Council Direction:

Further to Council direction for increased accountability and reporting of City Labour Relations matters, the attached Appendix A provides an overall summary of the state of labour relations activity during the period 2007 – 2009.

Information:

In 2008, Council requested an analytical account of the City’s labour relations activities. To this end, staff developed and populated the newly created Employee and Labour Relations Information System in 2009.

Appendix A provides a 3 year (2007 – 2009) historical review of the relevant data. At this point in time, the review is intended to simply provide a comparative analysis of the current state of labour relations in Hamilton. Some general assessments and conclusions are provided however a more meaningful and strategic analysis is expected in the future. This comprehensive and strategic analysis is expected on a departmental, union and grievance activity basis in the future. The labour relations team will be working closely with the departmental management teams to review the analysis and recommend interventions to improve labour relations, where required.
Executive Summary

In 2008, Council requested an analytical account of the City’s labour relations activities. To this end, staff developed and populated the new Employee and Labour Relations Information System in 2009. This effort was primarily driven by Council’s direction for greater labour and employee relations accountability as well as a means to providing a more strategic approach to labour relations service delivery. This three year historical review of the data (2007-2009) provides a comparative analysis of the current state of labour relations in Hamilton.

Specifically, this “illustrative” report provides data and analysis in the following categories (excluding the City’s Boards and Agencies):

1. Total Grievances – City Wide
2. Total Grievances – By Union
3. Total Grievances – By Department and Division
4. Total Grievances – By Category
5. Legal Analysis

Generally speaking, the data reveals a modest improvement in labour relations activities across unions and departments. The report also identifies areas requiring further exploration both on a union and department specific level. This exploration will be considered in the next phase of reporting and analysis that will focus on specific departmental issues relative to unionization and grievance activity. Detailed reporting and analysis will be presented through the department’s Labour Relations Officer in conjunction with their respective department management team. This analysis may incorporate both corporate and department issues, and a strategic plan will be developed in accordance with the identified outstanding issues.

Finally, this report is a snapshot in time that simply provides data reporting with relatively minor strategic analysis. Future reports will include a more formal strategic plan associated with outstanding matters on a corporate, department and union basis.
With the exception of CUPE Local 5167 (Outside), the level of grievance activity in Hamilton has either remained relatively stable or, in some cases (such as ONA PH and OPSEU), decreased significantly. Although there is much labour relations activity throughout the City, it would appear that there is an overall decreasing trend in grievance related activities. The ONA (Public Health) and OPSEU grievance related activities illustrate a remarkable improvement during the 3 year period. It should be noted that the OPSEU grievances do not include the meal break grievances during this period. The majority of grievances continue to be filed by individuals (vs. policy or group), and this trend has continued throughout the 3 year period.
### Total Grievances by Union: Summary Chart

<table>
<thead>
<tr>
<th>Unions</th>
<th>No. of Members</th>
<th>Percentage of Unionized Workforce</th>
<th>No. of Grievances – 2009</th>
<th>Per Capita Grievances</th>
</tr>
</thead>
<tbody>
<tr>
<td>CUPE 5167 Inside/Outside</td>
<td>2960</td>
<td>54%</td>
<td>418</td>
<td>.14</td>
</tr>
<tr>
<td>ATU 107</td>
<td>640</td>
<td>11.7%</td>
<td>51</td>
<td>.08</td>
</tr>
<tr>
<td>HPFFA 288</td>
<td>524</td>
<td>9.6%</td>
<td>3</td>
<td>.005</td>
</tr>
<tr>
<td>CUPE 1041</td>
<td>280</td>
<td>5.2%</td>
<td>30</td>
<td>.1</td>
</tr>
<tr>
<td>CUPE 5167 Lodges</td>
<td>278</td>
<td>5.1%</td>
<td>25</td>
<td>.09</td>
</tr>
<tr>
<td>OPSEU 256</td>
<td>248</td>
<td>4.5%</td>
<td>65</td>
<td>.26</td>
</tr>
<tr>
<td>GHVFFA 911</td>
<td>218</td>
<td>4%</td>
<td>6</td>
<td>.02</td>
</tr>
<tr>
<td>ONA 50 Health Unit</td>
<td>185</td>
<td>3.4%</td>
<td>11</td>
<td>.05</td>
</tr>
<tr>
<td>HOWEA</td>
<td>47</td>
<td>0.86%</td>
<td>3</td>
<td>.06</td>
</tr>
<tr>
<td>ONA 50 Lodges</td>
<td>44</td>
<td>0.8%</td>
<td>10</td>
<td>.22</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5424</strong></td>
<td><strong>100%</strong></td>
<td><strong>622</strong></td>
<td><strong>1.025</strong></td>
</tr>
</tbody>
</table>
ANALYSIS:

