



INFORMATION REPORT

TO: The Mayor and Members, General Issues Committee	WARD(S) AFFECTED: CITY WIDE
COMMITTEE DATE: May 15, 2013	
SUBJECT/REPORT NO: Labour Relations Grievance Activity Reporting & Analysis (2007-2012) (HUR13006) - (City Wide)	
SUBMITTED BY: Chris Murray City Manager	PREPARED BY: Lora Fontana, 905.546.2424 Ext. 4091
SIGNATURE:	

Council Direction

In response to Council's direction, a Labour Relations Information System (LRIS) was developed in 2009 so that meaningful data would be provided to Council and other City stakeholders as to the state of labour relations in the City as well as provide a more strategic approach to addressing a number of labour relations challenges. This six (6) year historical review of the data for the period 2007-2012 provides a summary of such matters relative to labour relations in Hamilton.

Information

Since 2009, Labour Relations has provided an annual analytical account of the City's labour relations activities. This report continues to provide Council and other City stakeholders with an understanding of the state of labour relations as well as a strategic approach to managing labour relations service delivery. The annual Corporate report speaks to the general labour relations activities across unions and departments in addition to the departmental reports which outline specific labour relations matters at both divisional and operational levels.

Appendix A to Report HUR13006 provides for the Corporate perspective of labour relations activities for the period 2007 – 2012 in the following areas:

1. Total Grievances – City Wide
2. Total Grievances – By Union
3. Total Grievances – By Department
4. Total Grievances – By Category
5. Legal and Mediation Costs – By Union and By Issue
6. Mediation and Arbitration Activity – By Issue

Overall, grievance activity in 2012 decreased by 4% compared to 2011 and with the exception of 2011, continues to remain below the average over the last 6 years (N=608). Most notable increases in grievance activity is within OPSEU Local 256 with an increase of 82% over 2011; CUPE Local 1041 with an increase of 44% over 2011; and HPPFA (Fire) Local 288 with an increase of 1300% over 2011.

Given the large number of collective agreements, the cycle of collective bargaining remained at a relatively high level in 2012 with a total of 8 collective agreements being freely bargained between the respective parties. All collective agreements were successfully ratified within Council's mandate and the City continued negotiating 0% increases in the first year of the various collective agreements. As well, the City successfully negotiated 0% in the first 2 years of the 4 year agreements with the former HECFI unions including IATSE Local B-173, IATSE Local 129 and UFCW Local 102. Our ability to negotiate within a financially restrictive mandate speaks not only to the resolve of Council and other City stakeholders but also the recognition and support demonstrated by the various union groups in ensuring successful outcomes to the collective bargaining process.

The City's largest and most diverse union, CUPE Local 5167, which represents approximately 51% of the City's unionized workforce, continued to generate the majority of grievances. Having said that, the 2012 CUPE Local 5167 grievances decreased by approximately 22% over 2011, and more importantly, reverted back to a historical low of 309 grievances since 2007. This decrease in overall grievance activity is likely the result of relatively improved labour relations and may also be reflective of a stable labour relations environment given that we are almost at the middle point of a 4 year collective agreement.

As a result of the 2011 Internal Audit work plan approved by Council, a review of the Labour Relations grievance process was undertaken in early 2012. The audit focussed primarily on the identification, documentation, investigation and resolutions of Labour Relations grievances as well as the administration and management of processes and actions of Labour Relations. As a result of the Audit findings, 2 new forms were introduced on September 1st, 2012: Grievance Checklist Form and Step 1 Grievance Response Form. The Grievance Checklist Form ensures that all relevant documentation is included in the grievance file including detailed grievance history, various grievance steps completed – including possible GMO meetings as well as any

other supporting correspondence or relevant notes for appropriate management of file. In addition, the Step 1 Grievance Response Form ensures that all relevant data is completed and more importantly, confirms that the departmental Supervisor has reviewed and responded to grievance in a satisfactory manner, in accordance with requirements contained in the respective collective agreement. Since its implementation, Labour Relations continues to monitor and ensure compliance with these new processes.

With the exception of Emergency Services (Fire and EMS) and Planning & Economic Development, all City departments experienced a decrease in grievance activity (N=4%). Within Emergency Services, 74% (N=146) of grievances were generated by Hamilton Paramedic Services and the remaining 26% (N=33) were generated by the Hamilton Fire Department. More specifically, OPSEU, Local 256 (Paramedics) generated 63% (N=113) of total grievances within Emergency Services. The remaining grievances were comprised of 18% (N=33) from CUPE Local 1041 (EMS Supervisors) as well as 18% (N=28) from HPFFA, Local 256 and CLAC, Local 911 (N=5). The majority of grievances within OPSEU and HPFFA were Attendance Management and Benefits related respectively. Increased grievance activity within Planning & Economic Development was largely attributed to discipline related grievances with Parking and By-Law Division. Finally, on a per capita basis, OPSEU, Local 256 generated the highest rate of grievances filed per person at .431 compared to ONA Public Health at the lowest rate of .018 in 2012. It should be noted that the IUOE, Local 772 (HECFI and Lodges) generated 0 grievances in 2012.

In 2012, 57% of all grievance activities were related to the top 4 grievance categories: i) discipline (23%); ii) overtime (12%); iii) job assignment (12%); and iv) attendance (11%). As a result of concerted efforts made towards improving historical grievance categories, significant improvements were made in overtime grievances (-44%), lay-off grievances (-61%) and promotion grievances (-38%). Significant rise in number of benefits related grievances (N=256%) within Fire Services however, the vast majority of grievances are related to one issue that is specific to the application of the benefits plan. As well, given the increased scrutiny on attendance related matters, grievance activity increased by 85% on attendance related matters.

Arbitration and Mediation costs again increased in 2012, demonstrating an increased financial pressure on our budgeted versus actual expenditures for related activities. CUPE Local 5167 and OPSEU Local 256 continued to account for the largest portions of total expenditures, with activity levels representing 32% and 14% respectively. ATU Local 107 (Transit) also accounted for a relatively large portion of activity, accounting for 14% of total expenditures. Legal fees also increased by 30% (N=\$928,700) reinforcing the need for consideration to increasing budget allocation in light of continued demonstrated high levels of activities. In addition, although legal fees expenditures related to terminations are high at \$243,952 (or 24% of total legal and arbitration costs), it should be noted that these expenditures include legal fees that are related to non-union terminations.

Although the City experienced increased expenditures in both Arbitration and Legal Fees, the outcomes have demonstrated high returns on our investments. Appendix B to Report HUR13006 provides a high level summary of Arbitration and Mediation related decisions in 2012. These decisions involve various union groups on a variety of matters as well as outcomes that demonstrate both operational and financial impacts on the City. Of notable mention is the Casual Part-Time Employee and In-scope Arbitration. This Arbitration combined 2 distinct but significant matters that had a potential financial exposure of approximately \$7.5M. The mediated settlement of these matters not only resulted in a significant cost avoidance (i.e. \$532,000 vs. \$7.5M), it also rendered new language that provides the City with necessary discretion for future hiring of winter operations employees. This language will now allow the City to hire employees under terms that are more reflective of business requirements, leading to improved operational and administrative efficiencies. Finally, the parties were also able to agree on which positions would be appropriately included (and excluded) from the CUPE Local 5167 bargaining unit.

Labour Relations continued with its delivery of training provided through four (4) available modules: Introduction to Labour Relations; Investigations and Grievance Management; Progressive Discipline; and Collective Bargaining/Managing within a Non-Unionized Environment (Pilot introduced in 2012). A total of 9 training modules were delivered across the City to 118 non-union participants. Overall, the training program has been very well received, with positive ratings of reported from 74 completed surveys - 98%, 76% and 96% in areas of content, organization and presentation respectively. In addition to the above training modules, labour relations also participated in attendance Management and Support training, hi-lighting areas such as culpable absenteeism and frustration of employment contract.

The Labour Relations Activity report continues to provide data and analytical reporting with a view to delivering context and trending analysis within the work environment. The 2012 report has raised some areas of concern that require further analysis and possible intervention while it also reports on demonstrated successes in a number of areas. In this regard, the Labour Relations Officers (LROs) will be meeting with their respective clients to review the labour relations activities at a departmental and divisional level, providing analysis and recommendations for potential intervention strategies, as appropriate.

Through Council's continued resolve and support for the original 2011 City mandate, much success was realized in 2012 through the freely bargained agreements with 8 unions across the City. This success is not only a positive reflection of the Council's efforts and support throughout this process but more importantly, demonstrates the continued commitment and partnership demonstrated by the various City unions. In this regard, we look forward to continuing to build and nurture our positive and productive relationships with all key stakeholders.

Labour Relations Activity Analysis

Union Demographics 2012

	Number of Members	Percentage of Unionized Workforce	Number of Grievances	Grievances per Member
CUPE 5167 Inside/Outside	3029	51.0%	309	0.102
ATU 107	680	11.5%	41	0.060
CUPE 5167 Lodges	645	10.9%	23	0.036
HPFFA 288	537	9.0%	28	0.052
CUPE 1041	301	5.1%	49	0.163
OPSEU 256	262	4.4%	113	0.431
GHVFFA 911	210	3.5%	5	0.024
ONA 50 Public Health	171	2.9%	3	0.018
ONA 50 Lodges	45	0.8%	2	0.044
HOWEA	47	0.8%	7	0.149
IUOE	7	0.1%	0	0.000
Total	5934	100%	580	0.098/avg

* This chart is prepared as of December 31, 2012

Total Grievances per Year (2007-2012):

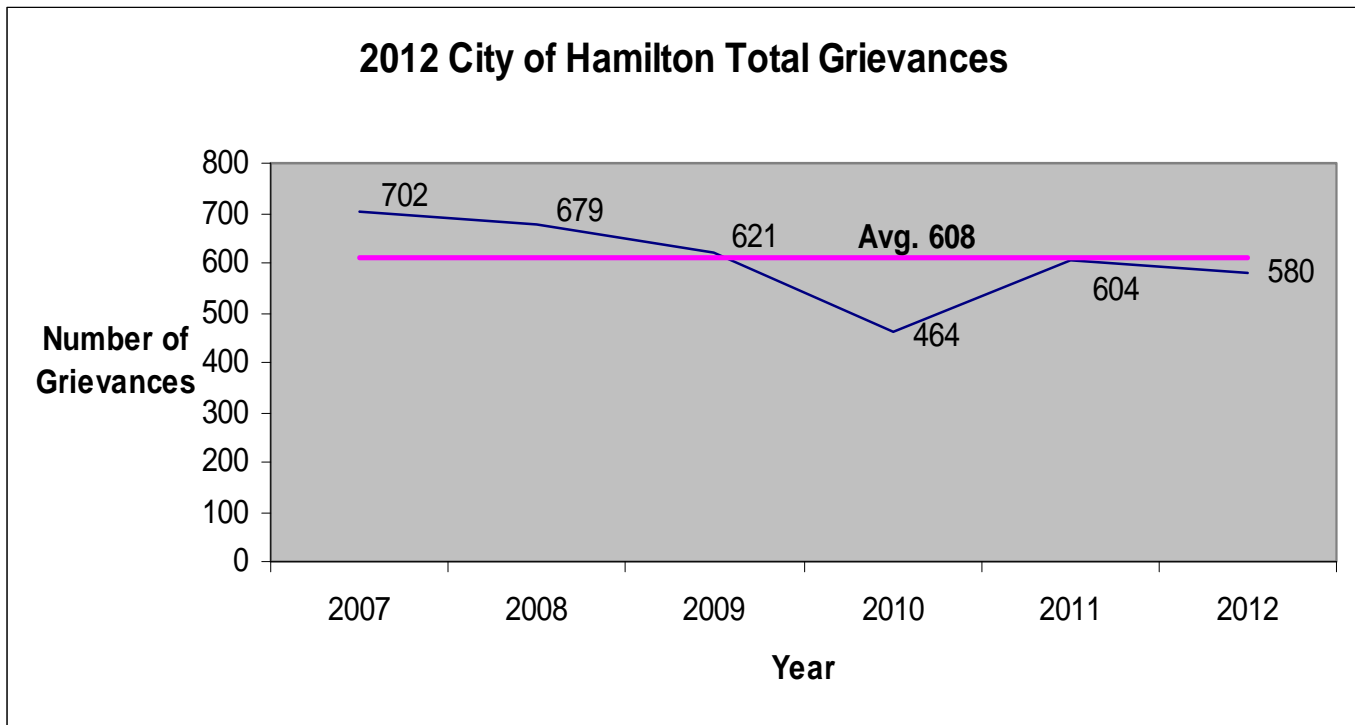


Chart Data:

City of Hamilton	2007	2008	2009	2010	2011	2012	Average
Total	702	679	621	464	604	580	608
Percentage (Increase/Decrease)		-3.3%	-8.5%	-25.3%	30.2%	-4%	

2012 Month-by-Month Grievance Analysis (Inclusive of All City of Hamilton Union Groups)

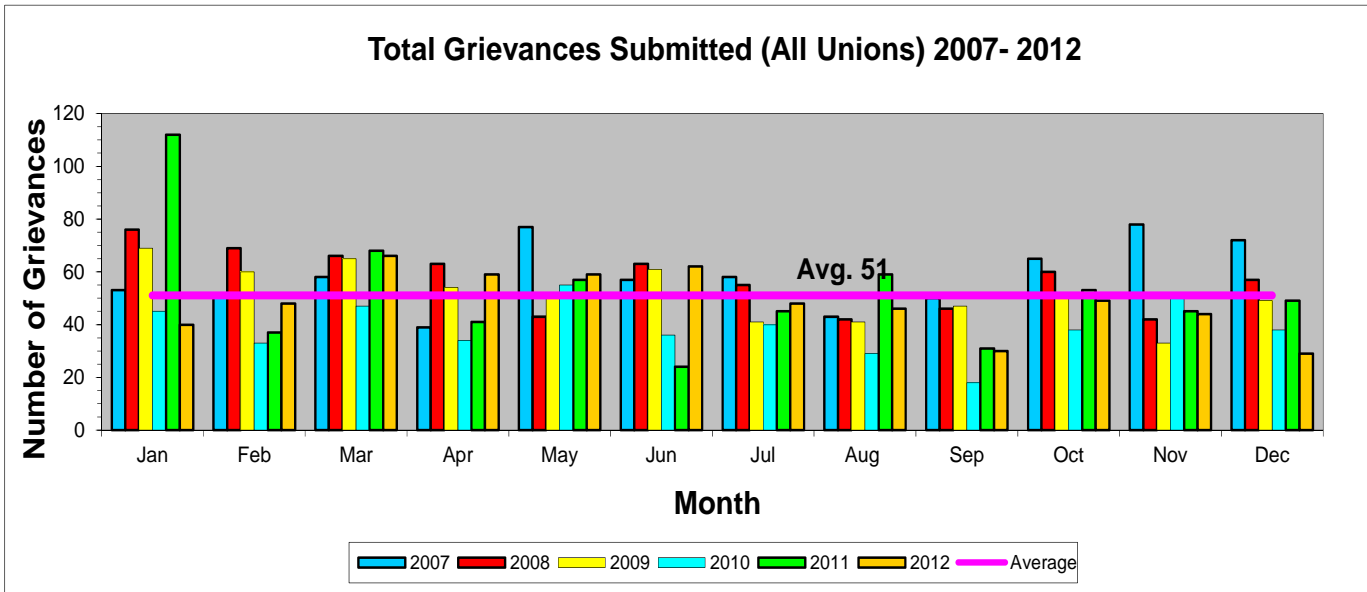


Chart Data:

Month	2007	2008	2009	2010	2011	2012	Average
January	53	76	69	45	99	40	64
February	51	67	60	33	37	48	49
March	58	66	63	47	68	66	61
April	44	63	54	34	41	59	49
May	77	44	52	55	57	59	57
June	57	61	61	36	24	62	50
July	58	55	41	40	45	48	48
August	43	42	41	29	55	46	43
September	50	46	44	18	31	30	37
October	65	60	50	38	53	49	53
November	74	42	37	51	45	44	49
December	72	57	49	38	49	29	49
Total	702	679	621	464	604	580	608

