

You Ought To Know

ISSUE: 24

Special Issue: Mobility

For those of you who perform jobs and projects across Ontario, this issue of YOTK provides an overview of the mobility language in each of the 3 sections of the Principal Agreement. Please be sure to review the entire section in the Principal Agreement and reach out to your area ECA or ECAO if you have any questions.

Blue Pages

How can I move workers from one Local area to another?

You can mobilize workers from your resident area in accordance with clause 702 of the Blue Pages. Clause 702A permits you to bring the first IBEW electrical worker for each job or project. Clause 702B then permits you to bring the next three IBEW electrical workers for each job or project. There is a grid in clause 702 that shows the allowances and, once you pass the first three (the initial one is not included in the grid), there is a limit of 20% of your total workforce for each job or project. Business Managers have discretion to permit higher percentages of mobility workers.

What happens if we do not notify the Local Union?

According to the IBEW Constitution, an IBEW member cannot be a member of more than one Local area. Therefore, if an IBEW member does not get properly cleared, they are considered non-IBEW members. If the Union is successful with a grievance, you could be liable for the full package rate for each uncleared employee, other than in Locals 120, 303, 530 and 1687.

Local 120/London, Local 303/Niagara, Local 530/Sarnia and Local 1687/Northern Ontario added penalty language into the Agreement for contractors who do not **notify** the Local of mobility workers' names and classifications before they start. If you are a non-resident contractor doing work in those areas, this applies automatically if you do not notify the Local Union of mobility workers' names and classifications in advance. The penalty is \$750 per employee to be paid to the Local Union.

What constitutes a job or project?

The phrase "job or project" is intended to be expansive so that the right to bring in mobility workers attaches to the job or project regardless of its size. Generally, a job can be very small; a project, which is a broader concept, can be made up of many jobs.

The application of the phrase to a particular job or project will depend upon the underlying contractual facts, but there is no restriction on the number of non-resident contractors that can work on a project. Further, there is no prohibition against a non-resident contractor taking on more than one job on a project and bringing in a 702A electrical representative for each job.

How do mobility workers register with the Local Union?

IBEW members can register with the Local Union office in person or electronically for clearance. Mobility workers must provide a copy of their pay stub weekly to the Local Union office.

It is important that all mobility workers receive clearance before beginning to work in another Local IBEW area. Otherwise, they are not considered to be members of IBEW, and the contractor could be forced to pay damages through a grievance at the Ontario Labour Relations Board. Before starting work, you should verify that your mobility workers have obtained the necessary clearance from the relevant Local Union office.

What do we pay mobility workers?

Clause 705B of the Blue Pages applies to mobility workers. It states that the terms and conditions of the host Local Union's Appendix (i.e. the Local wage schedule) applies provided the worker does not suffer a reduction in their "wage package", hourly rate of pay or "base rate" set out in their Local Union's Appendix.

That might seem straightforward, and the intent is that nobody loses money on their pay cheque when working in a different Local area. However, we realize that, in some cases, contractors contribute more into Union funds than they should. Additionally, workers who move between Local areas might contribute to funds from which they receive no benefits. This problem will persist until each Local area creates separate remittance forms for mobility workers that accurately reflect the intent of Clause 705B.

Green Pages

When do we have full mobility for jobs and projects that fall under the Communications Agreement (Green Pages)?

You have full mobility if the job or project falls under **Section 7: Moves, Adds, Changes (MAC)** and work in occupied premises. In accordance with clause 705, you must **notify** the Local Business Manager upon entering and leaving their Local Union jurisdiction. You also must pay **working dues** to the Local where the work is being performed.

For non-MAC work, you have full mobility for short duration, multi-location work for chain store-type clients. You also have full mobility for employees used for supervision, commissioning, verification and certification work at any time during the project. You also have full mobility for employees with specialty skills, which would include employees who have manufacturer-specific training.

For any other workers on non-MAC jobs and projects, you must follow section 7 of the Blue Pages. Clause 702 of the Blue Pages outlines mobility rights for non-resident contractors.

Yellow Pages

How can I move workers from one Local area to another?

If you are doing work in any area outside of your home/resident area, you can mobilize your own crew comprising of Powerline Technicians, Splicers and any other specialists. You need to notify the Local Union of the names and classifications of workers you are bringing into the area prior to any crew movement. Mobility for Electricians is governed by Clause 702 of the Blue Pages, unless the Electrician is a bona fide specialist.

The Yellow pages have two clearing houses for workers if you are doing work outside of your resident area. If you need more workers for work in Northern Ontario (Locals 1687 or 402), contact IBEW Local 1687. For all other locals, contact IBEW Local 353 for more workers.

When I work outside of my home area, what am I obligated to remit?

Clause 1000 in the Yellow Pages clearly states that Union dues are to be paid to the Local Union where the work is being performed. It is ECAO's position that Union dues are different from Union funds. For all non-Electrician classifications, that is the requirement. Therefore, all Union funds, other than Union dues, go to the member's home Local.

Electricians and Electrician Apprentices are covered by the Letter of Understanding on page 83 of the Yellow Pages that was negotiated during the 2015/16 round of bargaining. All remittances should be paid to the Local Union where the work is being performed. The contractor and Business Manager can agree to remit health and welfare, and pension to the home Local.

Do you know what You Ought to Know?

We hope that you're benefitting from the facts and insights we share through this publication. We welcome your questions and content ideas for future issues at any time. Contact Jodi Travers, ECAO's Labour Relations Manager, at jtravers@ecao.org. You can access all previous issues anytime on the ECAO member website under Labour Relations.