Union Activity

CUPE Local 5167 (Inside/Outside): This CUPE group has historically generated a large number of grievances which is not surprising given that they represent approximately 2960 employees (or 54%) of the unionized workforce in Hamilton (N=5424 employees). In 2009, CUPE Local 5167 (Inside/Outside) generated approximately 418 grievances. Out of a total of 622 grievances generated in 2009, this CUPE group generated approximately 67% of all grievances within the City. Notable areas in 2009 include the overtime grievances in Water/Wastewater, Winter Operation Lay-offs and ESA grievances for statutory holidays. In 2007, this CUPE group generated 350 of the 702 grievances (or approximately 50%) within the City and in 2008, this CUPE group generated 378 of the 679 grievances (or approximately 55%) within the City. Clearly, grievance activity within this CUPE group has increased significantly within this 3 year period. Finally, there were .14 grievances (418/2960) per capita in 2009.
CUPE Local 5167 (Inside/Outside), continued:

![Graph showing total grievances from 2007 to 2009]

- 2007: 350 grievances
- 2008: 378 grievances
- 2009: 418 grievances

Yearly increase in total grievances from 2007 to 2009.
OPSEU, Local 256 (Paramedics): This group has shown a notable decline in the number of grievances within this 3 year period. In 2009, OPSEU generated 65 grievances – which is a 40% decline compared to 2008. In relative terms to the City wide grievance activity, OPSEU generated approximately 10% of the grievance activity in 2009. This decline is likely due to resolve of both the meal break issues as well as the attendance management and support program – both issues heightened within 2008 and resolved through arbitration in 2009. As well, there was no collective agreement prior to 2007, which has caused some labour relations unrest within this group. Comparatively speaking, OPSEU generated 108 grievances in 2008 (or 16%) of total grievances City wide – representing a decrease of approximately 28% over 2007. In 2007, OPSEU generated 151 grievances (or 22%) of total grievances generated City wide during that year. Overall, this group is demonstrating a significant decline in grievance activity which is likely reflective of improved labour relations resulting from the litigated resolve to a couple of highly contentious matters. Currently, OPSEU has a membership of 248, which is 4.5% of the total unionized workforce within the City. Finally, there were .26 grievances (65/248) per capita in 2009.
ONA, Local 50 (Public Health): This group has shown a dramatic improvement in labour relations activities within this 3 year period. This is particularly remarkable in light of the threatened censorship by ONA over the City in 2008, as well as the controversial issue addressing hours of work and overtime provisions. A relatively amicable collective bargaining process was likely a contributing factor to such improved relations. In terms of grievance activity, there were 11 grievances in 2009 – a 56% decline over 2008. In relative terms, ONA (PH) generated approximately 1.7% of the total grievance activity in 2009. Comparatively speaking, ONA (PH) generated 25 grievances in 2008 (or 3.7%) of the total grievances City wide - which represents a decrease of 67% over 2007. ONA generated 77 grievances in 2007, which represented approximately 11% of all grievance activity City wide during this year. Currently, ONA has a membership of 185, which is 3.4% of the total unionized workforce within the City. Finally, there were .05 grievances (11/185) per capita in 2009.
ATU, Local 107 – Inside/Outside (Transit): This group is demonstrating a slight increase in grievance activity over the 3 year period. In terms of grievance activity, there were 51 grievances in 2009 – a 16% increase over 2008. Relatively speaking, ATU generated approximately 8.2% of the total City wide grievance activity in 2009. Comparatively speaking, ATU generated 44 grievances in 2008, or 6.6% of the total grievances City wide – representing an increase of 22% over 2007. ATU generated 36 grievances in 2007, which represented approximately 5.1% of all grievance activity City wide during this year. Currently, ATU (inside/outside combined) has a membership of 640, which is 11.7% of the total unionized workforce within the City. Finally, there were .08 grievances (51/640) per capita in 2009.
