



**POTENTIAL DISPLACEMENT OF BOILERMAKER UNION (LOCAL 128) IN ONTARIO**

**POTENTIAL CONSEQUENCES FOR CONTRACTORS**

- BOILERMAKERS EMPLOYED ON YOUR JOBS/PROJECTS COULD SIGN UP WITH THE NEW UNION/BRICKLAYERS, RESULTING IN THE BRICKLAYERS DISPLACING THE BOILERMAKER (IBB) UNION AS THEIR BARGAINING AGENT IF THEY SIGN UP THE MAJORITY OF THE EMPLOYER'S BOILERMAKERS
- THIS WOULD REQUIRE THE EMPLOYER TO NEGOTIATE A NEW/SEPARATE COLLECTIVE AGREEMENT WITH THE NEW UNION/BRICKLAYERS
- CONCERN FROM OWNERS ABOUT BOILERMAKERS EMPLOYED BY BCA MEMBER CONTRACTORS ON FUTURE JOBS/PROJECTS
- LACK OF QUALIFIED BOILERMAKERS AS THE NEW UNION/BRICKLAYERS HAS NO ACCESS TO BOILERMAKER (IBB) TRAVEL CARDS OR PERMITS
- COMPETING COLLECTIVE AGREEMENTS

**OWNER CONCERNS**

- POTENTIAL STRIKE ACTION BY NEW UNION/BRICKLAYERS UNION IF UNABLE TO NEGOTIATE A NEW COLLECTIVE AGREEMENT WITH THAT CONTRACTOR
- THE OWNER'S CONCERN OF THE RISK OF HAVING A CONTRACTOR ON THEIR SITE THAT HAS THE BRICKLAYERS AS THE BARGAINING AGENT
- COMPETING COLLECTIVE AGREEMENTS

**CONTRACTOR AWARENESS**

- REMAIN VIGILANT ON YOUR PROJECT/JOB SITE REGARDING POTENTIAL MEETINGS, COMMUNICATIONS AND/OR DISCUSSIONS WITH YOUR BOILERMAKERS BY THE NEW UNION/BRICKLAYERS UNION REPRESENTATIVES
- ADVISE THE BCA OF ANY CONCERNS YOU MAY HAVE IN REGARDS TO POTENTIAL RAIDING OF BOILERMAKERS ON YOUR JOB SITE/PROJECT

**POTENTIAL CONSEQUENCES FOR BCA**

- LOSS OF MEMBER CONTRACTORS
- REDUCTION IN MANHOURS
- BCA REQUIRED TO APPLY FOR ACCREDITATION TO NEGOTIATE WITH THE NEW UNION/BACU ON BEHALF OF AFFECTED CONTRACTORS
- COMPETING COLLECTIVE AGREEMENTS

**POTENTIAL CONSEQUENCES FOR IBB**

- LOSS OF MEMBERS
- REDUCTION IN MANHOURS
- IMPACT ON VARIOUS BOILERMAKER (IBB) FUNDS



January 24, 2013

**Re: Potential Displacement of Boilermaker Union (IBB Local 128) in Ontario**

Dear Ontario Member Contractor:

We have been advised by a number of sources that a group led by Jim Watson, former Business Manager, IBB Local 128 (Ontario), affiliated with the BACU (Bricklayers), will be attempting to displace the International Brotherhood of Boilermakers (IBB) as the Bargaining Agent (union) for Boilermakers in Ontario for work on EPSCA and ICI job sites.

What does this mean for you?

The answer is that it depends how, in fact, this scenario plays out and how successful the new group is in its Applications. Currently this scenario is playing out only in Ontario.

To best explain the consequences, it is helpful to understand the process. An Application can only be brought during an "open period" – basically February 1<sup>st</sup> through April 30<sup>th</sup>, 2013. To succeed in displacing the IBB for employees of a contractor, the new union would have to bring a separate Application for that contractor for each collective agreement that the contractor has with the IBB. On each of those Applications the new union would need to get the support of the majority of the employees of that contractor working under that collective agreement.

For example, if the contractor has five (5) ICI jobs on-going on the day of an Application to replace the IBB, the new union would need to have the support of 40% of all Boilermakers actually working on all of those 5 jobs on the day of the Application to get a vote from the Labour Board. However, if four (4) of those jobs were shut down for the weekend and there were Boilermakers working on the remaining job on the Saturday, and the application was filed on the Saturday, the only employees that would be counted to determine if the union had the 40% needed to get a vote would be the employees at work on that Saturday. In addition, the only employees that would be eligible to vote would be those employees at work on the Saturday.

A vote would usually be held 5 days later and those employees who were at work on the date of the Application would be asked to choose between the new union and the IBB. The union with the majority of votes will be the union that will get to represent the employees.

In addition, if the contractor was employing Boilermakers on EPSCA sites under the EPSCA agreement, the new union would have to file a separate Application to displace the IBB for Boilermakers of that contractor employed under the EPSCA agreement.



This is the scenario that would have to be followed for each contractor. Therefore, depending on the outcome of each Application the contractor could:

- (i) if both Applications were unsuccessful – continue to be bound to the IBB,
- (ii) if successful in ICI only – be bound to the new union for ICI, and the IBB for EPSCA,
- (iii) if successful in EPSCA only – be bound to the new union for EPSCA work and IBB for the ICI, and
- (iv) if both Applications were successful – be bound to the new union for both ICI and EPSCA.

Obviously, if the new union is unsuccessful there will not be a change in bargaining status. However if the new union is successful then those employers with whom the new union has obtained bargaining rights will have to bargain directly with the new union for that bargaining unit.

The potential result, where the new union is successful with a number of contractors, is that the new union could negotiate a different agreement with each contractor and use its last negotiated agreement with contractor "A" to extract a bit more from contractor "B" and on and on.

The potential for disruption to a contractor's business is even greater in the Electrical Power Systems Sector if the new union were to be successful in displacing the IBB as bargaining agent at either or both of Bruce Power or OPG. In that scenario, given the use of restrictive subcontracting clauses in the industry, contractors whose employees continue to be represented by the IBB could lose access to work on the sites of those owners.

As noted earlier, these potential Applications are currently an attack on the IBB in Ontario. To the extent they are successful it will impact on your ability to obtain Boilermakers from Ontario for jobs outside of Ontario where you remain bound to the IBB. In addition, you can expect that Boilermakers still represented by the IBB from inside or outside Ontario will not be available to work on jobs in Ontario where the new union would hold bargaining rights.

If you become aware of the distribution of any materials or any action on your job site, please notify the BCA.

Please contact the BCA or your legal counsel if you have any questions.

It is important that you understand the implications for your business.

Sincerely,

David Galvin  
President & CEO