Union Grievance Activity 2012

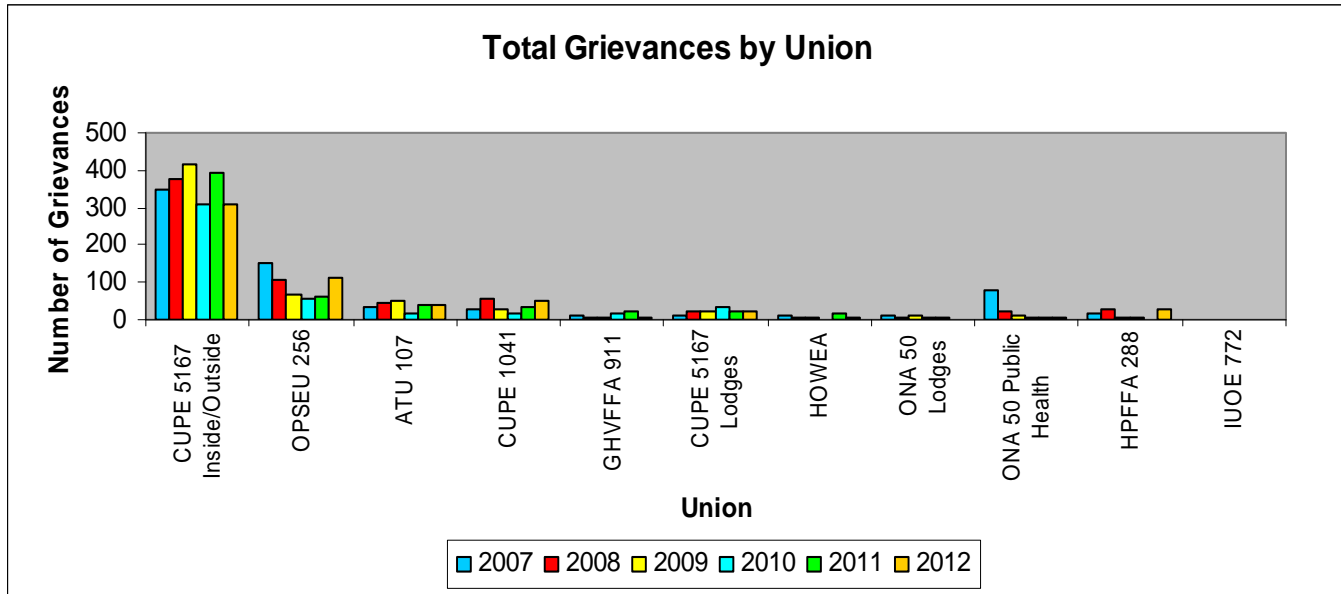


Chart Data:

	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside/Outside	350	378	417	309	394	309	-22%
OPSEU 256	151	108	65	56	62	113	82%
ATU 107	36	44	51	19	42	41	-2%
CUPE 1041	30	58	30	16	34	49	44%
GHVFFA 911	9	6	6	15	22	5	-77%
CUPE 5167 Lodges	13	23	25	33	21	23	10%
HOWEA	9	5	3	1	16	7	-56%
ONA 50 Lodges	11	4	10	4	5	2	-60%
ONA 50 Public Health	77	25	11	5	4	3	-25%
HPFFA 288	16	28	3	6	2	28	1300%
IUOE 772	0	0	0	0	2	0	-200%
Total	702	679	621	464	604	580	-4%

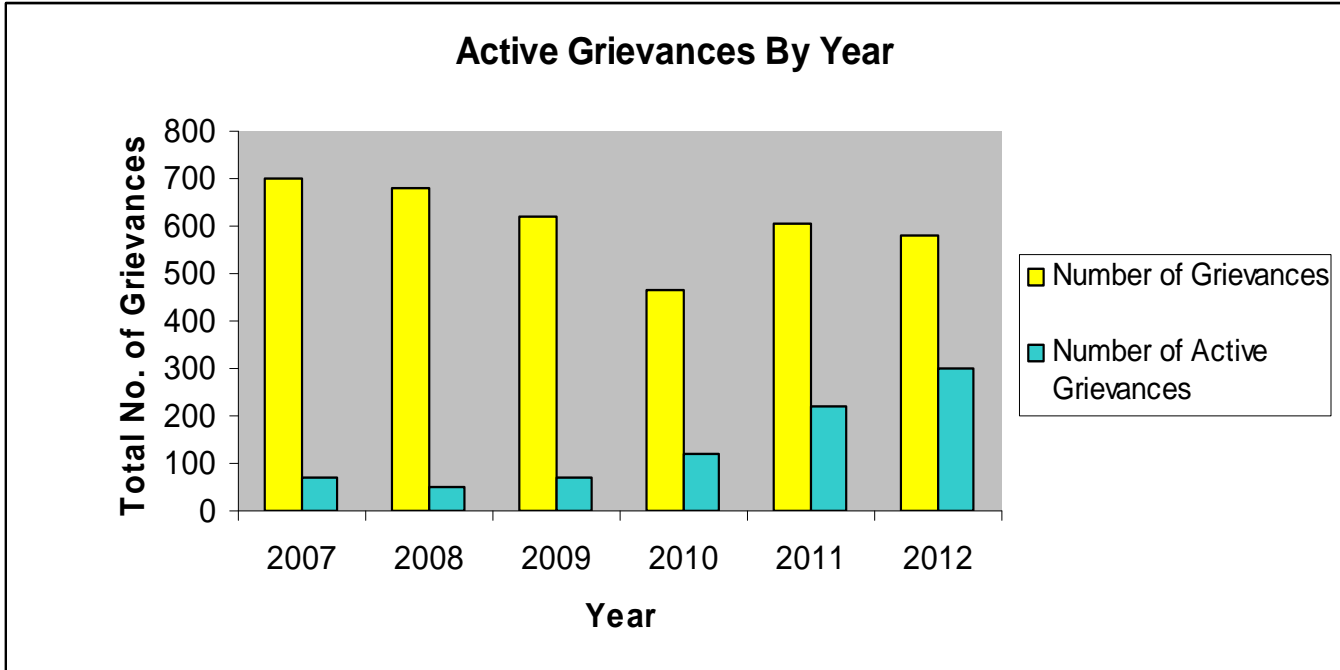


Chart Data:

Year	Number of Grievances	Number of Active Grievances	Number of Settled Grievances	Percentage of Active Grievances per Year
2007	702	71	631	10.1%
2008	679	50	629	7.4%
2009	621	69	552	11.1%
2010	464	120	344	25.9%
2011	604	220	384	36.4%
2012	580	302	278	52.1%
Total	3650	832	2818	22.8%

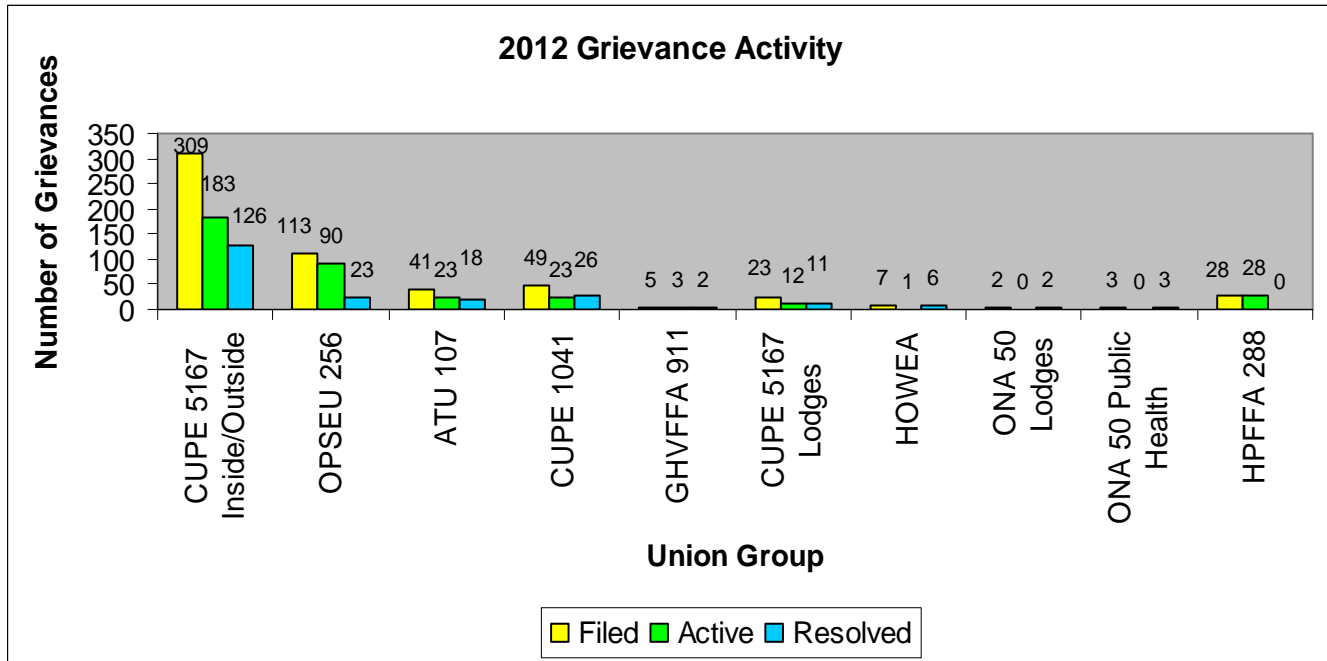
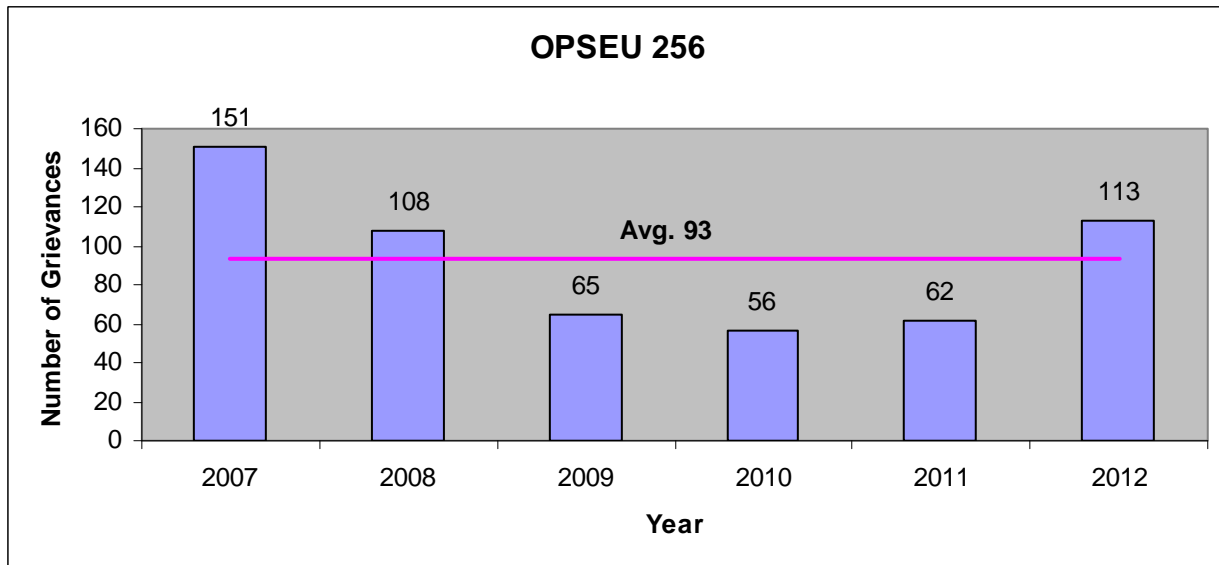
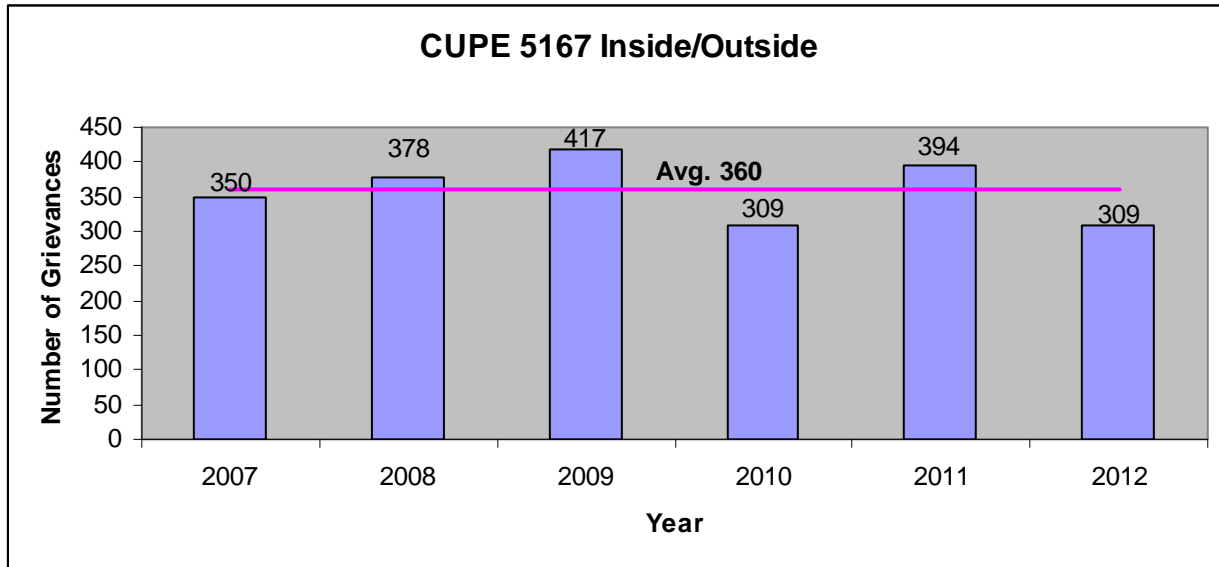