**CUPE, Local 5167 (Macassa & Wentworth Lodges):** This group is demonstrating relative stability in the last couple of years, in comparison to a dramatic increase over the period from 2007-2008. In terms of grievance activity, there was a total of 25 grievances in 2009 (Macassa=13; Wentworth=12) – a 13.5% increase over 2008. There was a more notable increase in the Macassa Lodge generated grievances (i.e. 160% increase over 2008) compared to Wentworth Lodge generated grievances (i.e. 29% decrease over 2008). The majority of grievances at Wentworth Lodge were due to lay-offs. Relatively speaking, CUPE Lodges generated approximately 4.1% of the total City wide grievance activity in 2009 (N=25). Comparatively speaking, CUPE Lodges generated 23 grievances in 2008 (or 3.3%) of the total grievances City wide – representing an increase of 77% over 2007 (N=13). Wentworth Lodge continued to demonstrate higher levels of grievance activity (as compared to Macassa Lodge), generating 77% of all grievances for both Lodges in 2008 (N=17). CUPE Lodges generated 13 grievances in 2007, which represented approximately 1.9% of all grievance activity City wide during this year. Wentworth Lodge demonstrated higher levels of grievance activity (as compared to Macassa Lodge), generating 69% of all grievances for both Lodges in 2007 (N=9). Currently, Macassa Lodge has membership of 158, which is 2.91% of the total unionized workforce within the City. Wentworth Lodge currently has a membership of 120, which is 2.2% of the total unionized workforce within the City. Both Lodges have a combined membership of 278, which is 5.1% of the total unionized workforce at the City. Finally, there were .09 grievances (25/278) per capita in 2009 for both Lodges combined.
CUPE, Local 5167 (Macassa & Wentworth Lodges), continued:
CUPE Local 1041 (Supervisors): This group demonstrated a significant spike during 2008 which was likely due to the fact that it was a bargaining year. In terms of grievance activity, there was a total of 30 grievances in 2009 which was a 48% decrease over 2008. Relatively speaking, this supervisory group generated approximately 4.9% of the total City wide grievance activity in 2009. Comparatively speaking, this group generated 58 grievances in 2008 (or 8.6%) of the total grievances City wide – representing an increase of 100% over 2007. This group also generated 30 grievances in 2007, which represented approximately 4.2% of all grievance activity City wide during this year. The majority of grievances are related to the EMS Supervisors. Currently, CUPE, Local 1041 has a membership of 280 members, which is 5.2% of the total unionized workforce within the City. Finally, there were .1 grievances (30/280) per capita during 2009.
Hamilton Professional Fire Fighters Association (HPFFA) Local 288: Despite showing a dramatic increase in 2008, this Association has experienced a remarkable decline in the amount of grievance activity in 2009. In 2008, there was a significant number of benefits related grievances, many of which were resolved with a mutual understanding and agreement respecting benefits administration. In terms of grievance activity, there was a total of 3 grievances in 2009 which was an 89% decrease over 2008. Relatively speaking, this Association generated approximately .48% of the total City wide grievance activity in 2009. Comparatively speaking, this Association generated 28 grievances in 2008 (or 4.15%) of the total grievances City wide – representing an increase of 75% over 2007. This Association also generated 16 grievances in 2007, which represented approximately 2.3% of all grievance activity City wide during this year. Currently, the HPFFA, Local 288 has a membership of 524 members, which is 9.6% of the total unionized workforce within the City. Finally, there were .005 (3/524) grievances per capita in 2009.

