



# DISPATCH

*Management's Voice for Unionized I.C.I. Construction*

## Message from the Executive Director

### Bargaining 2019: What Happened?

I have been involved in provincial collective bargaining at the local and provincial levels for over 31 years, and never have I encountered a bargaining round such as this.

For the most part, the Employer and Employee Bargaining Agencies (EBAs) delayed the start of the process until late March. Certainly, not the norm. Then, when the process did begin, it sputtered along without a clear path to reaching consensus. By the time I drafted this report at the end of May, our EBAs were still at the bargaining table with one on strike. For those who had reached a memorandum of settlement, the agreements were not yet ratified.

How does one explain this round of collective bargaining? What has occurred that is out of the norm? With the shortage of labour in several trades and the prospect of a greater volume of work being forecast, were labour demands excessive? Has growth in non-union competition pushed management to seek language revisions in their agreements which labour felt they could not coincide with? Did the new Provincial Government along with its legislative changes, and perceived upcoming legislative changes, have an impact?

Personally, I suspect it was a combination of all of these. That said, ignoring the change in Provincial Government, has our industry not matured enough to have had these difficult discussions on management and labour issues long before we hit the April 30 deadline? What happened to interest-based bargaining, a style of bargaining that I am sure we have all explored. In the interest of the well-being of our industry, how

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## Exclusive Jurisdiction in Construction

Jurisdictional disputes on a project are costly because the settlement process causes job delays. The disputes also foment dissension among workers, interfere with job coordination and frequently result in inefficient assignments. If they do result in work stoppages, there are additional costs.

While disputes are costly, the larger cost of exclusive jurisdiction in union construction is the lack of flexibility for the contractor in making work assignments, requiring him/her to make inefficient assignments for jurisdictional reasons.

Adherence to traditional trade practices, union charters, union convention resolutions, agreement between unions, and so-called decisions of record as the basis for work assignments leaves little room for considerations of efficiency.

Many contractors in the past viewed the determination of jurisdictional lines as a union responsibility.

Generations of exclusive jurisdiction have helped shape an industry structure of sharply-defined craft lines and contractor organizations to match. This promotes a self-interest on both sides to maintain the status quo, and encourages fragmented collective bargaining.

Single-craft employers have tended to support established craft jurisdictions and expansionary jurisdictional claims by their counterpart unions.

Voluntary settlement of jurisdictional disputes appears logically preferable to a legislative-imposed solution, but a voluntary-disputes settlement plan that reinforces ineffective practices is worse than no voluntary mechanism at all.

Though jurisdictional disputes may occur on a relatively minor portion of a project, they can have a major, adverse impact on the total job because of the disruption they cause.

Unions and contractors alike have used collective-bargaining agreement language to stake out rigid claims to work that reinforces the practice of exclusive jurisdiction. At the same time, some collective bargaining settlements penalize contractors for failing to follow "shall assign" language.



*- Excerpts from the Business Roundtable Report C-1*

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do we proceed to ensure we are not in the same position in April 2022?

On the legislative front, Bill 100 – Protecting What Matters Most Act – is up for third reading. This act is to implement budget measures. One concerning section of the Bill is schedule 40, which contains an entire new statute – Modernizing the Skilled Trades and Apprenticeship Act (MSTAA), 2019. This is the result of amendments made to the Ontario College of Trades and Apprenticeship Act in Bill 47. The key features of the proposed MSTAA introduces the concept of skill-set training, policies from the Minister will describe “activities” of a “trade” or “skill-set.” As written, the MSTAA eliminates the concept of a “compulsory trade” and in its place, the Act introduces the concept of restricted activities. One would have to question if this is not the first step to changing designation orders.

On another note, in discussions with the Ministry of Labour, it was made fairly clear that they are looking at the construction industry as a whole, and the amount of time and cost it takes the Ministry to deal with construction issues in proportion to all other industries. It is the Ministry’s opinion that the industry itself should be dealing and solving their own problems, and not coming to the government. Jurisdictional disputes and petty grievances coming before the Ontario Labour Relations Board, as well as designation orders were examples of the industry looking to government to solve its problems. It is quite clear that if we, the construction industry, do not move forward and solve these issues, there will be legislation enacted to deal with them.

