

HISTORY OF PROVINCIAL BARGAINING BETWEEN THE ETBA & THE IBEW/ IBEW-CCO

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The Labour Relations Act was amended in 1977 to provide for province-wide bargaining in the ICI sector of the construction industry in the Province of Ontario. At that time the Electrical Trade Bargaining Agency of the Electrical Contractors Association of Ontario (the "ETBA") was selected by the Minister of Labour to be the employer bargaining agency in the ICI sector for employers whose employees were represented by the IBEW construction locals in the Province of Ontario. At the same time, the International Brotherhood of Electrical Workers and the IBEW Construction Council of Ontario (the "IBEW") was selected by the Minister of Labour to be the designated employee bargaining agency in the ICI sector to represent all journeymen and apprentice electricians and journeymen and apprentice linemen represented by the IBEW construction locals in the Province of Ontario. These designation orders were expanded in 2001 to include journeymen and apprentice network cabling specialists and cable installers represented by the IBEW construction locals in the Province of Ontario.

In 1978 the ETBA and the IBEW were able to negotiate the first province-wide Principal Agreement, which consolidated 14 local area agreements, without a strike. Between 1978 and 1990 the Principal Agreement was renegotiated every two years. Although the parties were able to renew the Principal Agreement without a strike in 1980 and 1984, they were unsuccessful in 1982 (a 1 week strike); 1986 (a 2.5 week strike); 1988 (a 3 week strike) and 1990 (an 8 week strike/lockout). Throughout this period of traditional bargaining between 1978 and 1990 the only material language change to the Principal Agreement occurred in 1982.

Traditional bargaining in the construction industry tends to follow the pattern of the highest settlements. Between 1978 and 1990 all four strikes were over the monetary increase to the wage package. The other construction trades were more than willing to sit back and let the IBEW strike first. Regardless of which trade settled first, the settlement with the IBEW either matched the highest trade or was an average of the two highest trades. The only significant language change negotiated by the ETBA during this period of traditional bargaining was the right to name hire foremen, which it achieved as part of the 1982 settlement.

As a result of the bargaining history between 1978 and 1990, the unionized electrical industry lost significant market share to non-union electrical contractors. Both the IBEW and the ETBA recognized that the increasing duration of the work stoppage and lost person hours and market share caused by the work stoppage was detrimental to both parties and, therefore, a commitment between the parties was made at the time of the 1990 settlement to explore methods of resolving disputes without resorting to the strike/lockout procedure.

In the United States, the unionized electrical industry has since 1928 a history of settling their collective agreement disputes through voluntary interest arbitration, without strikes or lockouts. The two pillars of the American system are to resolve disputes without work stoppages while increasing the market share of the unionized electrical industry. The ETBA and the IBEW, after investigating the American system, developed their own version of the No Strike/No Lockout Accord for the Province of Ontario (the “Joint Proposal”), which has been utilized on a voluntary basis since the 1992 round of bargaining. The foundation of the Joint Proposal is the parties’ commitment to interest based bargaining to address the concerns of the unionized electrical construction industry in Ontario.

The Original Joint Proposal (1992-1994): The original Joint Proposal established the Joint Electrical Promotion Plan (“JEPP”) to promote the unionized electrical construction industry and the IBEW organizing fund to promote union organizing throughout the Province of Ontario. In addition, the original Joint Proposal established the Electrical Trade Joint Board (the “ETJB”) as an ongoing policy and grievance settlement mechanism. The original Joint Proposal was based on the commitment to early negotiations on the understanding that if the parties were unable to reach an agreement on language issues, all outstanding changes to language would be withdrawn. Only the monetary increase to the wage package and monetary improvements to the room, board and travel allowances would go before an arbitrator, called the selector, under a final offer selection model of interest arbitration.

During the 1992 round of negotiations, the ETBA and the IBEW were able to reach a settlement to renew the Principal Agreement without going to the selector under the original Joint Proposal.

The key elements of the original joint proposal, which grew out of the parties experiences in traditional bargaining between 1978 and 1990, can be identified as follows:

1. The commitment of the ETBA contractors to contribute 20¢/hour to JEPP and to an IBEW organizing fund.
2. The establishment of the ETJB to address policy issues and grievances.
3. Early negotiations to settle the collective agreement ahead of the other trades, in order to influence the pattern for that round of bargaining.
4. The agreement that only outstanding monetary issues will be referred to final offer selection in an expedited arbitration process as a substitute to the traditional strike/lockout model of dispute resolution.
5. The PNWA provision based on the highest two construction settlements to ensure that the IBEW would not be left behind by bargaining early and foregoing its right to strike.

6. Ratification of the Joint Proposal by the IBEW membership on a province-wide basis where each person has one vote.

One of the critical issues that face unionized electrical contractors and IBEW members is increasing market share. The significance of this issue varies across the province.

A key component of the Joint Proposal was to address market share in two ways. First by resolving disputes without resorting to the strike/lockout procedure and secondly by developing mechanisms to increase market share.

This is the first of a 2 part series providing history on Provincial Bargaining.