![HPFFA 288](chart.png)
Greater Hamilton Volunteer Fire Fighters Association (affiliated with the Christian Labour Association of Canada – CLAC), Local 911: This volunteer Association has demonstrated relative stability despite being in collective bargaining in 2008. In terms of grievance activity, there was a total of 6 grievances in 2009 which exactly matched the number of grievances generated by this Association in 2008. Relatively speaking, this volunteer Association generated approximately .98% of the total City wide grievance activity in 2009. Comparatively speaking, this volunteer Association generated 6 grievances in 2008 or .89% of the total grievances City wide – representing a decrease of 33% over 2007. This volunteer Association also generated 9 grievances in 2007, which represented approximately 1.3% of all grievance activity City wide during this year. Currently, GHVFFA/CLAC, Local 911, has a membership of 218 members, which is 4% of the total unionized workforce within the City. Finally, there were .02 grievances (6/218) per capita in 2009.
ONA Local 50, Local 50 (Lodges): This Nurses Association has demonstrated relative instability in terms of grievance activity during this 3 year period. Such instability could be attributed to the absence of a collective agreement either through the interest arbitration process and more recently, collective bargaining which eventually resulted in a referral to the interest arbitration board. In terms of grievance activity, there was a total of 10 grievances in 2009 which was a 150% increase over the number of grievances generated in 2008. Relatively speaking, this Nurses Association generated approximately 1.6% of the total City wide grievance activity in 2009. Comparatively speaking, this Association generated 4 grievances in 2008 or .60% of the total grievances City wide – representing a decrease of 64% over 2007. This Association also generated 11 grievances in 2007, which represented approximately 1.6% of all grievance activity City wide during this year. Currently, ONA Local 50 (Lodges), has a membership of 44 members (including both full time and part time Nurses), which is .8% of the total unionized workforce within the City. Finally, there were .22 grievances (10/44) per capita in 2009.
Hamilton Ontario Water Employees Association (HOWEA) – formerly the International Union of Operating Engineers, Local 772: This group has demonstrated a notable decrease in the number of grievances over this 3 year period despite having a significant jurisdictional dispute with the Employer as well as unresolved collective bargaining. The majority of grievances were related to contracting out of services. In terms of grievance activity, there was a total of 3 grievances in 2009 which was a 40% decrease over the number of grievances generated in 2008. Relatively speaking, this Association generated approximately .49% of the total City wide grievance activity in 2009. Comparatively speaking, this Association generated 5 grievances in 2008 or .74% of the total grievances City wide – representing a decrease of 80% over 2007. This Association also generated 9 grievances in 2007, which represented approximately 1.3% of all grievance activity City wide during this year. Currently, HOWEA has a membership of 47 members, which is .86% of the total unionized workforce within the City. Finally, there were .06 grievances (3/47) per capita in 2009.
Comparatively speaking, there are a few interesting trends that have occurred within this three year period. Public Works has incurred a 42% increase over this period; Community Services has incurred 36% increase during this same period, although the number of grievance activities is still relatively low. Interestingly, HES, Public Health and Planning and Economic Development all demonstrated a decrease in grievance activity during this three year period. Specifically, HES generated 55% less grievances for the period 2007-2009; similarly Public Health also generated a significant decrease of 84% during the period 2007-2009; Planning & Economic Development generated 55% less grievances during the period 2007-2009. Given the low level of grievances generated in Corporate Services, the 45% decrease in grievance activity is less remarkable.
**Department Analysis:**

In 2009, there were a total of 622 grievances throughout the City. Out of the 622 grievances, 346 (56%) were generated by Public Works. Community Services generated the next highest level of grievances at 135 (21%) of the total grievances within the City. This is followed by Hamilton Emergency Services with 91 (15%) of total grievances within the City.

