

CECCO DISPATCH

Management's Voice for Labour Relations in the Unionized I.C.I. Construction Sector **WINTER 2020**

Happy Holidays

From our CECCO family to yours, we wish everyone the happiest of holidays and Best wishes for the New Year to come!

Executive Directors Report



We are at the half point in the I.C.I. collective agreement cycle. Most if not all the bargaining agencies have tied up any remaining loose ends of the 2019 round of negotiations.

With CECCO's professional development, negotiation education seminar we move forward to 2022. The education session presented by Forrest Inc. was extremely well attended with the post session survey indicating a valuable experience with all components offering a high degree of knowledge. The survey also indicated the session's participants were looking forward to sessions two and three. Currently a virtual sessions is scheduled for the spring and a face to face session in the fall of 2021 but in lieu of the virtual spring session we are considering a two day face to

face fall session combining bargaining preparation and bargaining simulation. If this is doable we believe it would provide a better learning experience.

Keeping with negotiations CECCO had its kick-off coordination meeting for the 2022 round of bargaining. As with the professional development session this kick-off meeting was well attended with many of the I.C.I. employer bargaining agencies staff and their contractor representatives in attendance.

On the government relations front our executive committee met virtually with Minister McNaughton. We had the opportunity to discuss the 2019 and the upcoming 2022 negotiation rounds of I.C.I. bargaining relating our view of the issues that led to two work stoppages and our concerns with the upcoming 2022 round. In further discussion it was related that while there were some significant revision to the Labour Relations Act, Construction Industry with Bill 69 in 2001 that was two decades ago. The last in-depth review of the construction industry was with the Adams Report in 1991. Dialog ensued relating to this report and the legislation enacted to cover off some of the report's recommendations and the recommendations that at the time were not considered in legislation. In conclusion both parties agreed it was a worthwhile discussion and agreed to meet on a bi-monthly base.

Who is the National Construction Labour Relations Alliance (NCLRA)?

Some have asked who is it NCLRA and why is CECCO a member. By way of explaining we offer the following. The NCLRA is an alliance of the management construction labour relation associations across Canada. NCLRA's mission is to support and work with member employer organizations in providing value to their contractor members. It focuses on:

- Employer relations in a unionized environment.
- It focuses on exercising political influence federally.
- Performing a clearing house function for provincial lobbying efforts and by invitation only directly supporting those provincial efforts.
- Performing national environmental scans and identifying key national issues.
- Proactively sharing bargaining and labour relations best practices.
- Liaising and communicating with other national union contractor organizations with a labour relations mandate.

There are a number of commonalities but also a number of differences amongst the NCLRA membership.

- Market share is a key issue for all members.
- There are many labour relations related legislative differences between provinces which means we cannot work together on all issues. For example Newfoundland & Labrador legislation does not allow for CLAC; Project Labour Agreements are not available in Nova Scotia.
- Different relationships and networks with owners also exist across the country with no consistency.
- The different bargaining relationships exist among the members. For example, CECCO has no bargaining rights in Ontario where the other provincial Construction Labour Relations Associations do.

The primary strengths of the Alliance are:

- Members having the ability to share information that will benefit all
- It is a lobbying vehicle that has been leveraged in the past with the Canadian Building Trades Unions.
- The NCLRA is the recognized and respected (by the CBTU) cohesive group to work with nationally.
- There is a wealth of experience around the table; labour relations, and association and general management.
- Collectively contractor members of the NCLRA have significant economic impact and political influence.

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Labour Relations Act Article of Note

Election

163.5 (1) A provincial agreement shall be deemed to include the following provisions with respect to an employer who is bound by if the employer so elects:

1. Up to 75% of the employees who perform work in fulfilling a contract for the construction in the industrial, commercial and institutional sector of the construction industry may be individuals who were hired by the employer without referral from or selection, designation, assignment or scheduling by or the concurrence of the affiliated bargaining agent in whose geographic jurisdiction the work is performed.
2. For purposes of article 1, no more than 40% of the employees performing the work in fulfilling the contract may be individuals who are not members of the affiliated bargaining agent in whose geographic location the work is performed.
3. The percentages set out in articles 1 and 2 must apply with reference to the number of employees of the employer who perform work under the provincial agreement on each day during the period during in which the contract is being fulfilled. 2000, c.24, s. 8.

Scope of Election

(2) The election may be made with respect to one or more or all of the construction contracts that the employer fulfils using employees who perform work under the provincial agreement. 2000, c.24, s. 8.

Manner of Election

(3) An election under subsection (1) shall be made by giving written notice of the election to the employer bargaining agency that is party to the provincial agreement. 2000, c.24, s. 8.

It is important that the following related sections of the article are also perused:

- (4) **Restriction re: membership in the local**
- (5) **Restriction: membership in affiliate**
- (6) **Inconsistency**
- (7) **Decreased percentages**
- (8) **Restriction re: impasses**
- (9) **Increased percentages**
- (10) **Non-application of selection**

