Request to Speak to a Committee of Council

If your request is for a specific committee meeting, this form must be received by NOON the day before the scheduled committee meeting. Requests for Monday meetings must be received by NOON the Friday before the meeting. Requests for meetings scheduled for the day after a statutory holiday must be received by NOON the last business day before the meeting. For summer meeting requests (July/August), please contact the City Clerk's Office at (905) 546-4408 for further information.

Committee Requested

Kindly indicate which Committee: *

Audit, Finance & Administration

If you selected Advisory/Sub-Committee from the above list, please indicate name of Committee:

Requestor Information

Name of Individual: *

David McDonald

Name of Organization:

same

Contact Number: *

Email Address: *

Mailing Address: *

Reason(s) for delegation request: *

Fair Wage Policy, March 25, 2013

Will you be submitting a formal presentation?*

☐ Yes

☐ No

Overhead projector required for the presentation

☐ Yes

☐ No

Power Point required for the presentation

☐ Yes

☐ No

Are you a lobbyist? *

☐ Yes

☐ No

(The information collected for the Lobbyist registry system was implemented by City Council in 2004 and the information provided is on a voluntary basis.)

If your answer is Yes to the lobbyist question, who are you representing? :

Requests to speak to Council are forwarded to the Committee for consideration. Once considered by Committee, and approved, you will be notified of the date for your presentation.

This form is not for the purpose of presenting unsolicited proposals by Vendors to Committee. Such proposals are subject to a competitive process as required by the City's Purchasing Policy.

The City makes a video record of Committee and Council meetings. If you make a presentation to a Committee, the City will be video recording you and will make the recording public by publishing the recording on the City's website.

The City collects personal information as authorized under Section 5.11 of the City's Procedural By-law No. 10-053 for the purpose of entertaining individuals requesting an opportunity to appear as a delegation before Committee. The Procedural By-law is a requirement of Section 238(2) of the Municipal Act. Questions about the collection of personal information can be directed to the Manager, Legislative Services / Deputy Clerk, City Hall, 71 Main St. W., Hamilton, ON L8P 4Y5 (905 546-2424 ext. 4304).

The Voluntary Lobbyist Registry is a public document and will be available for viewing in the City Clerk's office.
The Cost of Monopoly

To;
Chair and Members,
Audit, Finance and Administration Committee
City of Hamilton

Re;
Hamilton Construction Fair Wage Policy and Schedules

March 25, 2013

Dear Councillors,

We have read the Staff Report and Recommendations regarding the Fair Wage Policy posted on the Agenda for March 25 meeting.

I am David McDonald a retired Chair of the Merit Open Shop Ontario and an expert on the Toronto Fair Wage policy as I have 30 years of experience working under it in my previous employment. I am appearing before you with Phil Besseling of Besseling Mechanical, another past Chair of Merit.

We are here supporting the Recommendations of Staff in general with some recommendations to improve the policy as well as provide a rebuttal of the deputations we expect from the Building Trades and John Gray of Municipal Solutions who made deputations before this committee last November.

Recommendations on FWP:

- To incorporate a version of the Toronto Fair Wage Policy Intend clause to make it clear that going forward the Building Trades rates are not the foundation of Hamilton’s policy. We would change section D. to say “To protect public finances.”
A4. Intent of Fair Wage Policy

The intent of the Fair Wage Policy can be summarized as follows:

A. To produce stable labour relations with minimal disruption
B. To compromise between the wage differentials of organized and unorganized labour
C. To create a level playing field in competitions for City work
D. To protect the public
E. To enhance the reputation of the City for ethical and fair business dealings

- For better clarity incorporate into the Schedules the usage of the Sectoral construction definitions used in the Toronto FWP as each sector has different unions, contractors and agreements as in ICI, Sewer and Water Main etc.

Rebuttal:

We are pleased that the Recommendations of Staff including freezing the present schedules and accepting CLAC rates recognises that the Building Trades Schedules are not industry standards or “prevailing rates” in the region but simply the highest rates of a minority of contractors and trades who seek a financial subsidy from the taxpayers of Hamilton for their private sector enterprise;

- We reject the claims of private sector lobbyists that not using Building Trade rates in any way compromises quality or safety or value for money on City projects. It is unprofessional and insulting on their part to even suggest it, as if Hamilton staff and professional consulting engineers do not already guarantee these standards with their professional reputations.
- The facts are that the official schedules and rates of the Building Trades are not even their own “prevailing rates” and that for years the Building Trades have used a two tiered pricing system where they charge one rate when there is open shop competition and a higher monopoly rate when there is no competition as is the
case with the Carpenters Union’s rates charged to the City of Hamilton by their affiliated Contractors.