### 2009 – Departments – Total Grievances

*In 2009 there were four (4) separate grievances filed on behalf of all members of CUPE Local 5167. These grievances are not associated with a specific Department. As such, there are a total of 622 grievances; 618 of which arose in a specific Department.*
### Department Analysis

#### Grievance Activity by Department: Summary Chart

<table>
<thead>
<tr>
<th>Unions</th>
<th>No. of Members</th>
<th>Percentage of Unionized Workforce</th>
<th>No. of Grievances – 2009</th>
<th>Per Capita Grievances</th>
</tr>
</thead>
<tbody>
<tr>
<td>Community Services</td>
<td>2927</td>
<td>39%</td>
<td>135</td>
<td>0.04</td>
</tr>
<tr>
<td>Public Works</td>
<td>2026</td>
<td>27%</td>
<td>346</td>
<td>0.17</td>
</tr>
<tr>
<td>Emergency Services</td>
<td>1063</td>
<td>14%</td>
<td>91</td>
<td>0.08</td>
</tr>
<tr>
<td>Planning &amp; Economic Development</td>
<td>674</td>
<td>9%</td>
<td>27</td>
<td>0.04</td>
</tr>
<tr>
<td>Public Health</td>
<td>476</td>
<td>6%</td>
<td>13</td>
<td>0.02</td>
</tr>
<tr>
<td>Corporate Services</td>
<td>349</td>
<td>5%</td>
<td>6</td>
<td>0.01</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7515</strong></td>
<td><strong>100%</strong></td>
<td><strong>618</strong></td>
<td><strong>0.36</strong></td>
</tr>
</tbody>
</table>

*Four grievances were City-Wide and not Department-specific.*
Public Works Department:

There was a total of 622 grievances generated in 2009. Of this number, 346 (or 56%) of all grievances were generated by the Public Works Department. Although Public Works represents approximately 26% of the City’s workforce (N=2026), the high number of grievances generated is largely due to the nature of the work environment and the propensity of such positions to generate a relatively high number of grievances.

Comparatively speaking, there was an increase of 12% in 2009 (N = 346) over the grievance activity for Public Works in 2008 (N=308). This trend had continued from previous years, as demonstrated by a 25% increase in 2008 over the grievance activity generated in 2007 (N=246).

2009 – Public Works – Grievances by Division

![Pie chart showing grievances by division for 2009, 2008, and 2007]
The Operations and Maintenance – Roads division historically generates the largest number of grievances within the Public Works Department. In 2009, this group generated 39% of all grievance activity with Public Works Department, compared to 50% and 31% for 2008 and 2007 respectively. It should also be noted that this O & M – Roads employs 364 employees (or 18%) of the total employee population within the Public Works Department.

Operations and Maintenance – Parks has historically generated the second highest number of grievances within the Public Works Department. Specifically, they generated 15%, 18% and 15% of total grievances within the Public Works Department in 2009, 2008 and 2007 respectively. O & M – Parks employs 186 (or 9%) of the total employee population within Public Works Department.

The other notable division within Public Works is water/wastewater generating 20%, 10% and 18% of grievances for 2009, 2008 and 2007 respectively. This group employs 122 employees (or 6%) of the total employee population within the Public Works Department.

The Transit division also generated a fair number of grievances generating 14%, 14% and 15% of total grievances in Public Works Department for 2009, 2008 and 2007 respectively. This group employs 663 employees (or 33%) of the total employee population within the Public Works Department.
Community Services Department:

Of the 622 grievances generated in 2009, 135 (or 21%) of the grievances were generated by the Community Services Department. Although Community Services represents 39% of the City’s workforce (N=2927), the relatively high grievance activities generated is largely due to the nature of positions within the department and the relative propensity for a higher level of grievance activity.

Comparatively speaking, there was an increase of approximately 27% in 2009 (N = 135) over the grievance activity within Community Services in 2008 (N = 106). This was a larger increase in grievance activity as compared to a 7% increase in 2008 over the grievance activity generated in 2007 (N = 99).

The Recreation division within the Community Services Department continues to generate a significant proportion of grievances. In 2009, Recreation generated 46% of the grievances within the Community Services Department, compared to 36% and 52% of total grievances for 2008 and 2007 respectively. It should also be noted that Recreation employs 1,489 employees (or 51%) of the total population of employees within Community Services Department.