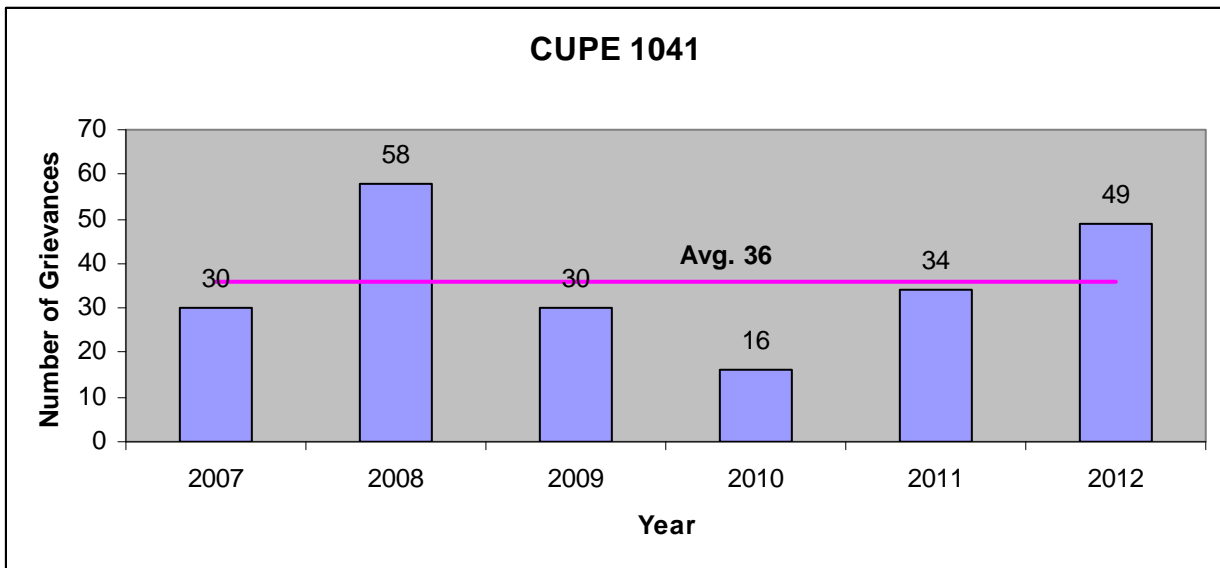
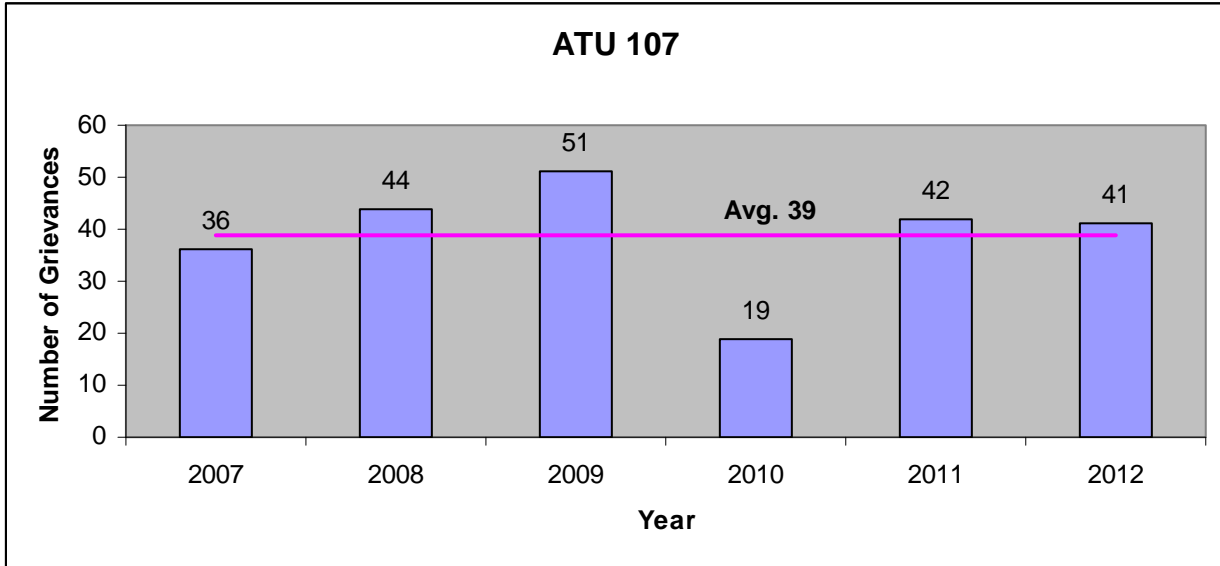
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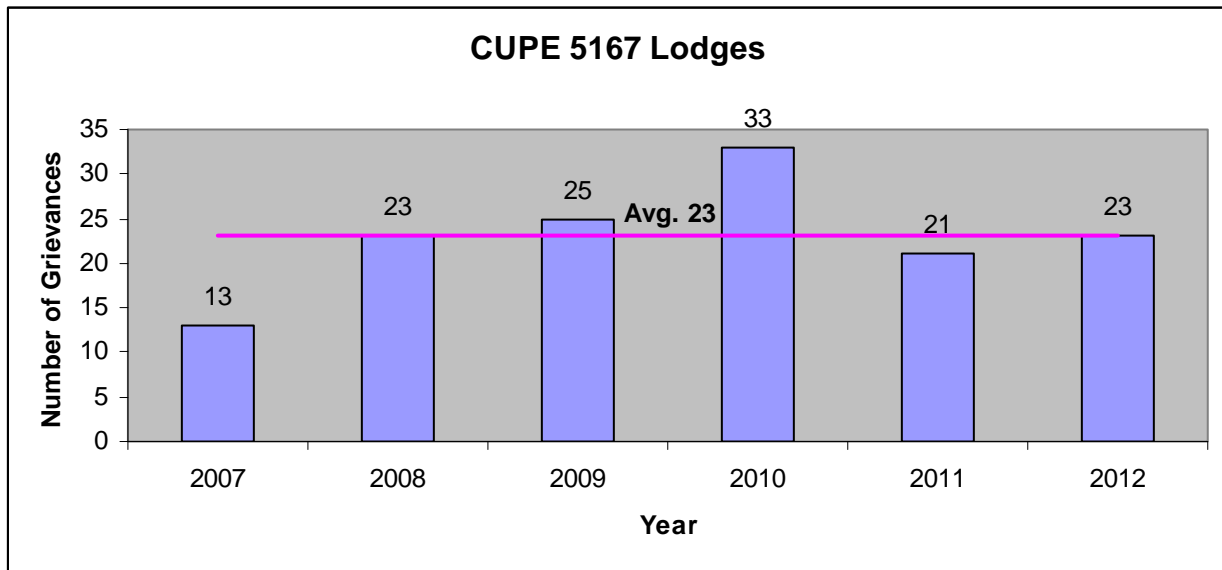
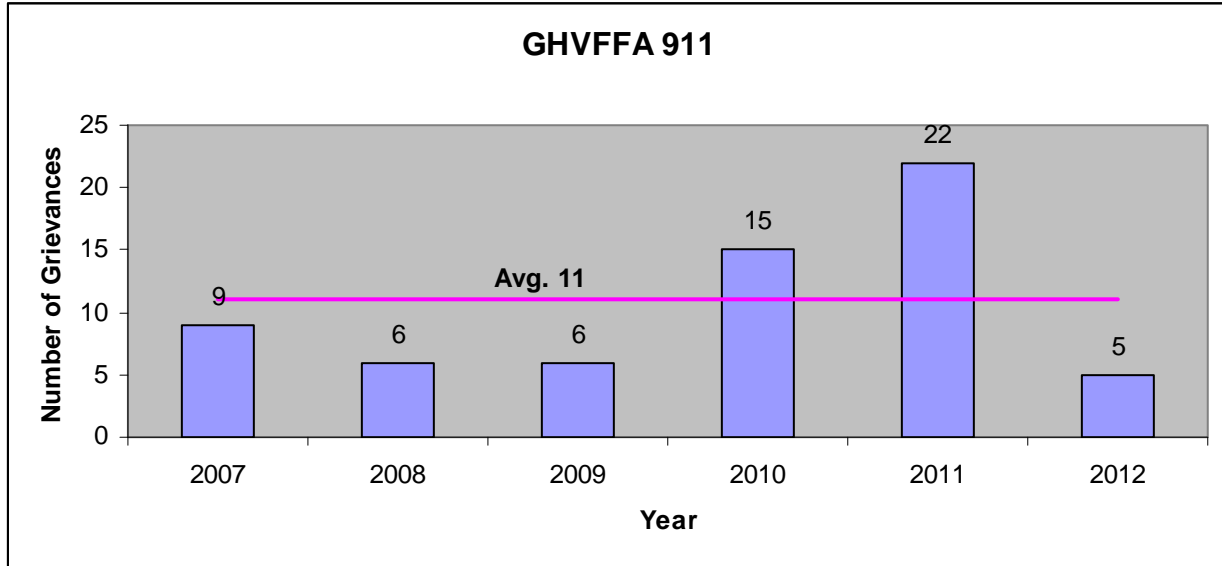
Grievance Activity (2012)	Filed	Active	Resolved
CUPE 5167 Inside/Outside	309	183	126
OPSEU 256	113	90	23
ATU 107	41	23	18
CUPE 1041	49	23	26
GHVFFA 911	5	3	2
CUPE 5167 Lodges	23	12	11
HOWEA	7	1	6
ONA 50 Lodges	2	0	2
ONA 50 Public Health	3	0	3
HPFFA 288	28	28	0
IUOE 772	0	0	0
Total	580	363	217

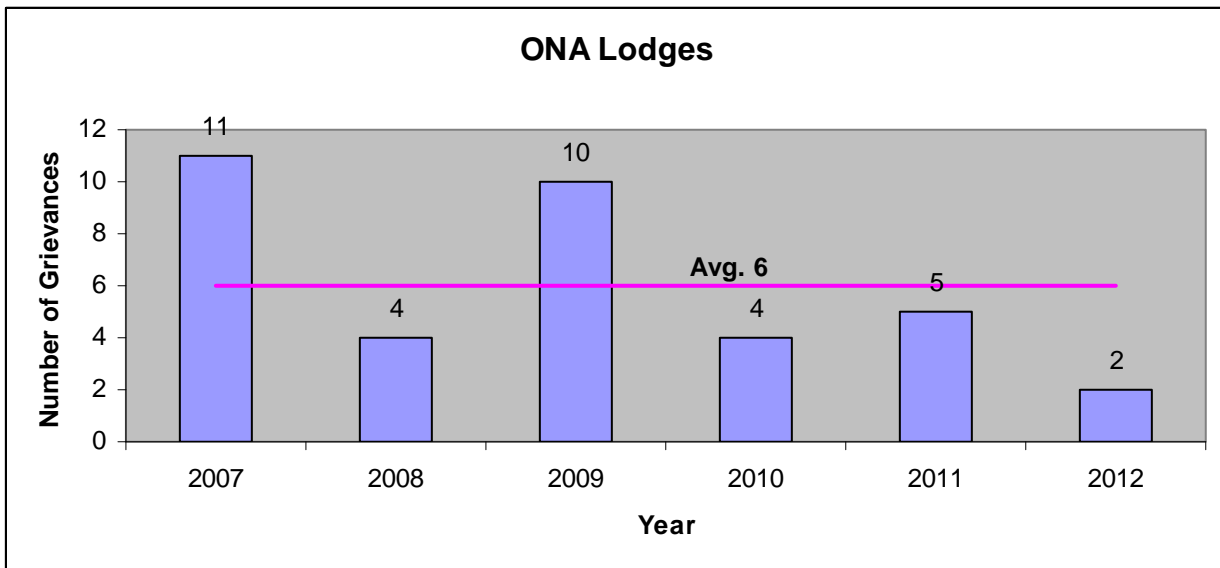
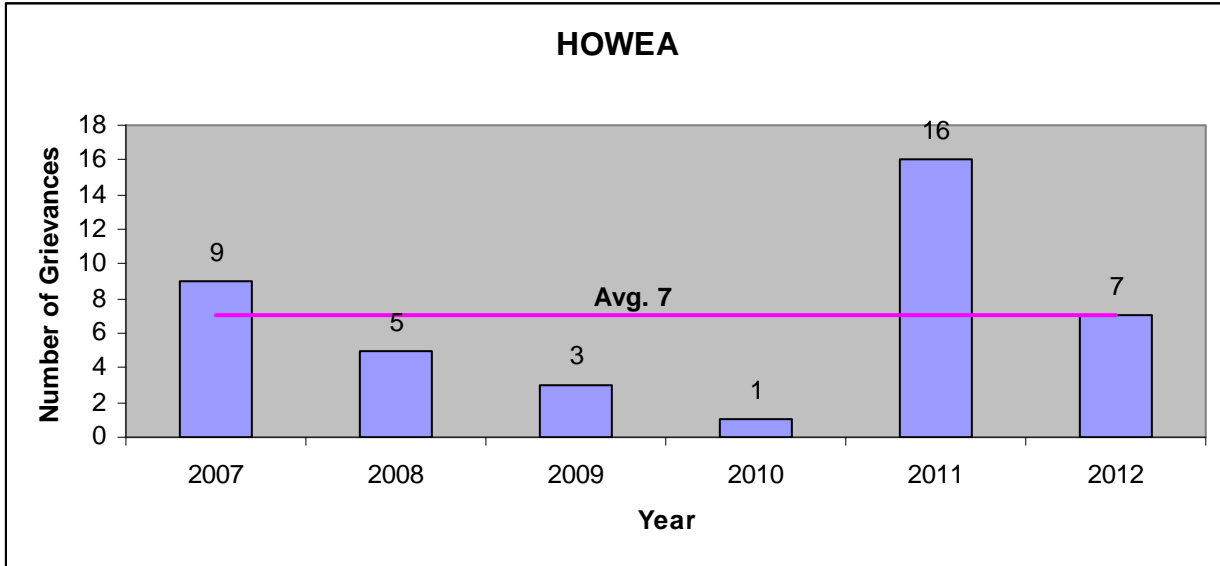
Grievance Resolution	Step 1	Step 2	Mediation	Arbitration
2012	65	111	38	3

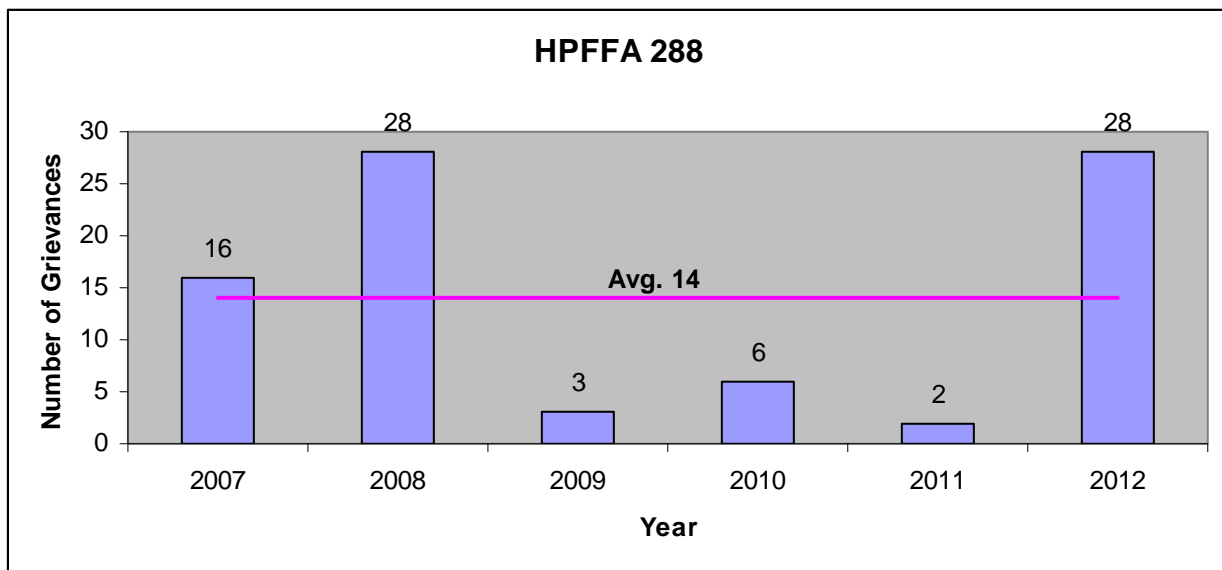
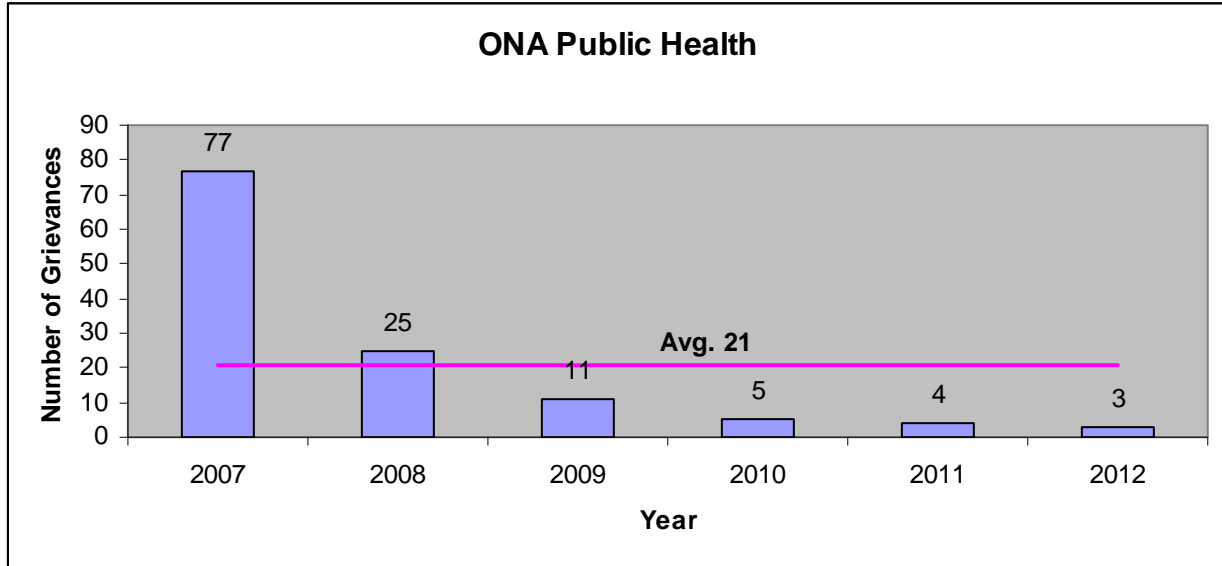
Total Grievances by Union, 2007-2012:











Total Grievances by Department

Total Grievances by Department Summary:

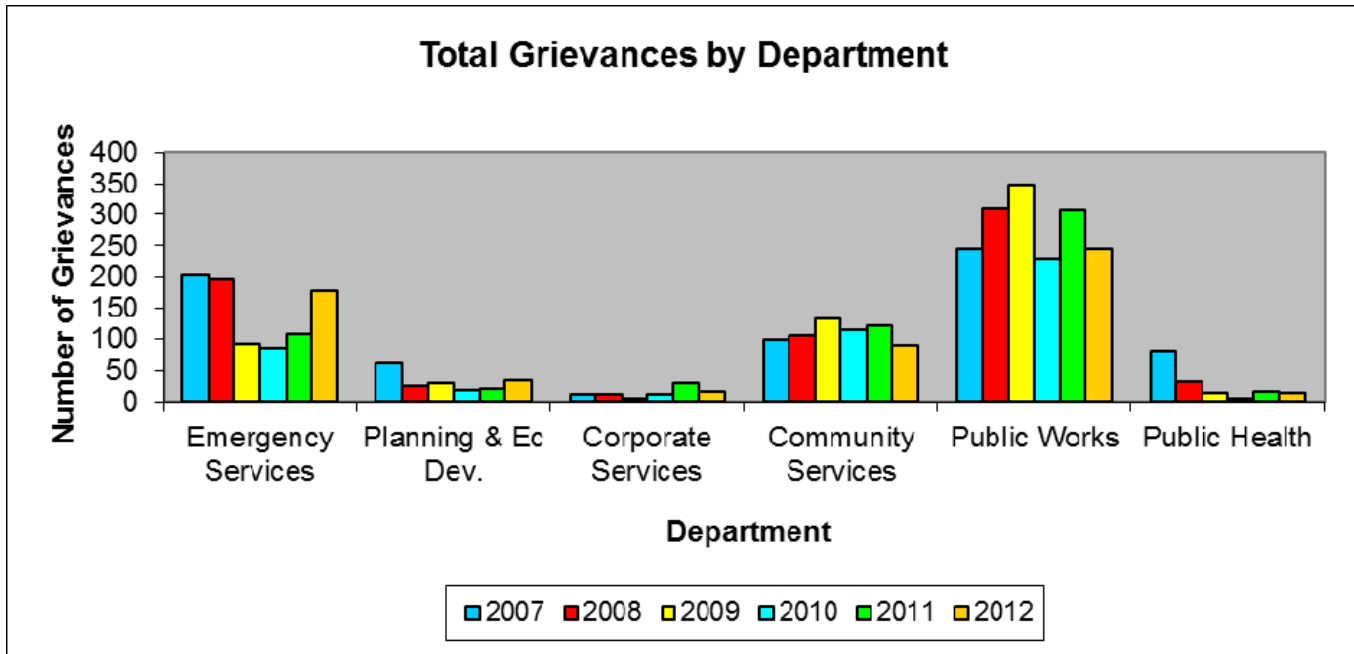


Chart Data:

	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
Emergency Services	203	196	91	84	108	179	66%
• Paramedics						146	
• Fire						33	
Planning & Ec Dev.	62	26	29	19	22	34	55%
Corporate Services	11	11	6	12	29	17	-41%
Community Services	99	106	134	115	122	89	-27%
Public Works	246	308	348	228	307	246	-20%
Public Health	81	32	13	6	16	14	-13%
Housing	N/A	N/A	N/A	N/A	N/A	1	N/A
Total	702	679	621	464	604	580	-4%

Percentages of Grievance Submission per Department:

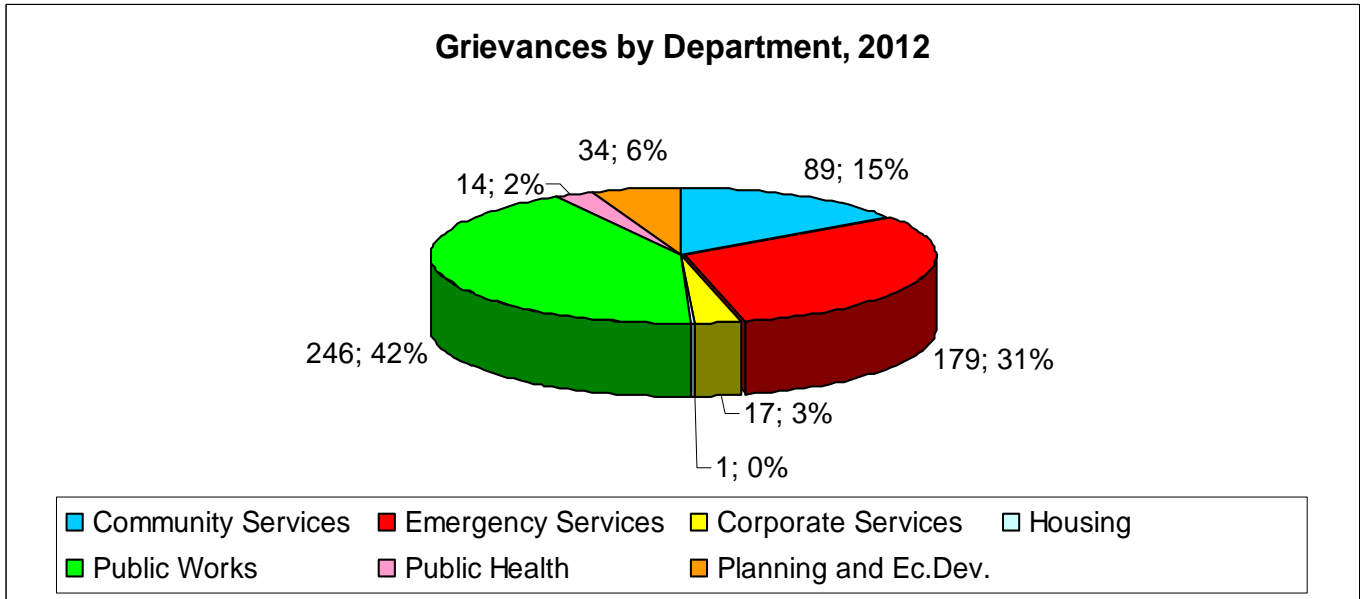


Chart Data:

	Number of Employees	Number of Unionized Employees	Percent of Unionized Employees within Department	Percentage of Unionized Employees of CoH	Number of Grievances	Percentage of Overall Grievances	Per Capita Grievance Rate
Community Services	2727	1914	70%	32%	89	15%	0.05
Emergency Services	1075	1007	94%	17%	179	31%	0.18
Corporate Services	417	272	65%	5%	17	3%	0.06
Housing	186	80	43%	1%	1	0%	0.01
Public Works	1985	1860	94%	31%	246	42%	0.13
Public Health	463	387	84%	7%	14	2%	0.04
Planning and Ec.Dev.	761	414	54%	7%	34	6%	0.08
Total	7614	5934	78%	100%	580	100%	

*Excludes City Manager, Council, Students and Boards.

Grievance Categories

Comparing Grievances Submitted in 2012 to Grievances Submitted in 2011:

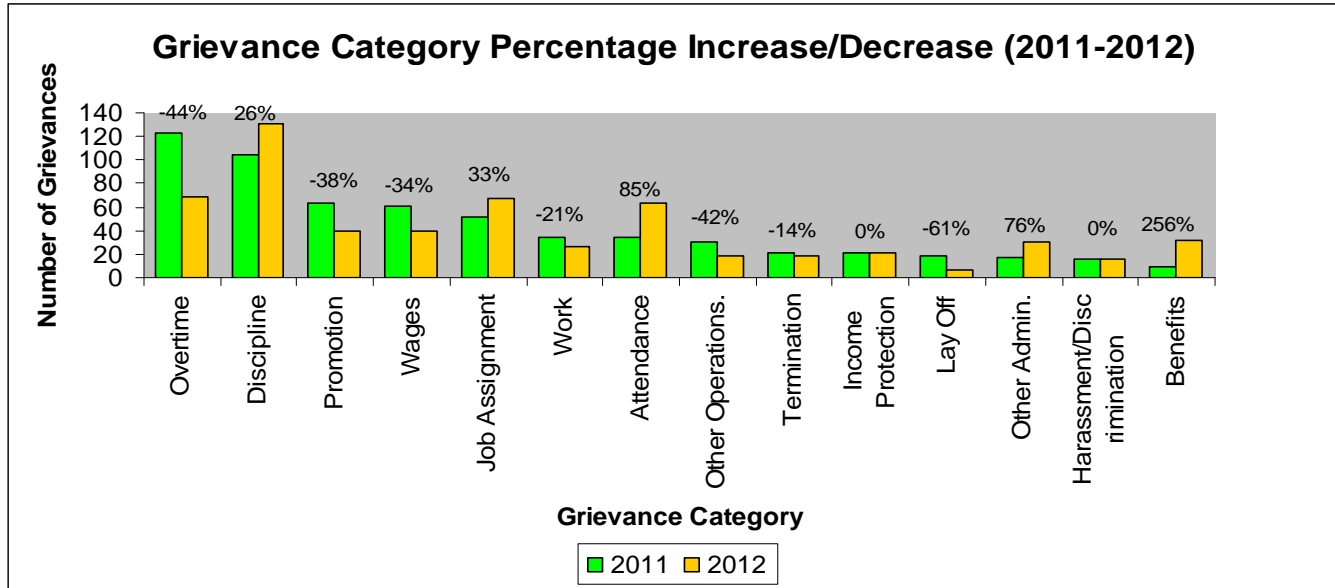


Chart Data:

Grievance Category*	No. of Grievances (2011)	% of Grievances filed (2011)	No. of Grievances (2012)	% of Grievances filed (2012)	2012 Percentage Increase/Decrease
Overtime	123	20%	69	12%	-44%
Discipline	104	17%	131	23%	29%
Promotion	64	11%	40	7%	-38%
Wages	61	10%	40	7%	-34%
Job Assignment	51	8%	68	12%	33%
Work	34	6%	27	5%	-21%
Attendance	34	6%	63	11%	85%
Other Operations.	31	5%	18	3%	-42%
Termination	21	3%	18	3%	-14%
Income Protection	21	3%	21	4%	0%
Lay Off	18	3%	7	1%	-61%
Other Admin.	17	3%	30	5%	76%
Harassment/Discrimination	16	3%	16	3%	0%
Benefits	9	2%	32	6%	256%
Total	604	100%	580	100%	N/A

***Grievance Categories**

Promotion: Job postings, Promotion, Demotion, Complement, Vacancies, Testing;

Attendance: Vacation, Stat Holidays, AWOL, Leave of Absence, Bereavement, ASMP, Lieu Bank, Sick Bank, Flex Time;

Harassment/Discrimination: Harassment, Discrimination, Human Rights, Toxic/Poisonous Workplace;

Discipline: Verbal, Written, Suspension, Discipline;

Termination: Termination, Severance;

Benefits: Health Benefits, Life Insurance, OMERS, AD&D, Benefits;

Income Protection: STD, IPP, LTD, Work Accommodation, Return to Work, Doctors Note, Bridging;

Overtime: Overtime, Call-in, Call-out, Standby, Continuation of the work day;

Wages: Wages, Hours of Work, Premium Pay, Shift Premiums, Meal Allowance, Compensation, Acting Pay, Job Evaluation, Retro Pay, Union Dues;

Job Assignment: Seniority, Conditions of Employment, Restructuring, Transfer, Job Location, Job Share, Shift Change;

Lay-off: Lay-off, Recall, Bumping, Shift Schedule;

Work: Duties, Scope, Work of the Bargaining Unit, Contracting Out, Union Representation, Technological Change, Workplace Safety, Meal Breaks;

Other Admin.: Parking, Mileage, City Vehicle, Bus Pass, Corporate Policy, Confidentiality, Tuition Reimbursement, Performance Appraisal, Admin-other;

Other Operations: Clothing Allowance, Cleaning Allowance, Clothing/Uniform, Safety Wear, Training, Missed Page.

Grievance Categories, by Union - 2007-2012

Promotion

Job postings, Promotion, Demotion, Complement, Vacancies, Testing

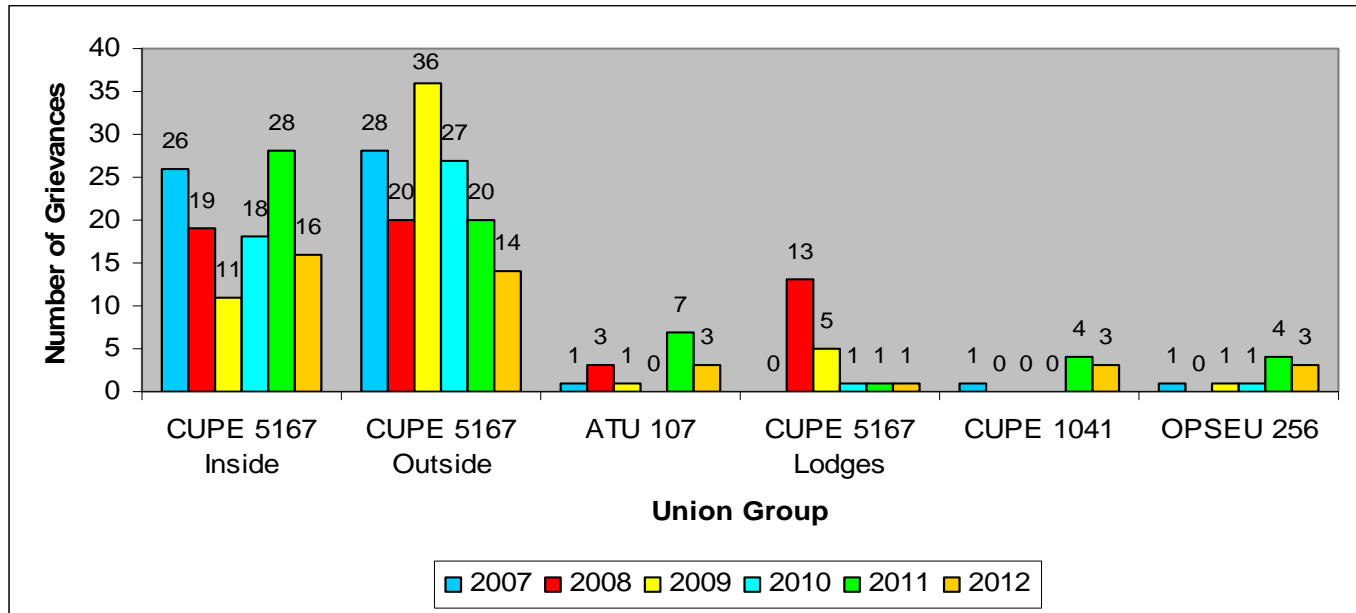


Chart Data:

Promotion	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	26	19	11	18	28	16	-43%
CUPE 5167 Outside	28	20	36	27	20	14	-30%
ATU 107	1	3	1	0	7	3	-57%
CUPE 5167 Lodges	0	13	5	1	1	1	0%
HPFFA 288	0	2	0	0	0	0	0%
CUPE 1041	1	0	0	0	4	3	-25%
GHVFFA 911	0	0	0	0	0	0	0%
OPSEU 256	1	0	1	1	4	3	-25%
ONA 50 Public Health	0	2	0	2	0	0	0%
ONA 50 Lodges	1	0	1	0	0	0	0%
HOWEA	0	0	0	0	0	0	0%
Total	58	59	55	49	64	40	-38%

Grievance Categories, by Union – 2007-2012

Attendance

Vacation, Stat Holidays, AWOL, Leave of Absence, Bereavement, ASMP, Lieu Bank, Sick Bank, Flex Time;

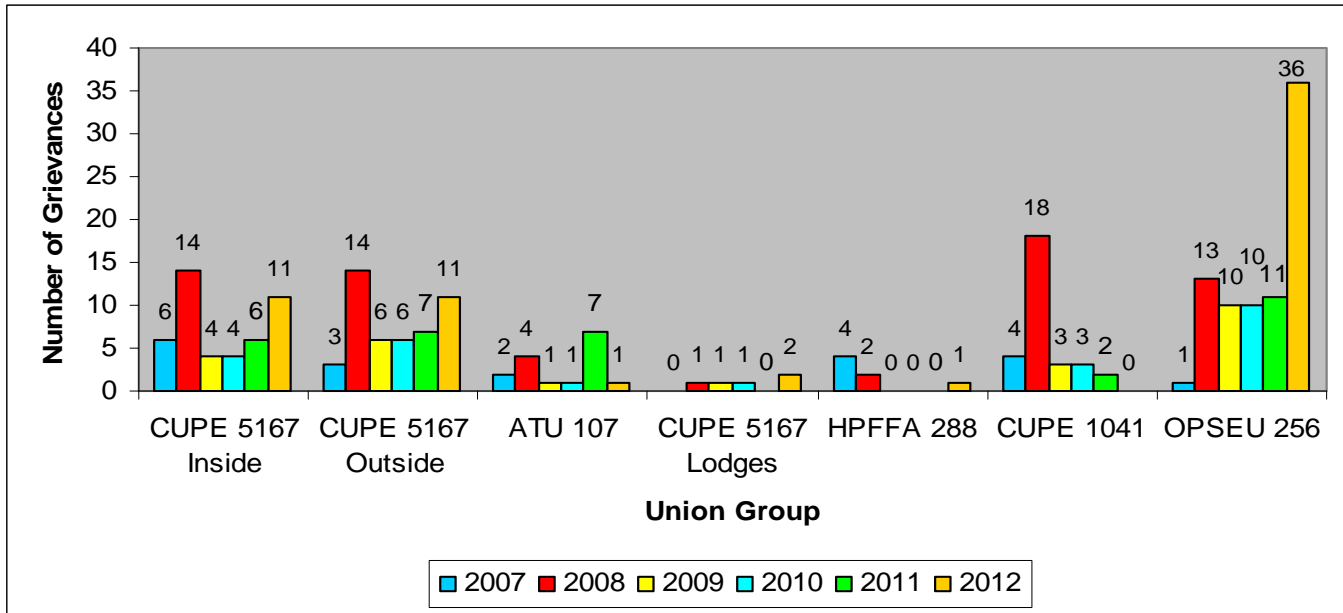


Chart Data:

Attendance	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	6	14	4	4	6	11	83%
CUPE 5167 Outside	3	14	6	6	7	11	57%
ATU 107	2	4	1	1	7	1	-86%
CUPE 5167 Lodges	0	1	0	1	0	2	200%
HPFFA 288	4	2	0	0	0	1	100%
CUPE 1041	4	18	6	3	2	0	-200%
GHVFFA 911	0	0	1	0	0	0	0%
OPSEU 256	1	13	8	10	11	36	227%
ONA 50 Public Health	6	18	0	0	0	0	0%
ONA 50 Lodges	3	0	0	0	0	0	0%
IUOE	0	0	0	0	1	0	-100%
HOWEA	0	0	0	0	0	1	100%
Total	29	84	46	25	34	63	85%

Grievance Categories, by Union – 2007-2012

Harassment/Discrimination

Harassment, Discrimination, Human Rights, Toxic/Poisonous Workplace;