Cost of Monopoly

It is not an understatement to say that the City of Hamilton is facing an infrastructure deficit crisis and it is our position that Mr. Beattie and Mr. Gray are nothing less than advocates and lobbyists for exacerbating Hamilton’s crisis by supporting the Carpenters Contractors union monopoly over City tendering that Hamilton’s Staff’s report costs the City $10 to $20 Million a year. Since the Construction Building Trades and their affiliated Corporations first gained control and monopoly over City of Toronto tendering in the early 1990’s the Organised Industry across the Province has embarked on an American strategy best named as a Market Recovery Plan whereby they seek to use monopoly profits gained from control over public sector tendering to subsidize their private interests to driving up the price of labour and increase corporate profits through political influence and lobbying.

Attached are the Carpenters Unions wage schedules negotiation between the union and their Contractors for the City of Toronto area in 1990 and now in 2013 and the present Carpenters Union Schedule in the City of Hamilton and that of the UA Local 67, the plumbers union on the Hamilton Union.

One cannot ignore the incredible increase in the Employer Contributions in the Carpenters Toronto Schedules since monopoly was established nor ignore that it is the future of Hamilton that these Funds will increase and ask where the public dollars from these funds are going in a fundamentally unconstitutional situation where the public, the City, the government has absolutely no say in negotiating the rates it pays nor control over public policy.
Everyone in the public sector construction industry business knows that these funds are used to take money from "captive" municipalities such as Hamilton and use it to subsidize union contractors' profits in bidding in other municipalities where there is open shop competition and that the Building Trades do not charge their official rates when their contractors are bidding in open competition.

Recommendation;
The City of Hamilton as the employer in a contractual relationship with the Carpenters Union demand from the union an accounting of where public funds are being spent and that the City renew its' demand to the Province for an amendment to the Labour Relations Act to escape from its' "Captive Employer" status as per the attached LUMCO resolution in support of Hamilton Council.

Sincerely,

David McDonald
Phil Besseling
Carpenter
L.U. 27
OLRB Area #8

Article 6 — SCHEDULE D

WAGE AND RELATED PAYMENTS
FOR REGULARLY SCHEDULED DAYTIME HOURS

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Hourly Rate</th>
<th>Vacation 4%</th>
<th>Holiday Pay 6%</th>
<th>Health and Welfare</th>
<th>Pension</th>
<th>S.I.B.</th>
<th>Total</th>
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<tbody>
<tr>
<td>May 1/90</td>
<td>23.52</td>
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<td>1.26</td>
<td>2.37</td>
<td></td>
<td></td>
<td>29.50</td>
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<tr>
<td>Oct. 1/90</td>
<td>23.75</td>
<td>2.37</td>
<td>1.26</td>
<td>2.37</td>
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<td>29.75</td>
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<tr>
<td>May 1/91</td>
<td>25.02</td>
<td>2.50</td>
<td>1.36</td>
<td>2.62</td>
<td></td>
<td></td>
<td>31.50</td>
</tr>
</tbody>
</table>

Total Wage Package includes a Premium Transportation Allowance for OLRB Area #8

Employer Contributions
- Association Administration Fund: $0.08
- Dues Supplement: $0.02
- Apprenticeship and Training Fund: $0.14

Employee Deductions
- Union Administration Fund: $0.05
- Supplementary Union Dues Check-off: 1% of gross earnings

Foreman Differential: May 1/90 $2.30
                      May 1/91 $2.60

Leadhand Differential: May 1/90 $1.75
                      May 1/91 $2.00

Apprentices:
First Term 1800 hrs. — 50% of journeyman base rate
- May 1/90 $11.76
- Oct. 1/90 $11.88
- May 1/91 $12.51

Second Term 1800 hrs. — 60% of journeyman base rate
- May 1/90 $14.11
- Oct. 1/90 $14.25
- May 1/91 $15.01

Third Term 1800 hrs. — 70% of journeyman base rate
- May 1/90 $16.46
- Oct. 1/90 $16.63
- May 1/91 $17.51

Fourth Term 1800 hrs. — 85% of journeyman base rate
- May 1/90 $19.99
- Oct. 1/90 $20.19
- May 1/91 $21.27

First year apprentices will not have contributions made on their behalf in respect of pension during their first term.