Comparatively speaking, the Lodges also generated a notable number of grievances in 2009 with 26% of all grievances within Community Services. The percentage remained relatively unchanged in 2008 and 2007 with 25% and 24% generated in each of those years respectively. Both Macassa and Wentworth Lodges employ a total of 675 employees (or 23%) of the total employee population within the Community Services Department.

Employment & Income Support Branch is demonstrating a sustained increase in the number of grievances generated throughout this three year period – 11%, 9% and 5% for 2009, 2008 and 2007 respectively. This group employs a total of 200 employees (or 7%) of the total employee population within the Community Services Department.
Community Services Department (continued):

2009 – Community Services – Grievances by Division

- Administration
- Employment & Income Support Branch
- City Housing Hamilton
- Lodges
- Social Housing & Homelessness
- Benefit Eligibility
- Recreation
- Culture
- Social Development & Early Childhood Services
- Strategic Services

2007

- Administration
- Employment & Income Support Branch
- City Housing Hamilton
- Lodges
- Social Housing & Homelessness
- Benefit Eligibility
- Recreation
- Culture
- Social Development & Early Childhood Services
- Strategic Services

2008

- Administration
- Employment & Income Support Branch
- City Housing Hamilton
- Lodges
- Social Housing & Homelessness
- Benefit Eligibility
- Recreation
- Culture
- Social Development & Early Childhood Services
- Strategic Services
Hamilton Emergency Services:

Of the 622 grievances generated in 2009, 91 (or 15%) of the grievances were generated by Hamilton Emergency Services (HES). This level of grievance activity is quite comparable to HES’s relative size of the City’s workforce – approximately 14% (N = 1063).

Comparatively speaking, there was a dramatic decrease of approximately 53% in 2009 (N = 91) over the grievance activity within HES from 2008 (N = 196). This was largely due to the resolve of the attendance management and support program within the Paramedic Services within HES. Although relatively high numbers, the grievance activity in 2008 demonstrated a 2% decrease (N = 196) over 2007 grievance activity (N = 200).

2009 – Hamilton Emergency Services – Grievances by Division

![Diagram showing grievance activity by division in 2009, 2008, and 2007]
Public Health Department:

Of the 622 grievances generated in 2009, 13 (or 2%) of the grievances were generated by the Public Health Department. There has been a notable decrease in grievance activities within this Department, largely due to the improved labour relations with ONA as well as the successful conclusion of collective bargaining in 2008. Public Health represents approximately 6% of the City’s workforce (N = 476).

Comparatively speaking, Public Health experienced a significant decrease in grievance activity during the 2007 – 2009 period. Specifically, there was a 58% decrease (N = 13) in grievance activity in 2009 over 2008 (N = 31). Similarly, there was a dramatic decrease of 62% in grievance activity in 2008 over 2007 grievance activity (N = 81).

2009 – Public Health – Grievances by Division

![Pie charts showing grievances by division for 2007, 2008, and 2009.]
**Planning & Economic Development Department:**

Of the 622 grievances generated in 2009, 27 (or 4%) of the grievances were generated by the Planning & Economic Development Department. This level of grievance activity is relatively comparable to the department’s size – representing 9% of the City’s workforce (N=674). After a notable decrease in grievance activity in 2008, this level remained relatively stable in 2009.

Specifically, there was a 4% increase in activity during the period of 2008 (N=26) to 2009 (N=27). This stabilization of grievance activity followed a dramatic decrease in such activity as demonstrated by a 56% over the 2007 grievance activity (N=60).

**2009 – Planning & Economic Development – Grievances by Division**

![Pie chart showing grievances by division for 2009, 2008, and 2007.]
**Corporate Services Department:**

Of the 622 grievances generated in 2009, 6 (1%) of the grievances were generated by the Corporate Services Department. Given the nature of work performed as well as its relative size (N=349) or 5% of the City’s workforce, the rate of grievance activity is arguably unremarkable. Comparatively speaking, there was a notable decrease of 45% (N = 6) in grievance activity in 2009 compared to the grievance activity in 2008 (N = 11). The grievance activity remained unchanged in 2007 (N = 11).