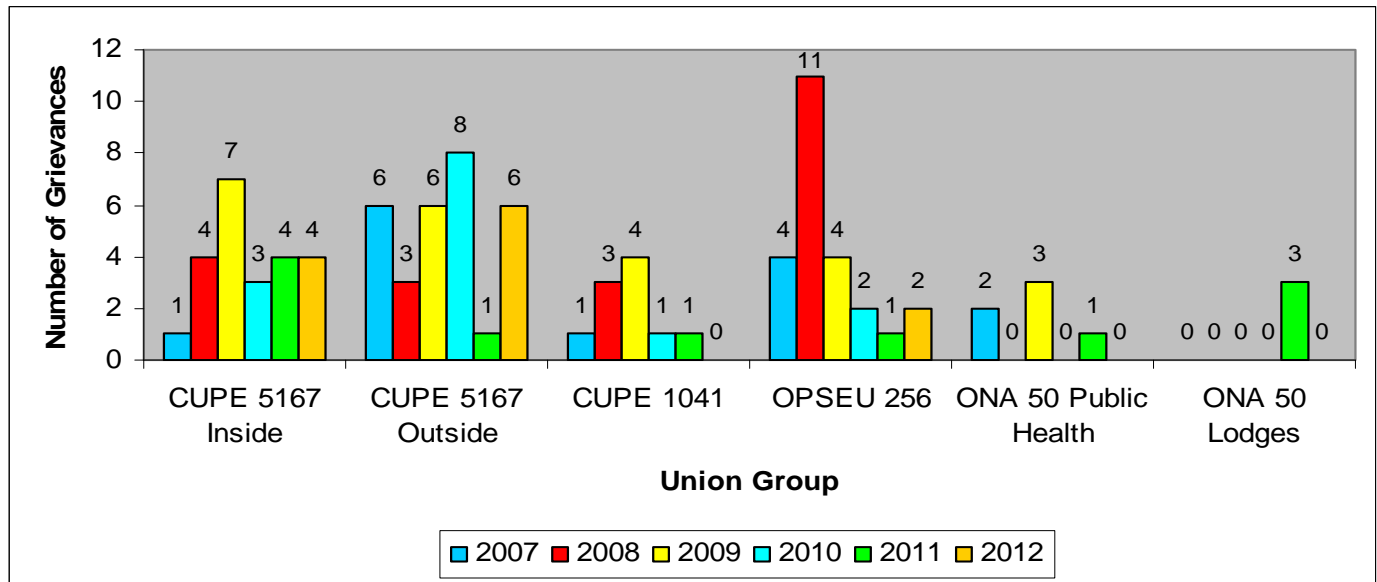


Chart Data:

Harassment/Discrimination	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	1	4	7	3	4	4	0%
CUPE 5167 Outside	6	3	6	8	1	6	500%
ATU 107	4	2	0	1	3	3	0%
CUPE 5167 Lodges	0	0	0	1	1	1	0%
HPFFA 288	0	1	0	0	0	0	0%
CUPE 1041	1	3	4	1	1	0	-100%
GHVFFA 911	0	0	0	0	0	0	0%
OPSEU 256	4	11	4	2	1	2	100%
ONA 50 Public Health	2	0	3	0	1	0	-100%
HOWEA	1	0	0	0	1	0	-100%
ONA 50 Lodges	0	0	0	0	3	0	-300%
Total	19	24	24	16	16	16	0%

Grievance Categories, by Union – 2007-2012

Discipline

Verbal, Written, Suspension, Discipline;

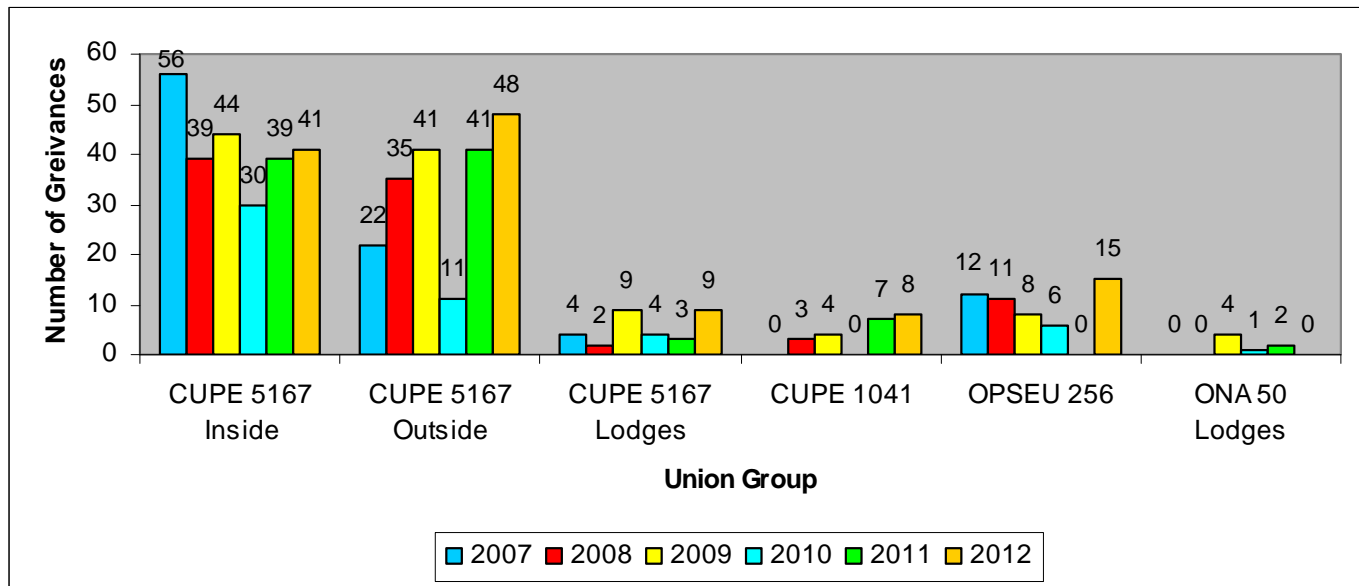


Chart Data:

Discipline	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	56	39	44	30	39	41	5%
CUPE 5167 Outside	22	35	41	11	41	48	17%
ATU 107	10	12	11	0	7	7	0%
CUPE 5167 Lodges	4	2	9	4	3	9	200%
HPFFA 288	1	2	0	1	0	0	0%
CUPE 1041	0	3	4	0	7	8	14%
GHVFFA 911	0	1	0	0	3	1	-67%
OPSEU 256	12	11	8	6	0	15	1500%
ONA 50 Public Health	1	1	0	0	1	0	-100%
ONA 50 Lodges	0	0	4	1	2	0	-200%
HOWEA	3	0	0	0	1	2	100%
Total	109	106	121	53	104	131	26%

Grievance Categories, by Union – 2007-2012

Termination

Termination, Severance;

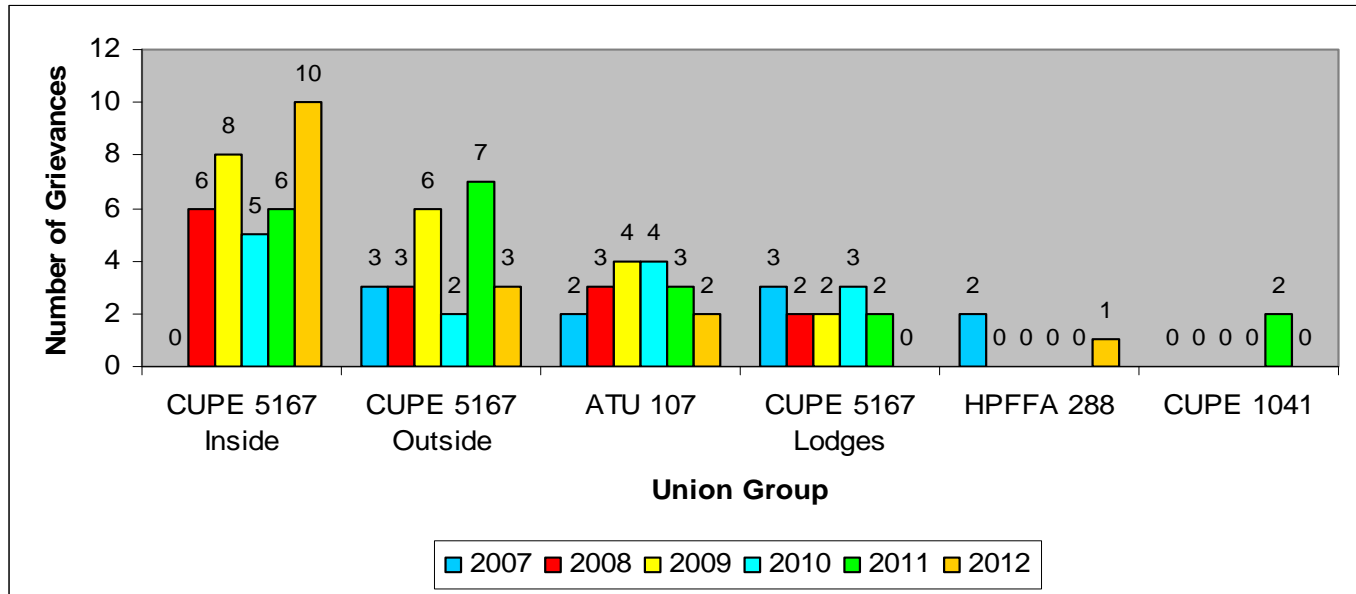


Chart Data:

Termination	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	0	6	8	5	6	10	67%
CUPE 5167 Outside	3	3	6	2	7	3	-57%
ATU 107	2	3	4	4	3	2	-33%
CUPE 5167 Lodges	3	2	2	3	2	0	-200%
HPFFA 288	2	0	0	0	0	1	100%
CUPE 1041	0	0	0	0	2	0	-200%
GHVFFA 911	0	0	1	0	0	0	0%
OPSEU 256	0	0	0	2	1	1	0%
ONA 50 Lodges	0	4	0	0	0	1	100%
ONA 50 Public Health	0	0	0	0	0	0	0%
HOWEA	0	0	0	0	0	0	0%
Total	10	18	21	16	21	18	-14%

Grievance Categories, by Union – 2007-2012

Benefits

Health Benefits, Life Insurance, OMERS, AD&D, Benefits;

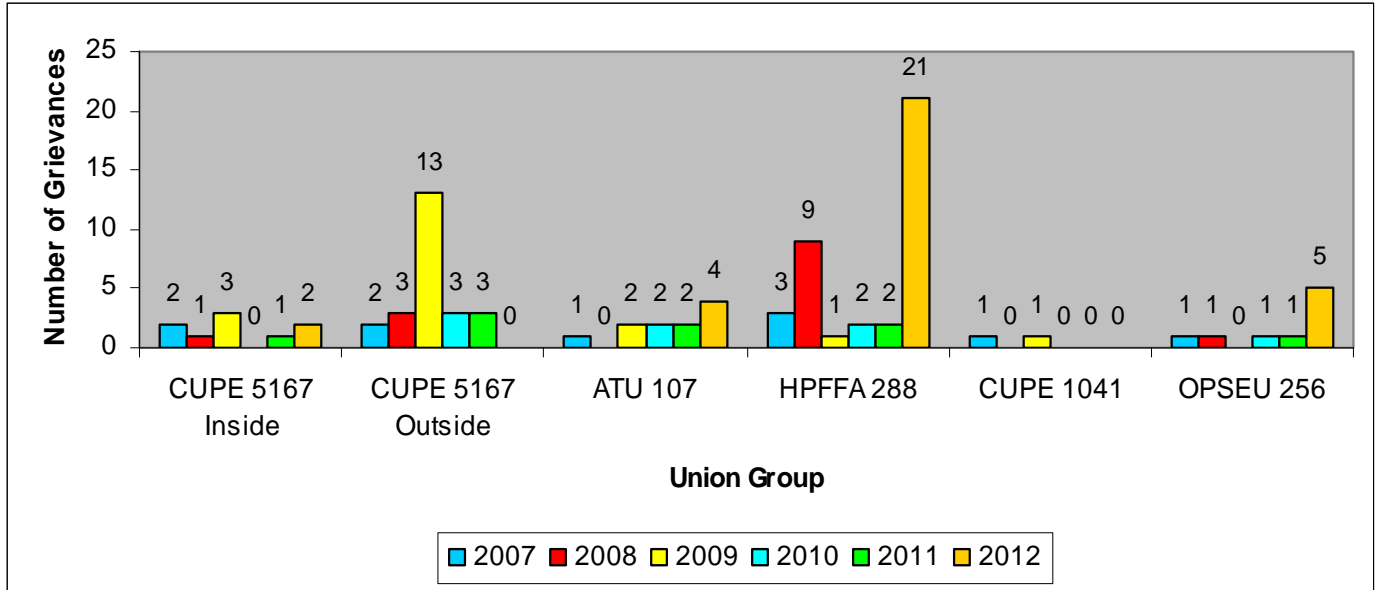


Chart Data:

Benefits	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	2	1	3	0	1	2	100%
CUPE 5167 Outside	2	3	13	3	3	0	-300%
ATU 107	1	0	2	2	2	4	100%
HPFFA 288	3	9	1	2	2	21	950%
CUPE 1041	1	0	1	0	0	0	0%
OPSEU 256	1	1	0	1	1	5	400%
ONA 50 Public Health	1	0	1	0	0	0	0%
GHVFFA 911	0	0	0	0	0	0	0%
CUPE 5167 Lodges	0	0	0	0	0	0	0%
ONA 50 Lodges	0	0	0	0	0	0	0%
HOWEA	0	0	0	0	0	0	0%
Total	11	14	21	8	9	32	256%

Grievance Categories, by Union – 2007-2012

Income Protection

STD, IPP, LTD, Work Accommodation, Return to Work, Doctors Note, Bridging;

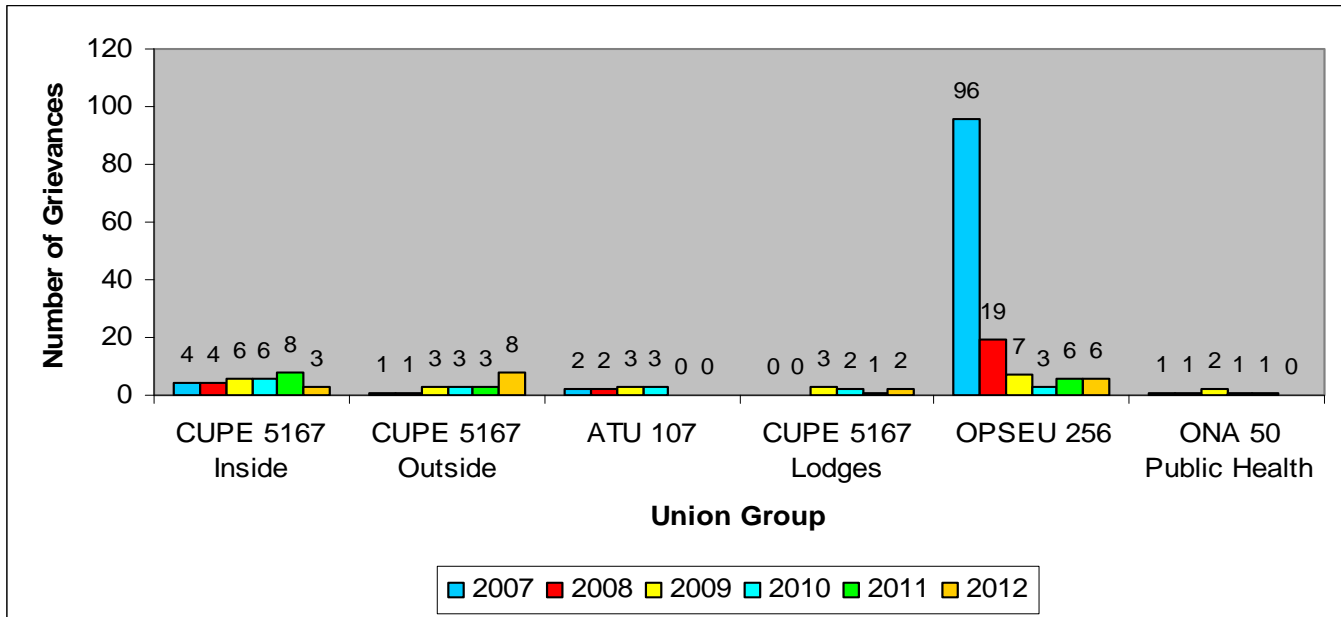


Chart Data:

Income Protection	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	4	4	6	6	8	3	-63%
CUPE 5167 Outside	1	1	3	3	3	8	167%
ATU 107	2	2	3	3	0	0	0%
CUPE 5167 Lodges	0	0	3	2	1	2	100%
CUPE 1041	2	1	0	1	1	1	0%
OPSEU 256	96	19	7	3	6	6	0%
ONA 50 Public Health	1	1	2	1	1	0	-100%
GHVFFA 911	0	0	0	0	1	0	-100%
ONA 50 Lodges	0	0	0	0	0	1	100%
HOWEA	0	0	0	0	0	0	0%
HPFFA 288	0	0	0	0	0	0	0%
Total	106	28	24	19	21	21	0%