Apprentice Ratios
(a) Notwithstanding the provisions of Article 17 of the Master Agreement, when an employer requests Carpenters from the
**L.U. 27**

**OLRB Area #8**

**Carpenter**

**Article 6 - SCHEDULE D**

**WAGE AND RELATED PAYMENTS**

**FOR REGULARLY SCHEDULED DAYTIME HOURS**

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Hourly Rate</th>
<th>Vacation 4%</th>
<th>Holiday Pay 6%</th>
<th>Health &amp; Welfare</th>
<th>Pension</th>
<th>Total</th>
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<td>May 1/10</td>
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<td>May 1/11</td>
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<td>May 1/12</td>
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<td>$3.20</td>
<td>$7.70</td>
<td>$49.33</td>
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Total Wage Package includes a Premium Transportation allowance for OLRB Area #8.

**Employer Contributions**

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<tr>
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<th>May 1/10</th>
<th>May 1/11</th>
<th>May 1/12</th>
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<tbody>
<tr>
<td>Association Administration Fund</td>
<td>$0.25</td>
<td>$0.25</td>
<td>$0.25</td>
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<tr>
<td>Promo Fund</td>
<td>$0.14</td>
<td>$0.14</td>
<td>$0.19</td>
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<tr>
<td>Apprenticeship and Training Fund</td>
<td>$0.85</td>
<td>$0.85</td>
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<td>CDC North American Training Fund</td>
<td>$0.08</td>
<td>$0.08</td>
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<td>CDC Fund</td>
<td>$1.25</td>
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<td>$1.76</td>
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**Employee Deductions**

<table>
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<th>May 1/10</th>
<th>May 1/11</th>
<th>May 1/12</th>
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</thead>
<tbody>
<tr>
<td>Union Administration Fund</td>
<td>$0.50</td>
<td>$0.50</td>
<td>$0.50</td>
</tr>
<tr>
<td>Ontario Construction Secretariat Fund</td>
<td>$0.01</td>
<td>$0.01</td>
<td>$0.01</td>
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<tr>
<td>Supplementary Union Dues Check-off</td>
<td>2% of Gross Earnings</td>
<td>2% of Gross Earnings</td>
<td>2% of Gross Earnings</td>
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**Foreman Differential:**

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<th>May 1/12</th>
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</thead>
<tbody>
<tr>
<td>Hourly</td>
<td>10 % of Hourly</td>
<td>10 % of Hourly</td>
<td>10 % of Hourly</td>
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**Leadhand Differential:**

<table>
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<th>Rate</th>
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<th>May 1/11</th>
<th>May 1/12</th>
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<tbody>
<tr>
<td>Hourly</td>
<td>8 % of Hourly</td>
<td>8 % of Hourly</td>
<td>8 % of Hourly</td>
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</table>

**Apprentices:**

<table>
<thead>
<tr>
<th></th>
<th>May 1/10</th>
<th>May 1/11</th>
<th>May 1/12</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Term 1800 hrs.</td>
<td>$17.02</td>
<td>$17.39</td>
<td>$17.75</td>
</tr>
<tr>
<td>Second Term 1800 hrs.</td>
<td>$20.62</td>
<td>$21.05</td>
<td>$21.49</td>
</tr>
<tr>
<td>Third Term 1800 hrs.</td>
<td>$24.19</td>
<td>$24.70</td>
<td>$25.21</td>
</tr>
<tr>
<td>Fourth Term 1800 hrs.</td>
<td>$29.40</td>
<td>$30.02</td>
<td>$30.64</td>
</tr>
</tbody>
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First year apprentices will not have contributions made on their behalf in respect of pension during their first term.
L.U. 18

Carpenter
Article 6 - SCHEDULE D

WAGE AND RELATED PAYMENTS
FOR REGULARLY SCHEDULED DAYTIME HOURS

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<tr>
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<th>Vacation 4% Holiday Pay 6%</th>
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<th>Pension</th>
<th>Total</th>
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<tr>
<td>May 1/10</td>
<td>$33.53</td>
<td>$3.35</td>
<td>$2.97</td>
<td>$6.50</td>
<td>$46.35</td>
</tr>
<tr>
<td>May 1/11</td>
<td>$34.39</td>
<td>$3.44</td>
<td>$2.97</td>
<td>$6.65</td>
<td>$47.45</td>
</tr>
<tr>
<td>May 1/12</td>
<td>$35.39</td>
<td>$3.54</td>
<td>$2.97</td>
<td>$6.80</td>
<td>$48.70</td>
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Employer Contributions
- Association Administration Fund
  - (including Ont. Const. Secretariat Fund)
  $0.30 $0.30 $0.30
- Training & Upgrading Fund
  - (including Carpenters' District Council of Ontario Training Trust Fund & Local 18 Promotion Fund)
  $1.00 $1.00 $1.00

