees of the Contractor and Sub-Contractor to review. Alternate methods shall be agreed in writing by the Procurement Manager.

- 6.5 After substantial performance (as defined in the Construction Lien Act, R.S.O. 1990, c. C.30) of the Construction Contract and prior to release of the holdback, for all Construction Contracts with the City, the Contractor shall provide to the City, in a form acceptable to the City, a statutory declaration confirming that the Contractor and its Sub-Contractors complied with the Fair Wage Policy and Fair Wage Schedule. The City reserves the right to not release part or all of the holdback on a Construction Contract until such Contractor's sworn statement of compliance is received and deemed to be satisfactory by the City.

7. COMPLIANCE

A Contractor or Sub-Contractors shall be in compliance with the Fair Wage Policy and Fair Wage Schedule when the Employee receives a minimum compensation package that includes Wages and Benefits, which aggregate amount is not less than the Total Hourly Compensation as set out in the Fair Wage Schedule.

8. RECORDS

- 8.1 a. The Contractor and Sub-Contractor shall keep records of the names, addresses, Wages, Benefits, vacation paid or provided, and hours worked for all of its Employees to demonstrate compliance with the Fair Wage Policy and Fair Wage Schedule.
- b. The Contractor and Sub-Contractor shall make these records available for inspection upon request by the City.
- 8.2 In any agreement with a Sub-Contractor, the Contractor shall require the Sub-Contractor to:
- a. provide written acknowledgment that the Fair Wage Policy and Fair Wage Schedule applies;
- b. keep records of the names, addresses, Wages, Benefits, vacation paid or provided, and hours worked for all of its Employees to demonstrate compliance with the Fair Wage Policy and Fair Wage Schedule; and
- c. make these records available for inspection upon request by the City.
- 8.3 If a Contractor or Sub-Contractor enters into a contract for service with a self-employed independent contractor to perform work identified in the Fair Wage Schedule, the Contractor or Sub-Contractor shall keep the following records to demonstrate that the self-employed independent contractor is not an Employee of the Contractor or Sub-Contractor:
- a. duties and responsibilities of both parties;
- b. self-employed independent contractor invoices;

- c. self-employed independent contractor HST registration number;
- d. self-employed independent contractor Workplace Safety and Insurance Board and insurance certificates; and
- e. self-employed independent contractor trade certificates or licences which relate to the Construction Contract.

Should there be concerns regarding the self-employed independent contractor's degree of dependency from the Contractor or Sub-Contractor, further records shall be made available to demonstrate that an employer-employee relationship does not exist between the Contractor or Sub-Contractor and a self-employed independent contractor. The guideline issued by Canada Revenue Agency RC4110 "Employee or Self-Employed" may be used to assist in making a final determination.

9. INSPECTION AND AUDITS

The City retains the right to inspect and audit the records of the Contractor or Sub-Contractor (as referred to in Section 8. Records) at any time during the period of the Construction Contract and at any time thereafter as deemed by the City.

10. CONSEQUENCES OF NON-COMPLIANCE

10.1 Upon determining that a Contractor or Sub-Contractor is non-compliant with the Fair Wage Policy and Fair Wage Schedule, the Procurement Manager:

- a. shall advise the Contractor, in writing, that it has been determined that the Contractor or Sub-Contractor is non-compliant and that the Contractor or Sub-Contractor is required to rectify the non-compliance(s) and provide written proof of the same, in a form satisfactory to the City, within ten business days;

and

- b. may withhold making payment, progress payment or release of holdback to the Contractor in an amount which is equal to the shortfall in Wages or Benefits, or may take any other remedies that are otherwise available at law or in equity.

and

- c. shall impose upon the Contractor a minimum cost of \$5,000.00 for the City inspection, audit or other action as deemed necessary by the City, and may deduct such costs from any payment or payments (as appropriate) owed by the City to the Contractor, or may take any other remedies that are otherwise available at law or in equity. In addition, the Contractor shall be responsible for all the City's costs beyond the minimum cost of \$5,000.00, which will be payable immediately upon request.