**2009 – Corporate Services – Grievances by Division**

![Diagram showing grievance activity by division for 2009, 2008, and 2007]
Grievance Activity – All Unions

Of the 622 grievances generated in 2009, 137 (22%) grievances were related to “overtime”. For purposes of this report, overtime grievances include overtime, call-in, call-out, standby, and continuation of work day. The second highest level of grievance activity is related to “discipline” wherein 121 grievances (or 19%) of total grievances generated and includes matters such as verbal and written disciplines, as well as suspensions. Other notable areas include promotion grievances wherein 55 grievances (or 9%) of total grievances generated and includes matters relating to job postings, promotions, demotions, complement control, vacancies, testing, vacation. Job assignment, which is defined as seniority, conditions of employment, re-structuring, transfers, job location, job share, and shift change matters represented 8% (N = 51) of total grievances generated in 2009. Income Protection, which is defined as STD, IPP, LTD, Work Accommodation, Return to Work, Doctor’s Note, and Bridging matters represented 4% (N = 24) of total grievances generated in 2009.
**Grievance Activity**

**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.
**Grievance Activity – Issue Specific**

Promotion – Promotion related grievances appears to have peaked in 2008. Other than the CUPE 5167 (Outside) group, promotion related grievances appears to have stabilized in 2009. Promotion related grievances appear to generate activities across all union groups within the City.

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**Promotion Grievances by Union - 2007-2009**

(1 of 2)

<table>
<thead>
<tr>
<th>Union</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>CUPE Inside</td>
<td>26</td>
<td>11</td>
<td>19</td>
</tr>
<tr>
<td>CUPE Outside</td>
<td>28</td>
<td>20</td>
<td>13</td>
</tr>
<tr>
<td>CUPE Lodges</td>
<td>0</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>CUPE 1041</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>OPSEU 256</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

---

**Promotion Grievances by Union - 2007-2009**

(2 of 2)

<table>
<thead>
<tr>
<th>Union</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>ATU 107</td>
<td>1</td>
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</tr>
<tr>
<td>ONA 50 Health Unit</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>ONA 50 Lodges</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>HPFFA 288</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>
Attendance – Generally speaking, attendance related grievances appear to have peaked in 2008 with a notable stabilization demonstrated in 2009. Notwithstanding, attendance related grievances continued to generate a fair number of grievances during this period. CUPE 1041 grievances spiked in 2008 due to a related attendance matter with the EMS Supervisory Group. ONA Public Health grievances spiked in 2008 due to outstanding flexible hours grievances that was eventually resolved through the collective bargaining process.
Harassment – Harassment and discrimination related grievances continued to generate a fair number of grievances during this period. Of notable mention is the spike in such grievances with CUPE Local 5167 (Outside) employees. Grievances generated in 2009 demonstrated a 333% and 117% increase over 2008 and 2007 respectively. OPSEU, Local 256 has demonstrated a remarkable decline in 2009, wherein there were no harassment related grievances generated for this group, particularly in comparison to the grievance activity in 2008 (N=11).
Discipline – It would appear that discipline related grievances continued to generate a relatively large number of grievances across all union groups within the City. Not surprising, unions historically take issue with such matters particularly as it relates to their responsibility to represent employees dealing with sensitive and provoking issues. CUPE Inside/Outside grievances targeted Water/Wastewater and Waste Management Division specific to the application of Occupational Health and Safety Act. ATU grievances are also health and safety related. Generally speaking, there appears to be relative stability in discipline related grievance activities during this three year period.

![Graph of Discipline Grievances - By Union - 2007-2009](image)
Termination – Given the relatively few terminations taking place within the City, it is not surprising to note low grievance activities in this area. Generally speaking, unions will grieve all terminations given the significant implications for affected employees.