Employee Deductions
- Union Administration Fund
  - (includes Ont. Const. Secretariat Fund)
  $0.51 $0.51 $0.51
- Supplementary Dues Check-off
  $1.81 $2.06 $2.31

Foreman Differential:
- 10% 10% 10%

Lead Hand:
- 5% 5% 5%

Apprentice:
- 1st six months-50% of journeyperson rate
  $16.77 $17.20 $17.70
- 2nd six months-55% of journeyperson rate
  $18.44 $18.91 $19.46
- 2nd year - 65% of journeyperson rate
  $21.79 $22.35 $23.00
- 3rd year - 75% of journeyperson rate
  $25.15 $25.79 $26.54
- 4th year - 85% of journeyperson rate
  $28.50 $29.23 $30.08

Apprentices shall serve a 90-day (450 hr.) probationary period.

All first year apprentices will receive health and welfare contributions for all hours earned from the first day of employment. No pension contributions shall be made for the 90 day 450 hour probationary period. Thereafter they will be paid full pension benefits for all hours earned.

Apprentices shall be indentured by the L.A.C. and the Employer shall submit the 90-day (450 hr.) probationary report when required for apprentices. Employers may employ apprentices at the ratio of one apprentice for every four journeymen employed. The Union shall have the right to request that an Employer take one apprentice for every five journeymen per job site.
### Article 6 - SCHEDULE D

#### WAGE AND RELATED PAYMENTS

**FOR REGULARLY SCHEDULED DAYTIME HOURS**

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<td></td>
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<tr>
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<td>$1.00</td>
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<tr>
<td>Supplementary Dues Check-off</td>
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<td>$2.06</td>
<td>$2.31</td>
</tr>
<tr>
<td>Foreman Differential:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10%</td>
<td>10%</td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>Lead Hand:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5%</td>
<td>5%</td>
<td>5%</td>
<td></td>
</tr>
</tbody>
</table>

**Apprentice:**

- 1st six months - 50% of journeyperson rate | $16.77   | $17.20   | $17.70   |
- 2nd six months - 55% of journeyperson rate | $18.44   | $18.91   | $19.46   |
- 2nd year - 65% of journeyperson rate | $21.79   | $22.35   | $23.00   |
- 3rd year - 75% of journeyperson rate | $25.15   | $25.79   | $26.54   |
- 4th year - 85% of journeyperson rate | $28.50   | $29.23   | $30.08   |

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Mayor Fred Eisenberger  
City of Hamilton  
77 James Street North  
Suite 230  
Hamilton, Ontario  
L8R 2K3  

Dear Mayor Eisenberger:

At its meeting on May 2, 2008, the Large Urban Mayors' Caucus of Ontario (LUMCO) discussed the resolution brought forward by the City of Hamilton at its previous meeting of November 16, 2007 as listed below:

WHEREAS MUNICIPALITIES are not businesses and have a different purpose and mandate from commercial enterprises;

AND WHEREAS THE OLRB treats municipalities as businesses for the purpose of the construction industry provision in the Labour Relations Act, 1995;

AND WHEREAS AN AMENDMENT to the Labour Relations Act, 1995 would ensure that municipalities are able to tender construction work in a free and open competitive environment to maximize value for construction expenditures;

BE IT RESOLVED THAT the Large Urban Mayors' Caucus of Ontario asks the Province of Ontario to amend the Labour Relations Act, 1995 by changing the definition of "non-construction employer" in Section 126, by deeming municipalities to be non-construction employers.

At its meeting of May 2, 2008, LUMCO officially endorsed the City of Hamilton's resolution and will be requesting the Province of Ontario to make the necessary change in the Labour Relations Act.

Sincerely,

Hazel McCallion, C.M.  
Mayor & Chair of LUMCO

Mayor Hazel McCallion  
City of Mississauga  
300 City Centre Drive, 3rd Floor  
Mississauga, Ontario  
L5B 3C1  

Phone: (905) 896-5555  
Fax: (905) 896-5879