THE CONSTRUCTION EMPLOYERS COORDINATING COUNCIL OF ONTARIO

## DISPATCH

*The Construction Employers Coordinating Council of Ontario (CECCO) DISPATCH newsletter is published two times per year and spearheads the association’s communication efforts. It is designed to ensure members are kept abreast of current CECCO undertakings, as well as relevant educational opportunities and industry news.*

## CECCO

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## CECCO – Connecting the industry in an ever-changing business environment

The Construction Employers Coordinating Council of Ontario (CECCO) is an advocate for the advancement of the construction industry. Recognized as the voice of unionized I.C.I. construction management in Ontario, the association offers a wealth of benefits to like-minded industry professionals looking to remain competitive in an ever-changing environment.

Established in 1979, CECCO is comprised of 20 I.C.I. construction Employer Bargaining Agencies (EBAs) who represent 8000 trade and general contractors, who employ in excess of 80,000 workers throughout the province.

According to Geoff Kinney, president of the Cement Finishing Labour Relations Association (CFLRA), for small trade groups such as his, CECCO directly connects the association to Ontario’s construction employer community as a whole.

“This connectivity is critical for sharing information and concerns, while also advancing opportunities for industry consensus and improvement,” he said. “All trade groups should belong to CECCO because this connectivity and support is critical in our complex and changing world.”

CECCO offers in-depth strategic knowledge of construction labour negotiations. This was evident during the 2019 round of bargaining, where CECCO released over 27 updates from all of the I.C.I. Employer Bargaining Agencies (EBA) it represents.

The association also provides peer group support during the collective bargaining process. Prior to the commencement of the 2019 round of bargaining, CECCO organized five trade group roundtables with the trades divided into two trade groupings – namely, the mechanical trades, and the civil and finishing trades. Discussions at these sessions centred on what each specific trade group could take away from the negotiations to ensure their contractors had the tools required to be successful moving forward. As the negotiations progressed, CECCO provided a series of in-person and conference call meetings with participating EBAs to remain current with their progress at the bargaining table.

“For someone who is new to construction, being part of CECCO has exposed me to other trades and to valuable contacts in the industry,” said Jodi Travers, labour relations manager at the Electrical Contractors Association of Ontario (ECAO). “Regular communication during the last round of bargaining – especially in the small trade group format – was helpful and appreciated. I look forward to increased collaboration and sharing of information with other EBAs so we can work together to strengthen the

unionized construction industry and make our member contractors more competitive.”

CECCO is the only fully union, multi-trade I.C.I. management group who is lobbying the Ministry of Labour and advocating for legislation beneficial to the industry as a whole.

CECCO took the lead and partnered with the Electrical Power Systems Contractors Association (EPSCA), the Council of Ontario Construction Associations (COCA) and the Ontario Residential Council of Construction Associations (ORCCA) to lobby for changes to the former Provincial Government’s Bill 148 – Fair Workplace, Better Jobs Act. This effort was rewarded with the new government rescinding the offending issues – primarily, two-day personal leave and scheduling – in the new Bill 47.

CECCO also addressed the Ministry with regards to Bill 66 – an act to restore Ontario’s competitiveness. This legislation would allow municipalities signatory to I.C.I. collective agreements, out of these agreements. Working with the Ontario Secretariat and the Building Trades, CECCO drafted publications and fact sheets that were distributed to the affected municipalities to assist them in making informed decisions. The effort proved to be successful in Toronto.

CECCO continues to monitor government legislation relating to the Labour Relations Act which affect the operation of unionized construction companies.

CECCO also interacts with other government ministries to ensure the industry is well-represented. The association is currently in communication with the Ministry of Training, Colleges and Universities to put forth concerns relating to the potential “de-skilling” of the trades through the proposed Modernizing the Skilled Trades and Apprenticeship Act 2019.

“CECCO’s special partnership with the Ontario Building Trades at the Ontario Construction Secretariat gives us every opportunity to build a strong and healthy future,” Kinney said. “We are grateful to be a part of CECCO’s continuing efforts to promote a safe and skilled construction workforce in Ontario.”

How can industry groups get more out of CECCO? Partners can get the most out of their membership by ensuring they have representation at CECCO quarterly and legislative ad-hoc meetings, and that these representatives are prepared to offer constructive opinions on the issues at hand.

As the voice of unionized I.C.I. construction management in Ontario, CECCO is a viable vehicle to ensure its partners are well-represented in all facets of government legislation, as well as ensure success and advancement of the industry now and in the future.