10.2 Where a Contractor or Sub-Contractor has been determined to be non-compliant with the Fair Wage Policy and Fair Wage Schedule for the first time in a five year period, the Procurement Manager may require the Contractor to pay for and submit a licensed Public Accountant assurance report, acceptable to the City, which verifies compliance with the Fair Wage Policy and Fair Wage Schedule on the next three City Construction Contracts to which the Contractor is awarded. Such assurance report shall provide sufficient information and detail to demonstrate compliance with the Fair Wage Policy and Fair Wage Schedule and shall be submitted after substantial performance (as defined in the *Construction Lien Act*, R.S.O. 1990, c. C.30) of the Construction Contract and prior to the release of the holdback. The City reserves the right to not release part or all of the holdback on a Construction Contract until such assurance report is received and deemed to be satisfactory by the City.

The City reserves the right to treat a first non-compliance as a second or subsequent non-compliance.

10.3 Where a Contractor or Sub-Contractor has been determined to be non-compliant with the Fair Wage Policy and Fair Wage Schedule for a second or subsequent time within a five year period from the date of the first determination of non-compliance by the Procurement Manager. The City, as approved by City Council, may refuse to accept any bid, quotation or proposal from such Contractor or Sub-Contractor on any City contracts, for a period of two years from the date of City Council approval, save and except any Construction Contract the Contractor may currently have with the City.

10.4 If the Contractor or Sub-Contractor fails to keep accurate records, the Contractor or Sub-Contractor will pay a licensed Public Accountant to provide an assurance report, acceptable to the City, which clearly demonstrates compliance with the Fair Wage Policy and Fair Wage Schedule.

11. COMPLAINTS

11.1 Any person may submit a complaint to the City, alleging non-compliance with the Fair Wage Policy and Fair Wage Schedule, by any Contractor or Sub-Contractor performing construction work on a City Construction Contract. All complaints must be submitted in writing. The *Fair Wage Complaint Form* may be completed for this purpose.

11.2 The complaint may be initiated at any time during the Construction Contract but shall be received by the City no later than 21 calendar days following substantial performance of the related Construction Contract.

11.3 Upon receipt of a complaint, the Procurement Manager will conduct an initial review of the complaint submitted and advise the initiator of the complaint of the investigation fee and what the likely cost of the investigation will be. The minimum cost of an investigation will be \$5,000.00. The City, at its discretion, may waive the cost of an investigation if an Employee is the initiator of the complaint.

- 11.4 The initiator shall confirm to the City whether or not they would like to proceed with the complaint.
- 11.5 The City shall take such action as it deems is necessary to determine whether the Contractor or Sub-Contractor involved or named in the complaint is compliant with the Fair Wage Policy and Fair Wage Schedule. Any action deemed necessary by the City shall be responded to within 30 calendar days of receipt of a completed *Fair Wage Complaint Form* submitted to the Procurement Manager.
- 11.6 The Procurement Manager shall inform the initiator and any Contractor or Sub-Contractor involved or named in the complaint, of the City's determination of the Contractor's or Sub-Contractor's compliance or non-compliance with the Fair Wage Policy and Fair Wage Schedule.
- 11.7 Whenever a complaint is initiated by a person other than an individual Employee of the Contractor or Sub-Contractor involved or named in the complaint, and said Contractor or Sub-Contractor is found to be compliant with the Fair Wage Policy and Fair Wage Schedule, with respect to the complaint, the costs associated with the inspections, audits or other action deemed necessary regarding the investigation of the complaint will be borne solely by the initiator.
- 11.8 The City shall make every effort to safeguard the confidentiality of each initiator's identity. However, this information is subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56. For greater certainty and direction regarding how such issues of confidentiality will be handled and may affect an initiator's rights, the initiator should reference the City's policies related to Freedom of Information on the City's website under the Office of the City Clerk at hamilton.ca.

12. APPEALS PROCESS

- 12.1 The City recognizes that mistakes and misunderstandings may occur; Contractors, Sub-Contractors or complainants may feel aggrieved and may seek to dispute the outcome of a Fair Wage complaint process. If anyone wishes to appeal the outcome of a Fair Wage complaint, they shall write to the Procurement Manager within five business days of being notified of the Fair Wage complaint outcome and provide a detailed statement outlining the grounds of the appeal and request a meeting with the Procurement Manager.
- 12.2 If no resolution satisfactory to both parties has been achieved, the Contractor, Sub-Contractor or complainant will have three business days from the date of the meeting with the Procurement Manager to make a formal written request with the Procurement Manager to meet with the General Manager of the Client Department issuing the Construction Contract and the General Manager of Finance and Corporate Services regarding their complaint. The General Managers will make the final decision regarding the outcome of the Fair Wage complaint process.

