

You Ought To Know

What changed with mobility of workers?

Section 7, clause 702 of the Principal Agreement will change effective May 1, 2022 to permit any non-resident contractor to bring in the first four IBEW members from outside the Local Union area for each job or project (one under 702A and three under 702B).

Currently, non-resident contractors can bring in the first two IBEW members from outside the Local Union area for each job or project (one under 702A and one under 702B).

The grid in section 702B identifies the number of mobility workers per job in addition to the first mobilized IBEW member from 702A. This will be updated in the new Principal Agreement and will remain at 20 percent of the workforce for each job or project.

Also, the language in clause 705 B 2 was modified so a mobility worker does not suffer a reduction in their wage package nor base rate set out in their local union appendix. You will need to determine which one is higher and pay accordingly. The language currently states, “total package,” whereas effective May 1, 2022, it will read, “No mobility worker shall suffer a reduction in their “wage package” hourly rate of pay or “base rate” set out in their Local Union’s Appendix.”

What does non-resident mean?

Generally, if a contractor does not have an office in an area, they are considered non-resident in that area for the purposes of the Principal Agreement. If they have a temporary office at a job site until the project ends, that will fall under non-resident. If they have an office with regular staff in an area, they would be considered a resident contractor. Contractors whose offices are outside of Ontario would be considered non-resident if they do not have an office in Ontario.

NOTE: Since there is not a clear definition of resident versus non-resident, it is important to consider precedents – what your company has done in the past.

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, nor is there any 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?

As of May 1, 2022, IBEW members can register with the Local Union office electronically for clearance. They no longer need to physically attend the Local Union office to obtain a clearance card.

Up until May 1, 2022, there is a requirement to verify employment through pay stubs, and this was done upon request. Effective May 1, 2022, 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.

How does the Post Negotiated Wage Adjustment work?

We've been getting questions from contractors about the impact of other trade negotiations. Our Joint Proposal (the no-strike, no-lock out agreement negotiated prior to each round of bargaining) outlines the Post Negotiated Wage Adjustment (PNWA) process.

If any of the eight agreed-upon trades negotiate a wage increase for journeypersons that is higher than \$6.05 over three years, we calculate the average of the two highest trades and apply the difference to the electrical settlement. There is a cap of \$1.00, so the most our negotiated settlement can increase is 50 cents on May 1, 2023 and 50 cents on May 1, 2024.

These are the trades we agreed to use for the purposes of our PNWA:

- Ironworker/Structural and Ornamental
- Millwright
- Boilermaker
- Operating Engineer
- UA Plumber/Steamfitter
- UA Refrigeration
- UA Sprinkler Fitter
- Sheet Metal worker

As of early April, the Ironworkers were the only other trade to have concluded collective bargaining. Their negotiated wage increase was 9% (9.5% in Toronto) and their wage package is lower than the electrical wage package so it has no impact on our settlement.

Need more info?

We'll be publishing You Ought To Know on regular basis over the next few months – there's a lot more relevant, timely information coming your way. But we welcome your questions anytime. Contact Jodi Travers, ECAO Labour Relations Manager, at jtravers@ecao.org.