Termination Grievances - By Union - 2007-2009

Termination Grievances - By Union - 2007-2009
Benefits – Notwithstanding the low levels of grievance activities related to benefits administration, there was a notable 333% increase in such grievances in CUPE Local 5167 (Outside) from the period 2008 – 2009. These grievances were primarily generated in response to part-time employees working increased hours which the Union alleged entitled them to full time benefits. HES – Fire Services also generated a fair increase of grievance activity in benefits administration primarily related to the carriers administration of such claims. Otherwise, benefits administration related grievance activity remained relatively stable during this period.
Income Protection – Generally speaking, income protection related activities remained relatively stable during this three year period. Notable activity for OPSEU, Local 256 in 2007 was very specific to sick leave entitlement based on members' hire date. This matter has been litigated and successfully resolved through the arbitration process. Otherwise, income protection related grievance activity is unremarkable.
Overtime – Grievances related to overtime would indeed warrant further review and analysis. Overtime related grievances continued to generate significant activities during this 3 year period and such activities was essentially prevalent across the City. All unions and all departments are experiencing higher than average overtime related activities. Particular attention is warranted in the CUPE (Inside/Outside) and OPSEU, Local 256 groups. It is worth noting however, that such grievance activity is largely associated with the nature of work and the corresponding collective agreement language within these unions.
Wages – Generally speaking, the more notable grievance activity related to wages occurred in CUPE Local 5167 (Inside/Outside), OPSEU, Local 256 and ONA Public Health. A notable number of such grievances are related to outstanding Job Evaluation issues. The dramatic decline from 16 to 0 grievance activity related to wages in the ONA Public Health group was specific to the flexible and overtime hours’ matter, which was resolved through collective bargaining.
Job Assignment – Job Assignment related grievances appear to be generated consistently by all union groups at some level throughout the City. Notable activity occurred with the CUPE Local 5167 (Inside/Outside) group, and particularly within the Outside group which demonstrated a 38% (N=26) increase from the period 2008-2009. This was primarily due to the historical shift change and transfer requests by winter operations personnel. As well, a remarkable decrease of 94% of grievance activity related to job assignments occurred within the ONA Public Health union group. This is again primarily due to the resolve of flexible working hours at collective bargaining.
Lay-off – Not surprising, grievances related to lay-offs were generated by the CUPE Local 5167 (Inside/Outside) group. The dramatic increase in grievances was related to the collective agreement language addressing casual and part time employees. This matter was in response to newly negotiated language that was applied during 2008/2009 and future management of this issue should result in a dramatic decrease in related grievance activities.
Work – This area of grievance activity is quite broad in scope and addresses a variety of work related issues. Generally speaking, there has been relative stability in such grievance activities. Notable activities include dramatic spikes in 2008 for both CUPE Local, 1041 and the HPFFA, Local 288. These were related to EMS Supervisor work as well as fire protection during movie shoots, respectively. HOWEA continues to grieve contracting out related issues. Otherwise, the volume and distribution of work related grievances is generally unremarkable.
## Legal Cost Reporting

### Arbitration & Mediation Costs 2006-2009

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Cost</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>110,352.52</td>
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<td>2007</td>
<td>137,533.94</td>
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<td>2009</td>
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### Legal Fees 2006-2009

<table>
<thead>
<tr>
<th>Year</th>
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<th>Budget</th>
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</thead>
<tbody>
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<tr>
<td>2007</td>
<td>806,411.56</td>
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<td>2008</td>
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<tr>
<td>2009</td>
<td>1,064,314.96</td>
<td>900,000</td>
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</tbody>
</table>
Total Legal, Arbitration & Mediation Costs 2006-2009

- Year:
  - 2006: 408,000
  - 2007: 408,000
  - 2008: 408,000
  - 2009: 580,000

- Total Cost:
  - 2006: 955,325.30
  - 2007: 1,201,848.90
  - 2008: 909,893.20
  - 2009: 831,516.50

- Amount Expended (Gross):
  - 2006: 955,325.30
  - 2007: 1,201,848.90
  - 2008: 909,893.20
  - 2009: 831,516.50

- Budget:
  - 2006: 408,000
  - 2007: 408,000
  - 2008: 408,000
  - 2009: 580,000