Fair Wage Schedule

Road Work:

Work performed	Total Hourly Compensation
Shovels, backhoes, draglines, gradalls, clams (on site), Grader "A", fine grade bulldozer, Pitman type cranes, self-erecting tower cranes	\$39.54
Clams (yard operation), mechanics, welders	\$38.58
Hydra-lift truck mounted hydraulic cranes	\$38.34
Curb machine, self-propelled power drills, hydraulic, etc. bulldozer operators, all front end loader operators, scrapers (self-propelled), dozer 815 type, off highway vehicles and concrete paver, pulverizer and asphalt planer	\$38.18
Mixer man on asphalt plant	\$38.10
Engineers on boilers (with papers), asphalt spreader (self-propelled), asphalt roller	\$38.04
Farm and industrial type tractor operators with excavating attachments, grader operator B', snippers, hydro axe and tree farmer, feller buncher, hydro shear, trenching machines, caisson boring machines under 25 H.P., lubrication unit operator, skid steer loaders, Kabota skid steer loaders, Kabota bobcat type excavators and those less than 65 H.P. and similar types, skidder type equipment with hydraulic and cable attachments	\$37.86
Boiler fireman (without papers), burnerman on asphalt plant	\$37.38
Roller Operator (asphalt) 'B', mobile sweeper	\$37.02
Farm and industrial type tractor, (towed and self-propelled compaction units), grade rollerman, including self-propelled rubber tired rollers, hydro-vac truck	\$36.72

Road Work, Open Cut Work for Sewer and Watermain Construction:

Work performed	Total Hourly Compensation
Engineers operating Cranes with a manufacturer's rating of 70 tons capacity and over, self-erecting tower cranes.	\$36.44
Engineers operating crawler cranes, mobile cranes, piledrivers, caisson boring machines and working foreman.	\$35.33
Engineers operating crawler backhoes, gradalls, Pitman type cranes, graders, mechanics and welders, articulating Hydraulic Crane (Knuckleboom). Asphalt plant operator. Self-propelled hydraulic drills.	\$34.09
Engineers operating bulldozers, frontend loaders, industrial tractors with backhoe and all other attachments, crawler tractors, crawler tractor and scraper, self-propelled scrapers, sideboom, Concrete Paver, Asphalt Planer, asphalt spreaders, curb machines, asphalt roller. Dozer 815 type and boom trucks. Dump truck drivers. Float, Flatbed Drivers, Off highway vehicles.	\$33.72
Engineers operating bobcat, skid steer, all frontend loader with all attachments, Kubota type backhoe with all attachments, trenchers, hydro-vac truck.	\$31.91
Engineers operating self-propelled roller, packer - rubber tired, sheepsfoot on grade or backfill, farm tractor, pump 6" and over.	\$29.40

Open Cut Work for Sewer and Watermain Construction:

Work performed	Total Hourly Compensation
Engineer operating cranes, self-erecting tower cranes, caisson boring machines 25 H.P. and over, sidebooms cranes, clams, backhoes, derricks, pile-drivers, gradalls, mobile and similar equipment, Pitman type cranes. Grader operator 'A' and fine grade bulldozer operator.	\$41.65
Heavy duty field mechanics and equipment repair welders.	\$40.35
Hydra-Lift truck mounted hydraulic cranes.	\$40.30
Operators of bulldozers, tractors, scrapers, emcos, grader "B", all front-end loaders and similar equipment, farm and industrial tractors with excavating attachments, trenching machines, caisson boring machines under 25 h.p., snippers, hydro axe and tree farmer, feller buncher, hydro shear, lubrication unit operator, skid steer loaders, Kabota skid steer loaders, Kabota Bobcat type excavators and those less than 65 h.p. and similar types, skidder type equipment with hydraulic and cable attachments, curb machines and self-propelled power drills, hydraulic, etc., off highway vehicles.	\$40.23
Service men on shovels, compressors, pumps, self propelled rollers, boom truck drivers, operators of 5 or more heaters.	\$38.85
Oilers, greasers, mechanics helpers hydro-vac truck - 3rd year.	\$38.35
Oilers, greasers, mechanics helpers hydro-vac truck - 2nd year.	\$37.11
Oilers, greasers, mechanics helpers hydro-vac truck - 1st year.	\$35.87