Grievance Categories, by Union – 2007-2012

Overtime

Overtime, Call-in, Call-out, Standby, Continuation of the work day;

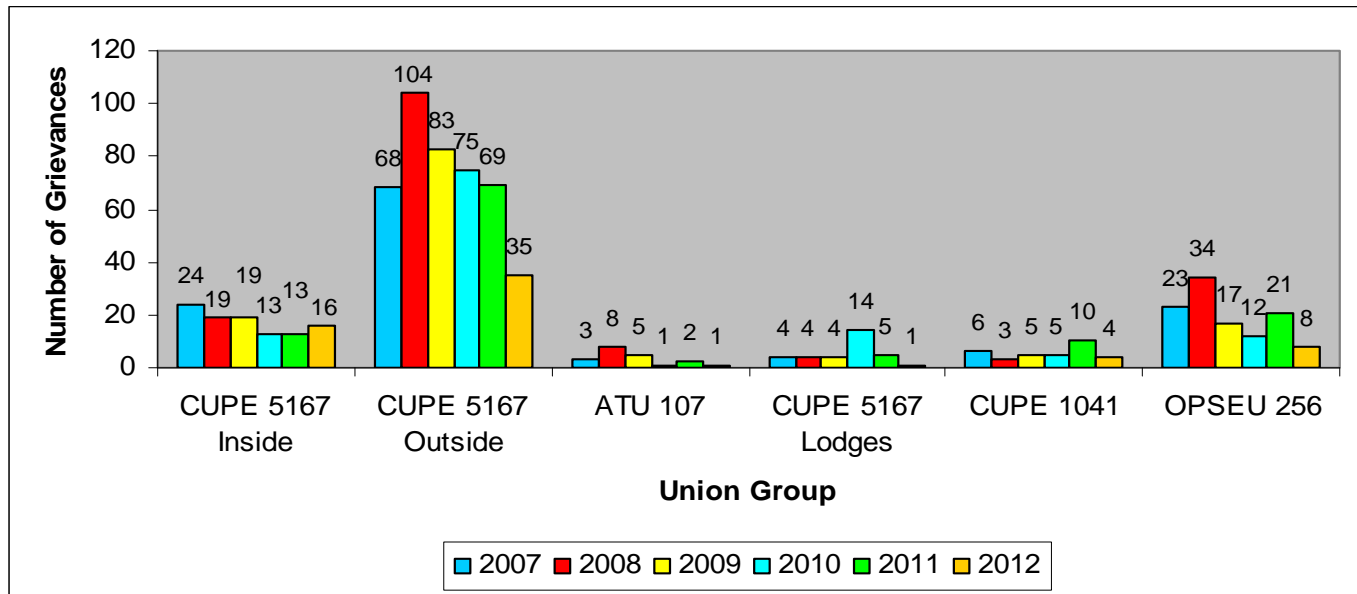


Chart Data:

Overtime	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	24	19	19	13	13	16	23%
CUPE 5167 Outside	68	104	83	75	69	35	-49%
ATU 107	3	8	5	1	2	1	-50%
CUPE 5167 Lodges	4	4	4	14	5	1	-80%
HPFFA 288	0	0	0	1	0	1	100%
CUPE 1041	6	3	5	5	10	4	-60%
GHVFFA 911	6	3	3	0	0	0	0%
OPSEU 256	23	34	17	12	21	8	-62%
ONA 50 Public Health	3	0	2	0	0	0	0%
ONA 50 Lodges	2	0	1	0	0	0	0%
HOWEA	1	1	0	0	2	3	50%
IUOE	0	0	0	0	1	0	-100%
Total	140	176	139	121	123	69	-44%

Grievance Categories, by Union – 2007-2012

Wages

Wages, Hours of Work, Premium Pay, Shift Premiums, Meal Allowance, Compensation, Acting Pay, Job Evaluation, Retro Pay, Union Dues;

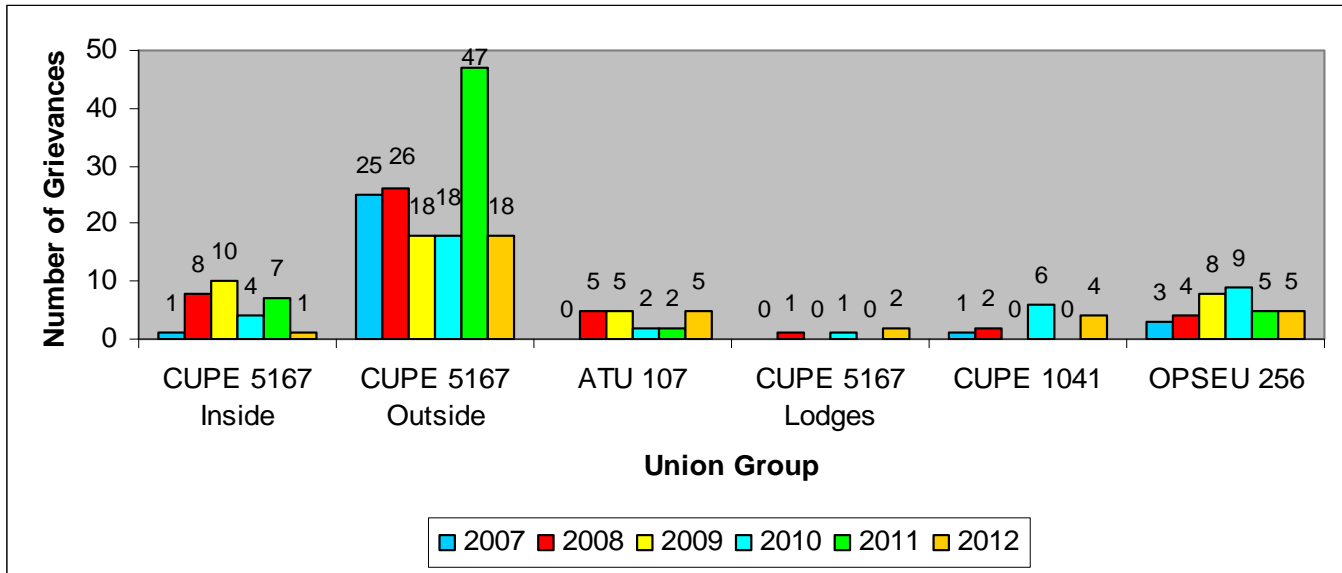


Chart Data:

Wages	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	1	8	10	4	7	1	-86%
CUPE 5167 Outside	25	26	18	18	47	18	-62%
ATU 107	0	5	5	2	2	5	150%
CUPE 5167 Lodges	0	1	0	1	0	2	200%
HPFFA 288	1	2	0	1	0	0	0%
CUPE 1041	1	2	0	6	0	4	400%
GHVFFA 911	0	1	0	0	0	2	200%
OPSEU 256	3	4	8	9	5	5	0%
ONA 50 Public Health	16	1	0	2	0	2	200%
ONA 50 Lodges	2	0	0	0	0	0	0%
HOWEA	0	1	0	0	0	1	100%
Total	49	51	41	43	61	40	-34%

Grievance Categories, by Union – 2007-2012

Job Assignment

Seniority, Conditions of Employment, Restructuring, Transfer, Job Location, Job Share, Shift Change;

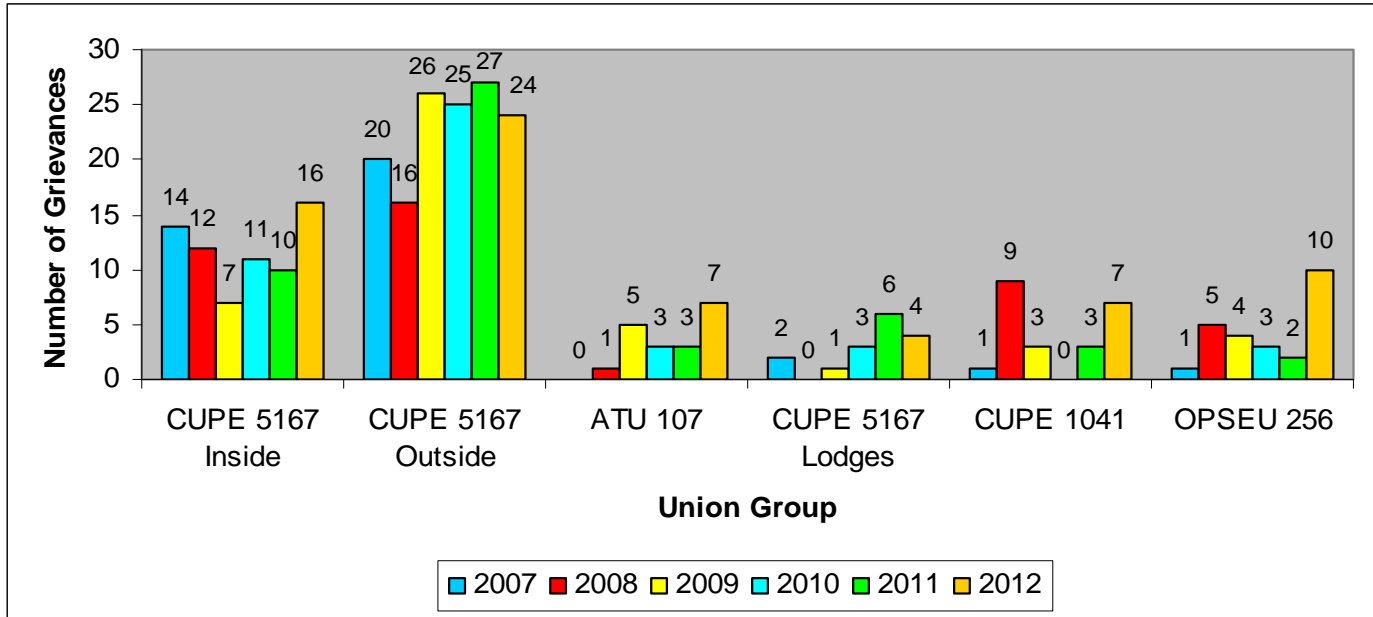


Chart Data:

Job Assignment	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	14	12	7	11	10	16	60%
CUPE 5167 Outside	20	16	26	25	27	24	-11%
ATU 107	0	1	5	3	3	7	133%
CUPE 5167 Lodges	2	0	1	3	6	4	-33%
HPFFA 288	0	1	0	0	0	0	0%
CUPE 1041	1	9	3	0	3	7	133%
OPSEU 256	1	5	4	3	2	10	400%
ONA 50 Public Health	37	2	2	0	0	0	0%
ONA 50 Lodges	2	0	3	1	0	0	0%
HOWEA	0	0	0	0	0	0	0%
GHVFFA 911	0	0	0	0	0	0	0%
Total	77	46	51	46	51	68	33%

Grievance Categories, by Union – 2007-2012

Layoff

Lay-off, Recall, Bumping, Shift Schedule;

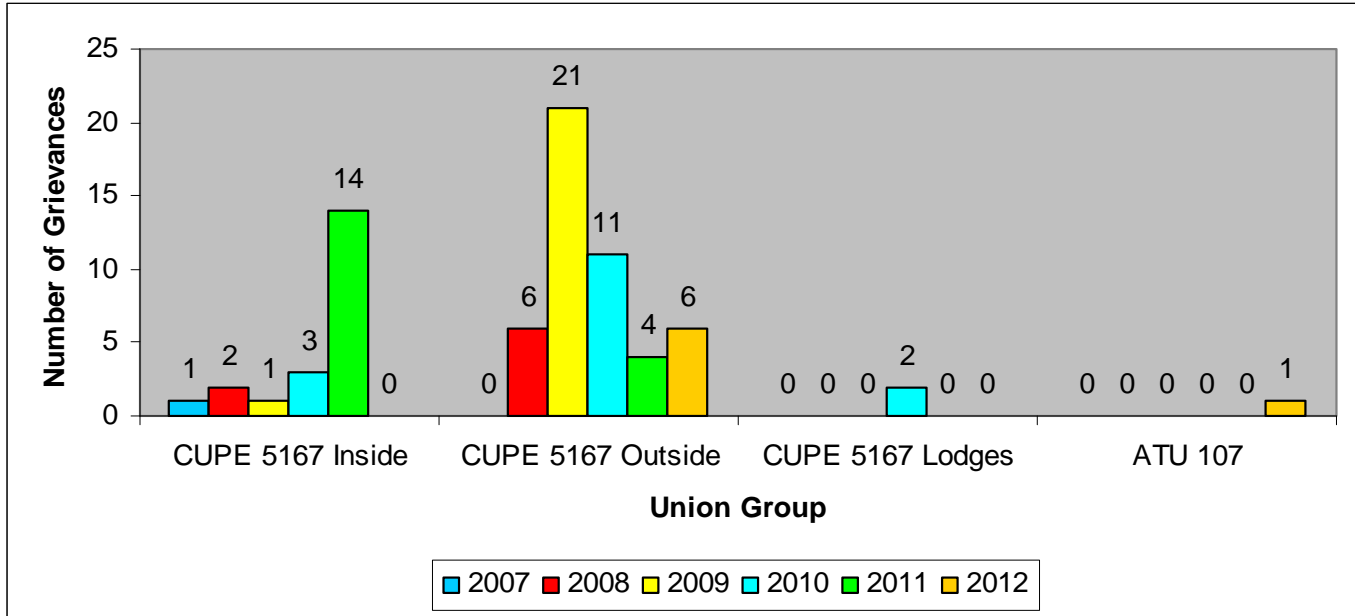


Chart Data:

Lay Off	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	1	2	1	3	14	0	-1400%
CUPE 5167 Outside	0	6	21	11	4	6	50%
CUPE 5167 Lodges	0	0	0	2	0	0	0%
ATU 107	0	0	0	0	0	1	100%
HPFFA 288	0	0	0	0	0	0	0%
CUPE 1041	0	0	0	0	0	0	0%
GHVFFA 911	0	0	0	0	0	0	0%
OPSEU 256	0	0	0	0	0	0	0%
ONA 50 Public Health	0	0	0	0	0	0	0%
ONA 50 Lodges	0	0	0	0	0	0	0%
HOWEA	0	0	0	0	0	0	0%
Total	1	8	22	16	18	7	-61%

Grievance Categories, by Union – 2007-2012

Work

Duties, Scope, Work of the Bargaining Unit, Contracting Out, Union Representation, Technological Change, Workplace Safety, Meal Breaks;

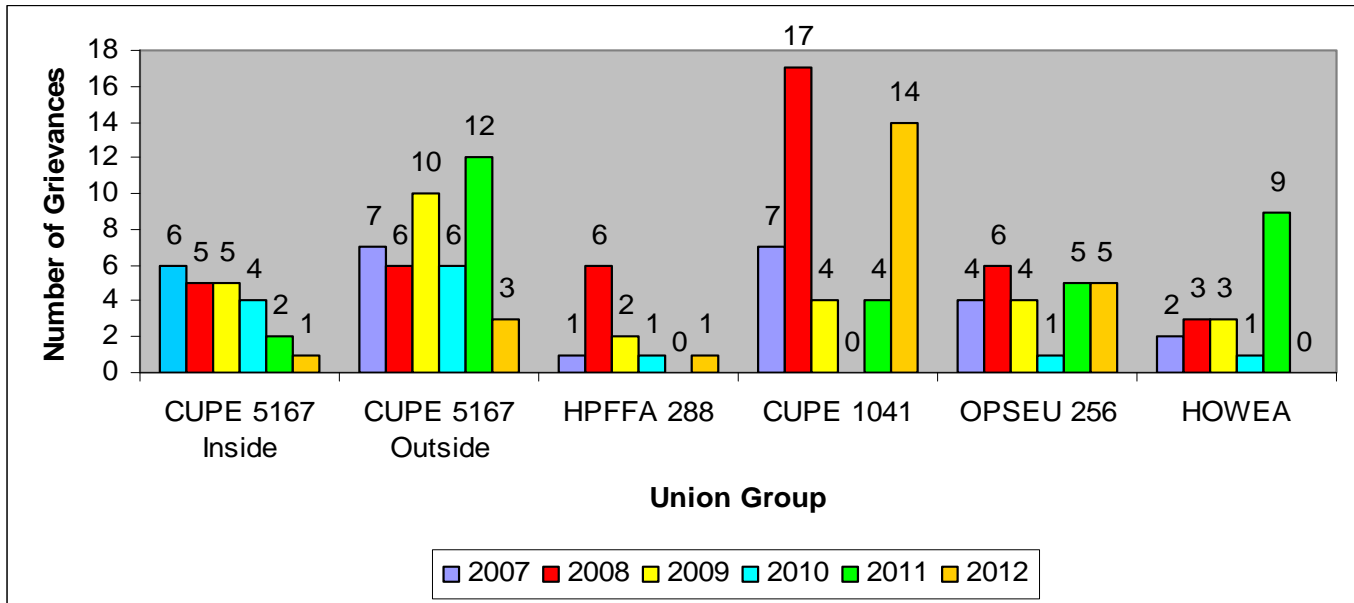


Chart Data:

Work	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	6	5	5	4	2	1	-50%
CUPE 5167 Outside	7	6	10	6	12	3	-75%
ATU 107	1	0	1	0	0	1	100%
CUPE 5167 Lodges	0	0	1	1	0	1	100%
HPFFA 288	1	6	2	1	0	1	100%
CUPE 1041	7	17	4	0	4	14	250%
GHVFFA 911	0	0	0	1	0	1	100%
OPSEU 256	4	6	4	1	5	5	0%
ONA 50 Lodges	0	0	1	0	0	0	0%
HOWEA	2	3	3	1	9	0	-900%
IUOE	0	0	0	0	2	0	-200%
ONA 50 Public Health	0	0	0	0	0	0	0%
Total	28	43	31	15	34	27	-21%

Grievance Categories, by Union – 2007-2012

Other - Administrative

Parking, Mileage, City Vehicle, Bus Pass, Corporate Policy, Confidentiality, Tuition Reimbursement, Performance Appraisal, Admin-other;

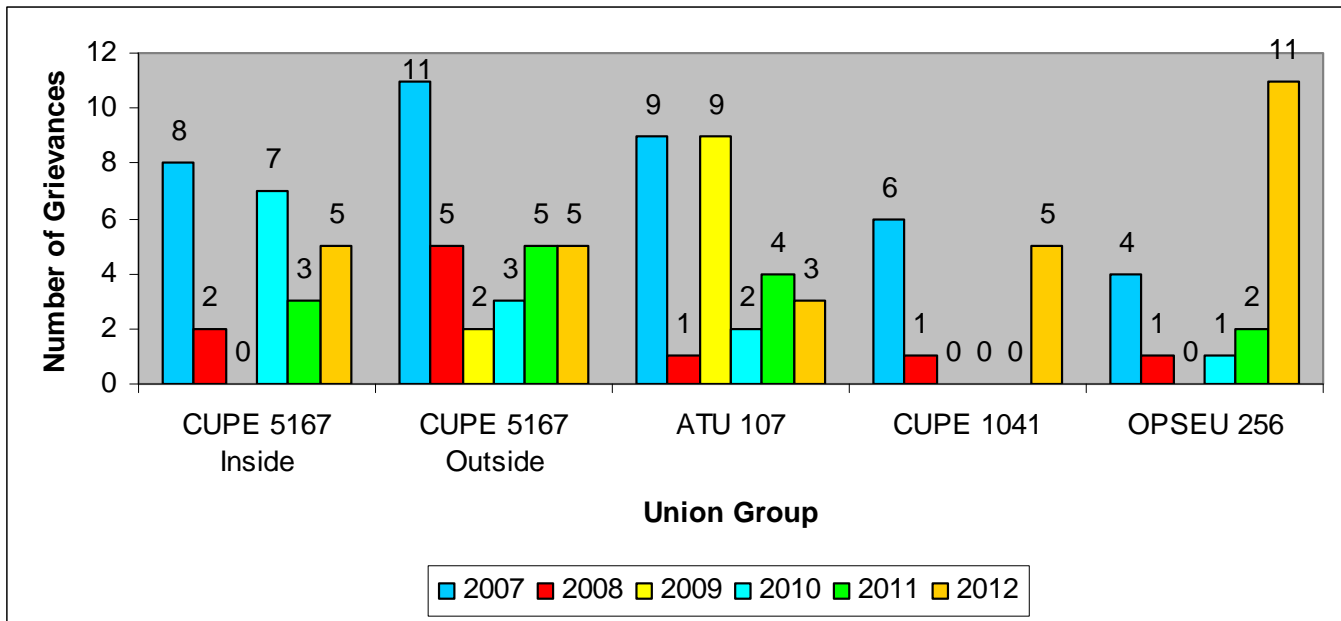


Chart Data:

Other Administrative	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	8	2	0	7	3	5	67%
CUPE 5167 Outside	11	5	2	3	5	5	0%
ATU 107	9	1	9	2	4	3	-25%
CUPE 5167 Lodges	0	0	0	0	0	0	0%
HPFFA 288	3	3	0	0	0	1	100%
CUPE 1041	6	1	0	0	0	5	500%
GHVFFA 911	2	0	0	1	0	1	100%
OPSEU 256	4	1	0	1	2	11	450%
ONA 50 Public Health	10	0	1	0	1	1	0%
ONA 50 Lodges	1	0	0	0	2	0	-200%
HOWEA	2	0	0	0	0	0	0%
Total	56	13	12	14	17	32	88%

Grievance Categories, by Union – 2007-2012

Other - Operations

Clothing Allowance, Cleaning Allowance, Clothing/Uniform, Safety Wear, Training, Missed Page.

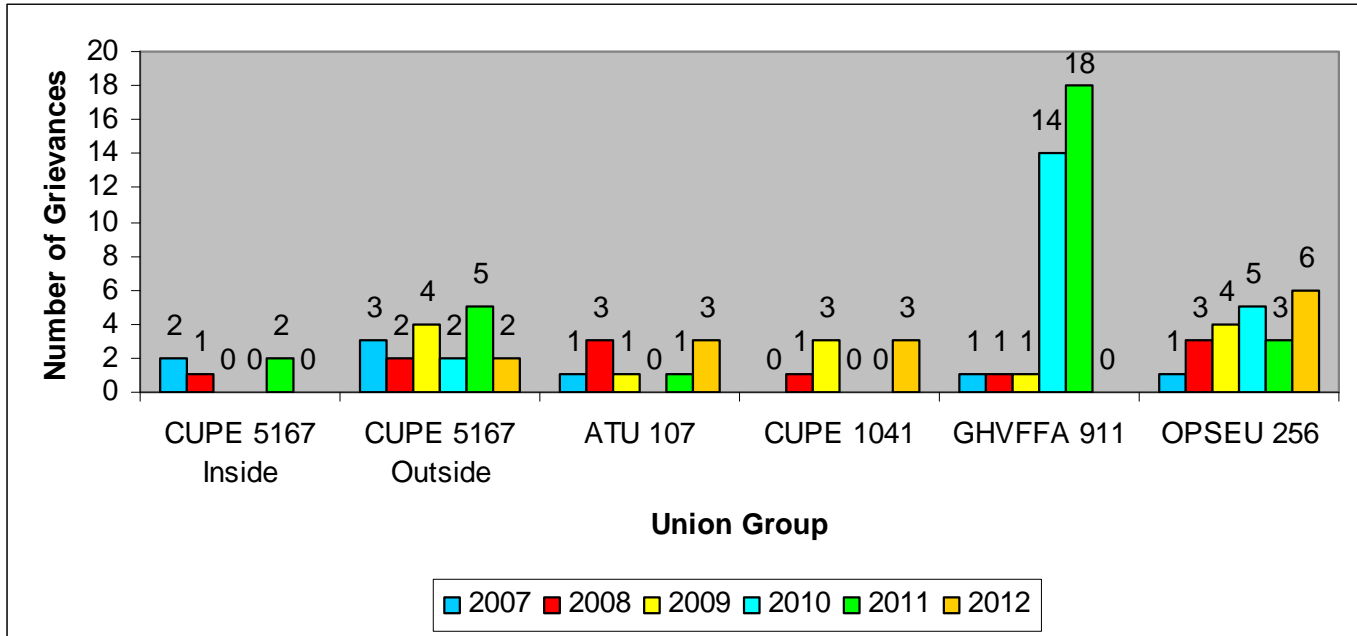


Chart Data:

Other Operations	2007	2008	2009	2010	2011	2012	2012 Percentage Increase/Decrease
CUPE 5167 Inside	2	1	0	0	2	0	-200%
CUPE 5167 Outside	3	2	4	2	5	2	-60%
ATU 107	1	3	1	0	1	3	200%
CUPE 5167 Lodges	0	0	0	0	0	0	0%
HPFFA 288	1	0	0	0	0	2	200%
CUPE 1041	0	1	3	0	0	3	300%
GHVFFA 911	1	1	1	14	18	0	-1800%
OPSEU 256	1	3	4	5	3	6	100%
ONA 50 Public Health	0	0	0	0	0	0	0%
ONA 50 Lodges	0	0	0	2	0	0	0%
HOWEA	0	0	0	0	2	0	-200%
Total	9	11	13	23	31	16	-48%

2012 Collective Agreement Settlements

Collective Agreements	Status	Term	Wages	Agreement Date
ATU 107	Settled	January 1, 2011 – December 31, 2014	2011 - 0% 2012 – 1.9% 2013 – 1.9% 2014 – 1.9%	January 27, 2012
IATSE 129	Settled	July 1, 2011 – June 30, 2015	2011 - 0% 2012 – 0% 2013 – 1.9% 2014 – 1.9%	February 7, 2012
ONA Public Health	Settled	January 1, 2011 – December 31, 2014	2011 - 0% 2012 – 1.9% 2013 – 1.9% 2014 – 1.9%	March 22, 2012
IATSE 173	Settled	January 1, 2012 – December 31, 2015	2012 - 0% 2013 – 0% 2014 – 1.9% 2015 – 1.9%	May 16, 2012
UFCW 102	Settled	July 1, 2012 – June 30, 2016	2012 - 0% 2013 – 0% 2014 – 1.9% 2015 – 1.9%	July 25, 2012
HOWEA	Settled	January 1, 2013 – December 31, 2016	2013 - 0% 2014 – 1.9% 2015 – 1.9% 2016 – 1.9%	August 15, 2012
ONA Lodges	Settled	April 1, 2011 – March 31, 2015	2011 - 0% 2012 – 1.9% 2013 – 1.9% 2014 – 1.9%	October 5, 2012
IUOE 772	Settled	January 1, 2011 – December 31, 2014	2011 - 0% 2012 – 0% 2013 – 1.9% 2014 – 1.9%	December 5, 2012
Outstanding Collective Agreements				
CUPE Lodges	Interest Arbitration	April 1, 2009 – March 31, 2011	N/A	<i>Arbitration Dates: April 15, 2014</i>
OPSEU	Interest Arbitration	April 1, 2009 – March 31, 2012	N/A	<i>Arbitration Dates: March 18, 2014 April 17, 2014</i>

Labour Relations Training Initiatives (*Essentials of Managing in a Unionized Workplace*)

Corporate-Wide

Labour Relations Training

The Labour Relations training is comprised of four modules: Introduction to Labour Relations, Investigations and Grievance Management, Performance Management and Progressive Discipline and Collective Bargaining/Managing and Non-Union Environment.

In 2012, Labour Relations facilitated 9 training modules involving 118 City of Hamilton employee participants. The presentation of LR training modules comprised of 3 Introduction to Labour Relations, 3 Investigations and Grievance Management, 2 Performance Management and Progressive Discipline and 1 presentation of Labour Relations newest module Collective Bargaining/Managing and Non-Union Environment.

At the end of each training module the participants are asked to complete an evaluation/feedback survey for the Labour Relations team to reflect and provide a more attractive and informative training module. The evaluation surveys are comprised of three categories: Content, Organization, and Presentation. In 2012, 74 evaluation surveys were completed and submitted to Labour Relations.

The following chart represents the overall evaluation of the each category for all 9 training sessions held in 2012:

Survey Category	2012 Overall Positive Rating Total N = 74
Content	98%
Organization	76%
Presentation	96%
Total No. of Completed Surveys	74

Content

- Information presented was educational.
- Content was relevant to my job.
- Examples and discussion were useful.
- New information and skills were learned.

Organization

- The presentation was well organized.
- The presentation was engaging.
- The presentation was timely.

Mediation and Arbitration Activity

<u>2012</u>	Arbitration	Mediation	Total
Number	58	36	94
Cost*	\$140,755.86	\$45,385.95	\$186,141.81

* Includes cost of meeting facilities and cancellations

2012

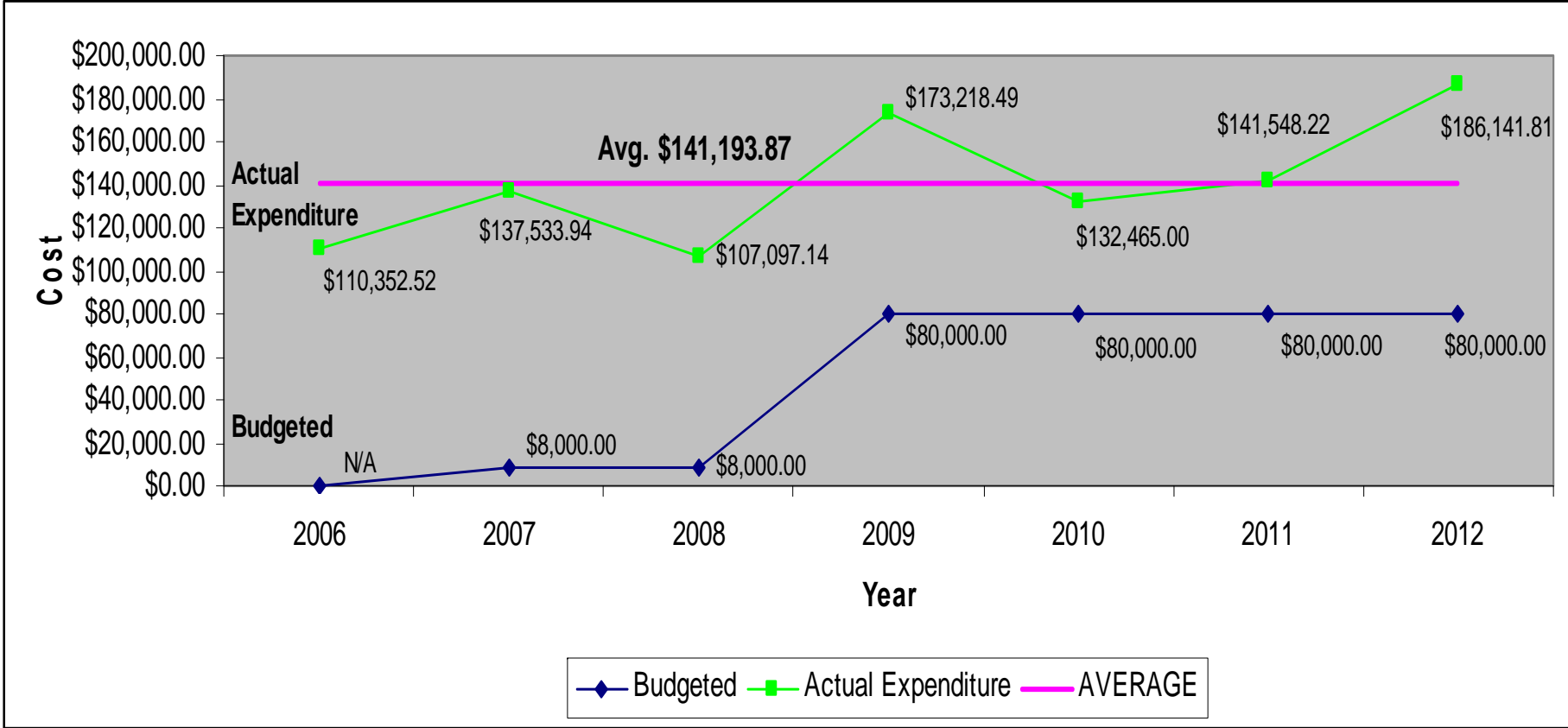
Average cost of Arbitrator per Hearing = \$2427