Labourers - Sewer Watermain, Roads Building Paving, Parking Lots, Bridge Rehab:

Work performed	Total Hourly Compensation
Labourer	\$35.24
Skilled Labourer	\$35.77
Crawler Type Drillman, Powderman	\$38.50
Catch Basin Constructors	\$36.52
Asphalt Raker, Pipelayers, Trenchless Tech. Carpenters, Cement Finishers	\$37.16
Man Hole Valve Chamber Constructors	\$36.95
Rodman Reinforcing Installers, Curb-setters, Bricksetters, Stonepaving	\$36.21
Working Foreman	\$38.69
Watchman Six Shifts Per Week, (10) hours per shift (Weekly)	\$18.93
Traffic Control Person	\$32.29

Labourers - Bridge Building, Underpasses, Overpasses, Pedestrian retaining walls connected with dams etc.:

Work performed	Total Hourly Compensation
Labourer	\$36.03
Skilled Labourer	\$36.58
Powderman, Crawler Type Driller	\$38.87
Carpenters	\$37.97
Rodman	\$37.32
Concrete Finisher	\$37.72
Piling Driving (All types Operation)	\$36.70
Working Foreman	\$39.49
Watchman Six Shifts Per Week, (10) hours per shift (Weekly)	\$18.93
Traffic Control Person	\$31.68

Labourers - Mining and Tunneling Operation:

Work performed	Total Hourly Compensation
Labourer	\$36.48
Underground Labourer, Pipelayer, Reinforced Concrete Worker, Skilled	\$37.20
Concrete Leader	\$37.51
Pumpman (3" Disc. and Under), Deck Man, Pit Bottom Man, Signal Man	\$36.83
Pile Driving all types and all Operations related thereto	\$37.63
Mucker and Miner Helper, Grout Machine Man, Diamond Drill, Welder	\$37.82
Shield Driver and Mole Driver, Lead Miner	\$38.13
Powderman	\$38.19
Fence Erector	\$38.07
Working Foreman	\$38.50
Watchman and Dryman	\$35.84

Building and Construction Work:

Work performed	Total Hourly Compensation
Engineers operating: cranes with a manufacturers rating of 200 ton capacity and over.	\$43.20
Engineers operating: cranes with a manufacturers rating of 100 to 199 ton capacity, skyway, climbing, G.C.I. hammerhead and kangaroo type cranes.	\$42.63
Engineers operating: all conventional and "hydraulic" type cranes, save and except those set' out in Article 1.1 above, 15 ton capacity and over boom truck, clams, shovels, gradalls, backhoes, draglines, piledrivers, all power derricks, gantry cranes, caisson boring machines (over 25 HP), and similar drill rigs, mine hoists, and all similar equipment working on land or water, overhead cranes, chimney hoists, multiple drum hoists, single drum hoists (over 12 stories), single drum hoists of manual friction and brake type, and all similar equipment, dredges - suction and dipper, hydraulic jacking equipment on vertical slip forms, hydraulic jacking poles, creter cranes, and hydraulic skoopers. heavy duty mechanics, qualified welders and 2nd Class Stationary Engineers and self-propelled hydraulic drills. Self-erecting cranes 15 ton capacity and over. Carry Deck cranes 15 ton capacity and over.	\$41.71
Pitman type cranes of 10 ton capacity and over. Self-erecting cranes 10 ton capacity and over. Carry Deck cranes 10 ton capacity and over.	\$41.12
Operators of: air tuggers used for installation of vessels, tanks, machinery, and for steel erection; side booms on land or water; man and material hoist and single drum hoists 12 stories and under not of a manual friction and brake type; elevators, monorails, bullmoose type equipment of 5 ton capacity or over, air compressor feeding low pressure into air locks, tunnel mole. 3rd Class Stationary Engineer. Self-erecting cranes less than 10 ton capacity. Carry Deck cranes less than 10 ton capacity.	\$40.52
Operators of: bulldozers (including 815 type), tractors, scrapers, graders, emcos, overhead and front-end loaders, side loaders, industrial tractors with excavating attachments, trenching machines, and all similar equipment, mobile concrete pumps, Pitman type cranes under 10 ton capacity, mobile pressure grease units, mucking machines, hydraulically operated utility pole hole digger, and Dinky locomotive type engines. 4th Class Stationary Engineers. Kubota Type Backhoe and Skid Steer Loader.	\$40.32
Operators of: batching and crushing plants, 6" discharge pumps and over, wellpoint systems and all similar systems, concrete mixers of 1 cubic yard and over, gas, diesel, or steam driven generators over 50 HP (portable), fork lifts over 8' lifting height, air tuggers except those in Group 1.3, caisson boring machines (25 HP and under), drill rigs, post hole diggers, portable air compressors 150 CFM and over, and concrete pumps. Signalman.	\$37.42
Operators of: boom trucks, "A" Frames, driver mounted compaction units, bullmoose type equipment under 5 ton capacity, fork lifts 8' and under in lifting height and conveyors. Firemen. Permanent automatically controlled elevators on Commercial and Institutional buildings.	\$36.18

Building and Construction Work: (continued)

Work performed	Total Hourly Compensation
Operators of: Pumps under 6" discharge where three (3) or more pumps are employed on the same job site, hydraulic jacking equipment for underground operations, portable air compressors under 150 CFM where attendant is required, and driver mounted power sweepers. Attendants for forced air, gas, or oil burning temporary heating units of 500,000 BTU's or over per hour, or, five (5) or more on the same job site, oilers, oiler-drivers, and mechanics helpers.	\$34.71
2nd Year	\$32.53
1st Year	\$29.88
Engineers operating: draglines, cranes including but not limited to Self-erecting Cranes and Carry Deck Cranes. Heavy Duty Mechanics.	\$40.10
Engineers operating: shovels, backhoes, hoptoes, gradalls and similar equipment, whip hammer, power mounted drill.	\$39.31
Welders.	\$39.72
Operators of: bulldozers (including 815 type), tractors, scrapers, emcos, graders, overhead loaders, front-end loaders, industrial tractors with excavating attachments, compressor operators. Kubota Type Backhoe and Skid Steer Loader.	\$38.48
Mechanic's helpers and Servicemen.	\$36.23
Oiler-Grademen and Oiler-Drivers.	\$35.66
Compactors.	\$35.77

Tunnel Work:

Work performed	Total Hourly Compensation
Engineer operating all hoists hoisting materials out of shafts, tuggers, and derricks with lifting capacity over 2000 lbs, self-erecting tower cranes, compressor house set up man, self propelled power drills, hydraulic etc.	\$41.60
Heavy duty field mechanics.	\$40.61
Engineer operating shaft hoist, tuggers and derricks, 2000 lbs or less, compressor operators 500 CFM or over, hydro-vac truck.	\$40.49

Marble, Tile, Terrazzo, Cement Masons, Resilient Floor Layers and Their Helpers:

Work performed	Total Hourly Compensation
Marble Mason	\$43.03
Terrazzo Tile Mechanic	\$42.83
Base Machine Operator	\$41.49
Terrazzo Helper	\$41.19
Marble Tile Helper	\$41.09

Bricklayers, Masons, and Plasterers:

Work performed	Total Hourly Compensation
Bricklayers, Masons, and Plasterers	\$41.27
Apprentice 1	\$20.63
Apprentice 2	\$26.82
Apprentice 3	\$33.01
Apprentice 4	\$37.14

Glaziers:

Work performed	Total Hourly Compensation
Journeyman Glazier Metal Mechanic with Certificate of Qualifications	\$37.98
Apprentice 1	\$19.00
Apprentice 2	\$20.89
Apprentice 3	\$22.79
Apprentice 4	\$24.69
Apprentice 5	\$26.59
Apprentice 6	\$28.48
Apprentice 7	\$30.38
Apprentice 8	\$32.29