Average cost of Mediator per Hearing = \$1260

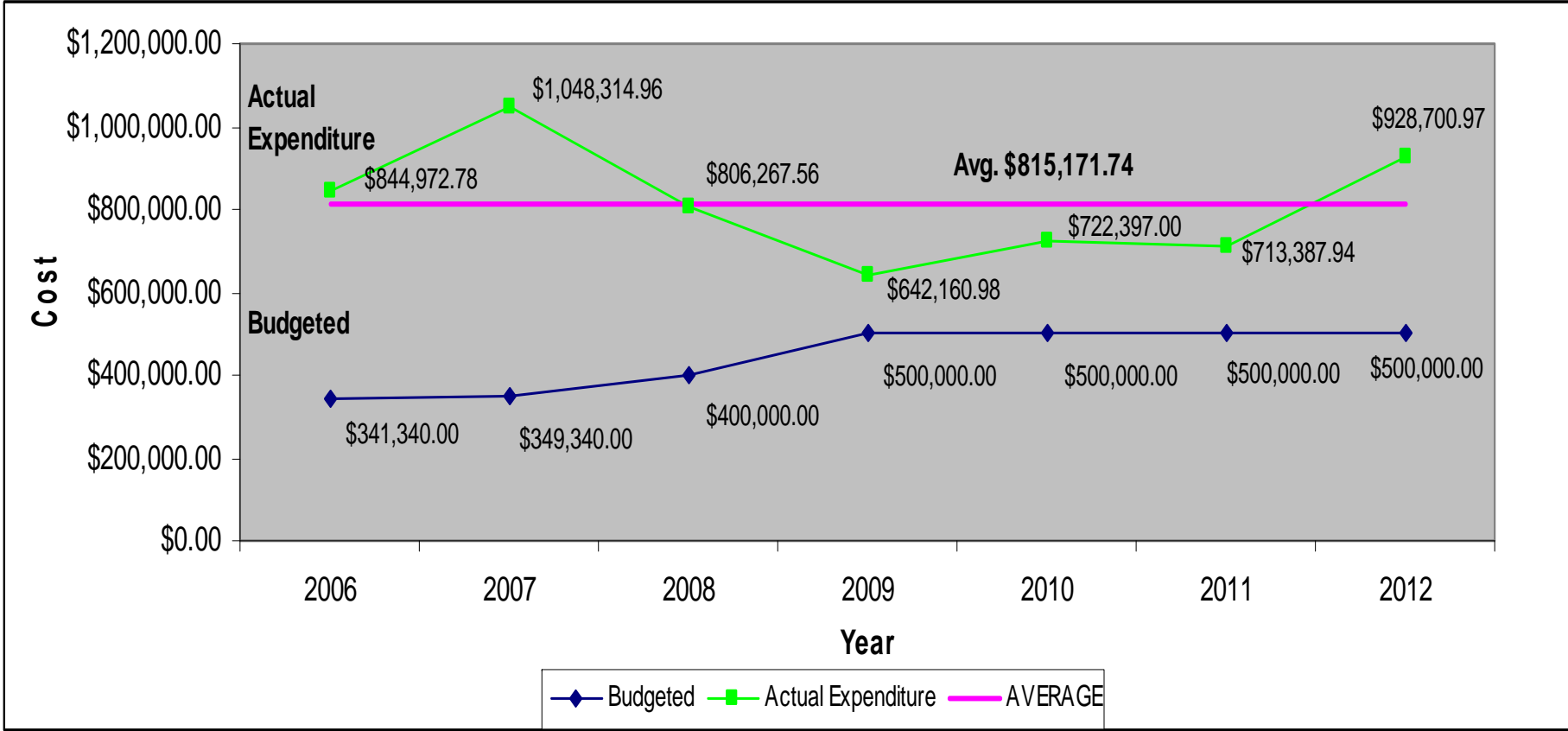
Total Costs per Grievance - Type Activity				
<u>Grievance Type - Category</u>	<u>Legal Costs</u>	<u>Arbitration Costs</u>	<u>Total Cost</u>	<u>Percentage of Total Cost</u>
Administration - Other	\$851.35	\$99.75	\$951.10	0.1%
Attendance	\$41,608.96	\$13,277.57	\$54,886.53	4.9%
Benefits	\$12,990.52	\$2,125.61	\$15,116.13	1.4%
Discipline	\$80,194.79	\$21,603.91	\$101,798.70	9.1%
Harassment & Discrimination	\$66,902.60	\$10,075.88	\$76,978.48	6.9%
Income Protection	\$11,450.31	\$2,460.48	\$13,910.79	1.2%
Job Assignment	\$9,417.89	\$1,719.01	\$11,136.90	1.0%
Layoff	\$13,704.15	\$10,522.46	\$24,226.61	2.2%
Operation - Other	\$5,155.63	\$1,760.12	\$6,915.75	0.6%
Overtime	\$5,284.91	\$4,061.38	\$9,346.29	0.8%
Promotion	\$624.70	\$0.00	\$624.70	0.1%
Termination	\$243,952.49	\$24,545.01	\$268,497.50	24.1%
Wages	\$74,764.92	\$17,967.76	\$92,732.68	8.3%
Work	\$94,939.91	\$25,009.48	\$119,949.39	10.8%
General Labour Relations (Non-Union, Legal Advice, OLRB, Carpenters, etc.)	\$266,857.84	\$5,527.44	\$272,385.28	24.4%
Total Cost	\$928,700.97	\$140,755.86	\$1,069,456.83	95.9%
Mediation Costs			\$45,385.95	4.1%
Total Cost (including Mediation)			\$1,114,842.78	100.0%

Total Costs per Union/Non Union Groups (2012)				
<u>Union/Non Union Groups</u>	<u>Legal Costs</u>	<u>Arbitration/Mediation Costs</u>	<u>Total Cost</u>	<u>Percentage of Total Cost</u>
CUPE 5167 <i>Inside/Outside/Long-Term Care Homes</i>	\$275,787.48	\$88,725.84	\$364,513.32	32.70%
OPSEU 256 <i>Paramedics</i>	\$116,255.36	\$42,196.47	\$158,451.83	14.21%
HPFFA 288 <i>Firefighters</i>	\$7,051.42	\$2,125.61	\$9,177.03	0.82%
GHVFFA <i>Volunteer Firefighters</i>	\$9,783.64	\$1,845.29	\$11,628.93	1.04%
ATU 107 <i>Transit</i>	\$125,407.38	\$31,870.79	\$157,278.17	14.11%
ONA 50 <i>Public Health</i>	\$4,626.26	\$2,107.69	\$6,733.95	0.60%
ONA 50 <i>Lodges</i>	\$140.43	\$0.00	\$140.43	0.01%
IUOE 772 <i>HECFI and Lodges</i>	\$9,709.36	\$345.98	\$10,055.34	0.90%
HOWEA <i>Water Treatment Plant</i>	\$16,406.23	\$11,363.93	\$27,770.16	2.49%
CUPE 1041 <i>Supervisors</i>	\$96,675.57	\$5,560.21	\$102,235.78	9.17%
General Labour Relations (<i>Non-Union, Legal Advice, OLRB, Human Rights, etc.</i>)	\$202,407.34	\$0.00	\$202,407.34	18.16%
Carpenters	\$64,450.50	\$0.00	\$64,450.50	5.78%
Total Cost	\$928,700.97	\$186,141.81	\$1,114,842.78	100.00%

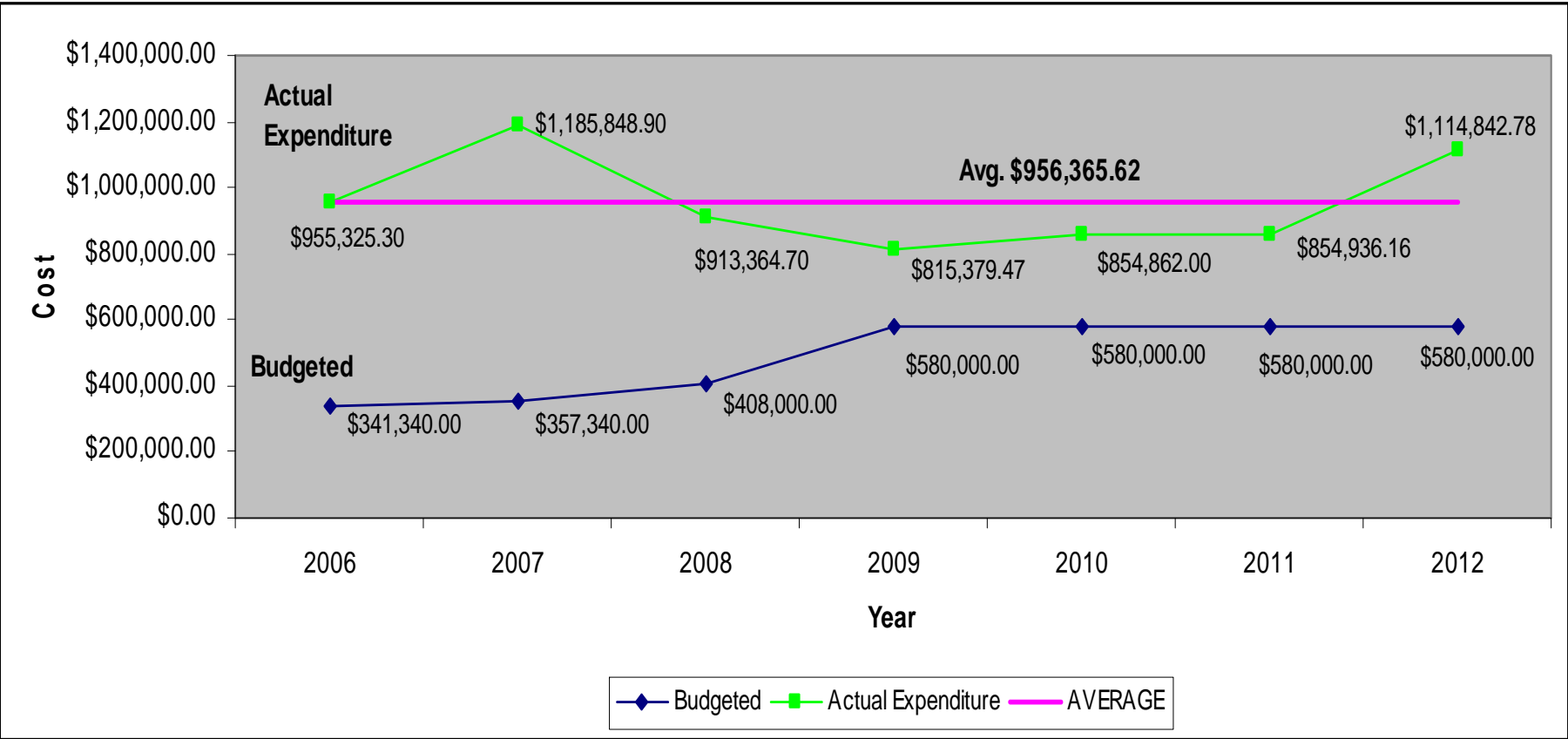
Total Arbitration & Mediation Costs 2006-2012



Total Legal Costs 2006-2012



Total Legal, Arbitration & Mediation Costs 2006-2012



Summary of 2012 Arbitration Awards		
Union	Grievance Type	Issue / Summary Award
CUPE 5167	Casual PT Employees/Scope	This Arbitration combined 2 very significant outstanding matters - the conversion of Winter Operators and Waste Collection Operators (N=89) from Casual status to Part time status and the unions request to transfer 36 positions (representing 1207 employees) within scope of C5167 collective agreement. The City's financial exposures for these Arbitrations were \$3M and \$4.5M respectively. Through a mediated settlement, the City agreed to a settlement at an annual cost of \$532,000 (plus a one time cost of \$20,000). The agreement also provided language on employer discretion in hiring winter operations, including language addressing "seasonal or term/task work" as well as agreement on limited number of positions to be included within scope of C5167 collective agreement.
CUPE 5167	Temporary Agency Workers/ Contracting Out	This Arbitration addressed two grievances regarding the use of temporary agency workers in C5167 bargaining unit positions. The Union alleged that the Employer was obliged to remit union dues for all temporary agency workers employed by the City, regardless of the duration of their employment. The settlement provided for flexibility for the City in the use of temporary agency workers for an 8 week period while the posting and selection process is underway. The settlement also obliges the City to remit an amount of union dues at the vacant position's regular rate for any hours worked beyond 12 weeks.

Union	Grievance Type	Issue / Summary Award
CUPE 5167	Duties Assigned with Position	The Arbitrator's award in this case supported the City's position that the employer is able to assign duties to the position of Arborist that are not considered to be of a higher classification. In this case, the duties assigned were well within the scope of the position and aligned with the skills and abilities of the grievor and job description was considered to be appropriate in light of the scope of skills and responsibilities.
CUPE 5167	Employer/Recovering Money from Damage	This decision is considered a win for the Employer as the Arbitrator determined that the City of Hamilton is able to sue the employee for damages.
CUPE 5167	Non-Union Positions (scope of the bargaining unit)	Non-union positions deemed by the Employer to be outside the scope of work in the collective agreement were ordered back in the Union. However, the parties agreed that the positions would return to non-union status when the current incumbents vacate the position. The Employer's ability to replace the positions when vacated with non-union employees' is considered a win for the Employer.
CUPE 5167	Premium Pay	This decision is considered a win for the Employer as the grievances were dismissed by the Arbitrator. This case confirms that the Employer did pay "shift workers" the correct rate of pay for the Statutory Holidays and that the Employer did abide by the collective agreement and change is not necessary.
CUPE 5167	STD	This decision is considered a loss for the Employer as the Arbitrator ruled that the Employer improperly denied the employee short term disability benefits.

Union	Grievance Type	Issue / Summary Award
CUPE 5167	Bumping Rights/Temporary Positions	<p>This decision is considered a loss for the Employer as the Arbitrator upheld the grievance. The decision stated that even though a laid off permanent full-time employee exercised her right to bump and choose a temporary full-time position over other permanent positions, at the end of the temporary full-time position the arbitrator ruled she should have acquired a new set of layoff/recall/bumping rights. The City had good reason to take the position that an employee can't choose to repeatedly bump into temporary positions as the Union asked for this right during collective bargaining and was denied. However, although the Arbitrator stated that the collective agreement language used is not easy to apply to the circumstances of this case he ruled the extrinsic evidence (documentation of collective bargaining) was inadmissible as neither party asserted ambiguity. Currently, the grievor has found a full-time position through the bumping process as part of the remedy facilitated by labour relations. Labour relations is working to mitigate any other potential liability by identifying to the Union that this grievor had a past opportunity to bump into the permanent full-time position she currently occupies and the City should not be penalized for the grievor's personal choices.</p>
OPSEU	Clothing/Uniform	<p>Union grieved the Employer's failure to provide uniform items in a timely manner, per the Collective Agreement. The Union sought a remedy which included monetary damages. Arbitrator upheld the grievance, acknowledging a breach of the collective agreement, but denied Union's request for monetary compensation.</p>

Union	Grievance Type	Issue / Summary Award
OPSEU	Overtime Distribution	This decision is considered a win/loss for the Employer. The grievance was upheld by the arbitrator but noted that the OT distribution language is very complex and needs to be reviewed by both parties. The arbitrator did not order the parties to make any change nor did the arbitrator provide a monetary remedy for the Union.
OPSEU	Special Events/OT	The grievance was upheld by the arbitrator. The decision is considered a loss to the Employer. As a result, the Employer is required to pay paramedics two times their regular rate of pay when they accept a special events assignment following an overtime shift, resulting in an increased charge to third parties for paramedic services at events (i.e. Tiger Cat games) The assignments were paid at one and a half times the regular rate prior to the award.
OPSEU	Meal Break	The Arbitrator confirmed that the Employer has abided by the collective agreement, and made all reasonable endeavors to provide paramedics with their meal break. The parties were further able to agree to modified policy language that facilitates the opportunity for medics to take a meal break, in accordance with the collective agreement. An associated, minutes of settlement also resolved the numerous “missed meal break” grievances and provided the parties with new collective agreement language, resolving this matter at the bargaining table without further litigation required.

Union	Grievance Type	Issue / Summary Award
OPSEU	Temporary FT Positions	The parties mediated a settlement at arbitration, protecting the Employer's current practice with respect to filling temporary full-time vacancies. The settlement included a small monetary payment to the grievor's, without admittance of liability and without a potentially unfavourable interpretation by the arbitrator of the vacancy posting language.
OPSEU	Wages	The parties mediated a settlement at arbitration, preserving the Employer's right to determine which health & safety training is required and therefore attracts compensation when an employee attends. The Union reserves the right to make requests to attend training, which will be approved by the Employer, when deemed necessary. The Union is also permitted to propose revisions to the associated language in the collective agreement during bargaining.
1041	Union Representation	The arbitrator denied the grievance, affirming the Employer's position that when paramedic supervisors are required to attend meetings at the Base Hospital, and their request for Union representation is denied by the Base Hospital representatives, the issue is not related to the provisions of the collective agreement, and therefore is not subject to the grievance process. The Employer is permitted to continue its current process with respect to workplace investigations (including the requirement to allow union representation) but is not compelled to instruct the Base Hospital (who is not a party to the collective agreement) to afford paramedic supervisors the same right.

Union	Grievance Type	Issue / Summary Award
1041	Harassment & Discrimination/ Discipline	The discipline was removed from the Employee file, without pay back. No acknowledgement of wrong-doing by the Employer. Parties agreed to provide additional training to employees, related to the issues that gave rise to the discipline.
CLAC	Discipline	The disciplines were upheld in part (suspension upheld, demotion was reduced to a limited amount of time). Parties developed a protocol to address workplace issues which led to the events which gave rise to the discipline/grievances, including the use of a 3rd party consultant to provide coaching.
ATU 107	Wages	At Judicial Review - The decision was considered a loss for the Employer. The award provided for a "Pecking Order" regarding allotment of work. This was never incorporated into the collective agreement nor does the collective agreement provide for this order.
HOWEA	Discipline/Workplace Safety	This decision, considered a win for the Employer, preserved the practice currently applied by Return to Work Services regarding the administration of bridging payments. The end result ultimately provides the employer security that there will not be bridging for WSIB injuries that flow from a previous (non-City of Hamilton) employer. This decision is also beneficial due to the other collective agreements in the City of Hamilton having the same language and therefore concludes outstanding and or future issues from arising within the union groups.