Elevator Constructors:

Work performed	Total Hourly Compensation
Elevator Mechanic	\$53.68
Probationary Helper I	\$29.52
Probationary Helper II	\$32.20
Helper I	\$37.57
Helper II	\$40.26
Improver Helper	\$42.94
Adjuster	\$60.39
Mechanic in charge (4-9) people	\$60.39
Mechanic in charge (10-19) people	\$61.73
Mechanic in charge (20+) people	\$62.81

Heat and Frost Insulators (Asbestos):

Work performed	Total Hourly Compensation
Mechanic	\$43.92
Fourth Year Apprentice	\$34.41
Third Year Apprentice	\$29.39
Second Year Apprentice	\$24.28
First Year Apprentice	\$19.27
Probationary	\$23.10
Conditional	\$26.18
Asbestos Remover Level One	\$22.02
Asbestos Remover Level Two	\$24.78
Asbestos Remover Level Three	\$23.46

Millwrights:

Work performed	Total Hourly Compensation
Journeyman	\$43.91
Foreperson	\$49.49
Sub-foreperson	\$47.01
Apprentice (0-1999hrs)	\$26.35
Apprentice (2000-3999hrs)	\$30.74
Apprentice (4000-5999hrs)	\$35.13
Apprentice (6000-8000hrs)	\$39.52

Plumbers, Welders and Pipefitters:

Work performed	Total Hourly Compensation
Journeyman	\$44.64
Apprentice 1	\$17.19
Apprentice 2	\$21.65
Apprentice 3	\$26.34
Apprentice 4	\$30.80
Apprentice 5	\$35.27
Foreman	\$49.10

Electrical:

Work performed	Total Hourly Compensation
Journeyman Electrician	\$44.21
Foreman	\$49.65
Apprentice 1	\$14.46
Apprentice 2	\$19.47
Apprentice 3	\$24.39
Apprentice 4	\$29.36

Apprentice 5	\$34.30
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Painters – Industrial:

Work performed	Total Hourly Compensation
Journeyman Painter	\$38.23
5401 - 6000 hours worked	\$28.67
4501 - 5400 hours worked	\$26.76
3501 - 4500 hours worked	\$22.94
1801 - 3600 hours worked	\$21.03
1001 - 1800 hours worked	\$19.12
451 - 1000 hours worked	\$14.88
1 - 450 hours worked	\$14.88
Apprentice Helper (Unless Minimum Wage is Greater than \$11.00)	\$11.16

Painters – Commercial:

Work performed	Total Hourly Compensation
Journeyman Painter	\$33.93
5401 - 6000 hours worked	\$25.44
4501 - 5400 hours worked	\$23.75
3501 - 4500 hours worked	\$20.36
1801 - 3600 hours worked	\$18.66
1001 - 1800 hours worked	\$16.96
451 - 1000 hours worked	\$14.88
1 - 450 hours worked	\$14.88
Apprentice Helper (Unless Minimum Wage is Greater than \$11.00)	\$11.16

Roofers:

Work performed	Total Hourly Compensation
Foreman	\$42.79
Journeyman	\$42.30
Material Handler	\$40.08
Third Year Apprentice	\$33.31
Second Year Apprentice	\$29.95
First Year Apprentice	\$25.43
Pre-apprentice	\$20.97

Sheet Metal:

Work performed	Total Hourly Compensation
Foreman (3 - 15 men)	\$46.80
Foreman (16 - 25 men)	\$47.11
Foreman (Over 25 men)	\$47.23
Journeyman	\$41.22
First Year Apprentice	\$15.72
Second Year Apprentice	\$20.94
Third Year Apprentice	\$26.11
Fourth Year Apprentice	\$30.86
Fifth Year Apprentice	\$36.03
Sheeter / Decker	\$41.22
Sheeter / Decker Assistant	\$37.99
Material Handler	\$33.16
Probationary Employee	\$19.53

Drywall Finishers:

Work performed	Total Hourly Compensation
Journeyman (Drywall Finishers)	\$41.75
3601 - 5400 hours worked	\$31.31
2401 - 3600 hours worked	\$27.14
1201 - 2400 hours worked	\$22.96
1 - 1200 hours worked	\$14.88