

**REPORT FOR ACTION****Grievance Summary Report: End of Year 2018**

Date: May 6, 2019

To: General Government and Licensing Committee

From: Executive Director, People, Equity and Human Rights

Wards: All

SUMMARY

This report provides a summary and analysis of grievance and arbitration activity for the twelve month period of January 1, 2018 to December 31, 2018.

The number of open grievances at the City of Toronto has been steadily declining since 2009 and continues to trend downward over the past 5 years. At the end of 2018, the number of open grievances was 1,494, a decrease of 6 percent compared to 1,583 in 2017. When compared to the 2009 peak of 3,405 (following the six week labour disruption), the open grievances in 2018 were 56 percent lower.

The number of grievances being resolved or withdrawn continues to exceed the number of new grievances being filed and this has resulted in the reduction in open grievances. In fact, the grievance ratio of resolved grievances to new grievances has shown a positive trend above 1.0 (i.e., more than one (1) grievance resolved for every new grievance received) over the past 5 years. However, it is worth noting that the gap between new cases and resolved cases has been narrowing in the last couple years.

Overall the City's grievances have been managed effectively as indicated by the lower number of open grievances and the improvement in various performance ratios (including the grievance per employee ratio and the resolved to new grievance ratio).

RECOMMENDATIONS

The Executive Director of People, Equity and Human Rights recommends that:

1. The General Government and Licensing Committee receive this report for information.

FINANCIAL IMPACT

There are no financial implications arising from the approval of this report.

The Chief Financial Officer & Treasurer has reviewed this report and agrees with the financial impact information.

DECISION HISTORY

The Executive Director, People, Equity and Human Rights is required to submit a comprehensive Grievance Summary Report to the General Government and Licensing Committee. This submission covers the reporting period of January 1, 2018 to December 31, 2018.

The last report was submitted to the Employee and Labour Relations Committee at its meeting of April 27, 2018. The following is the link to the report:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.EL6.2>

COMMENTS

Part 1 - Overall Grievance Activity

Since 2009, the City has focussed its efforts on resolving grievances as early as possible and reducing the number of open grievances. In 2009, there were 3405 open grievances and as of December 31, 2018 the number has been reduced to 1494, a reduction of 1911 open grievances or 56%.

The following charts provide a summary of the open grievances over the last five (5) years:

Graph 1(a)

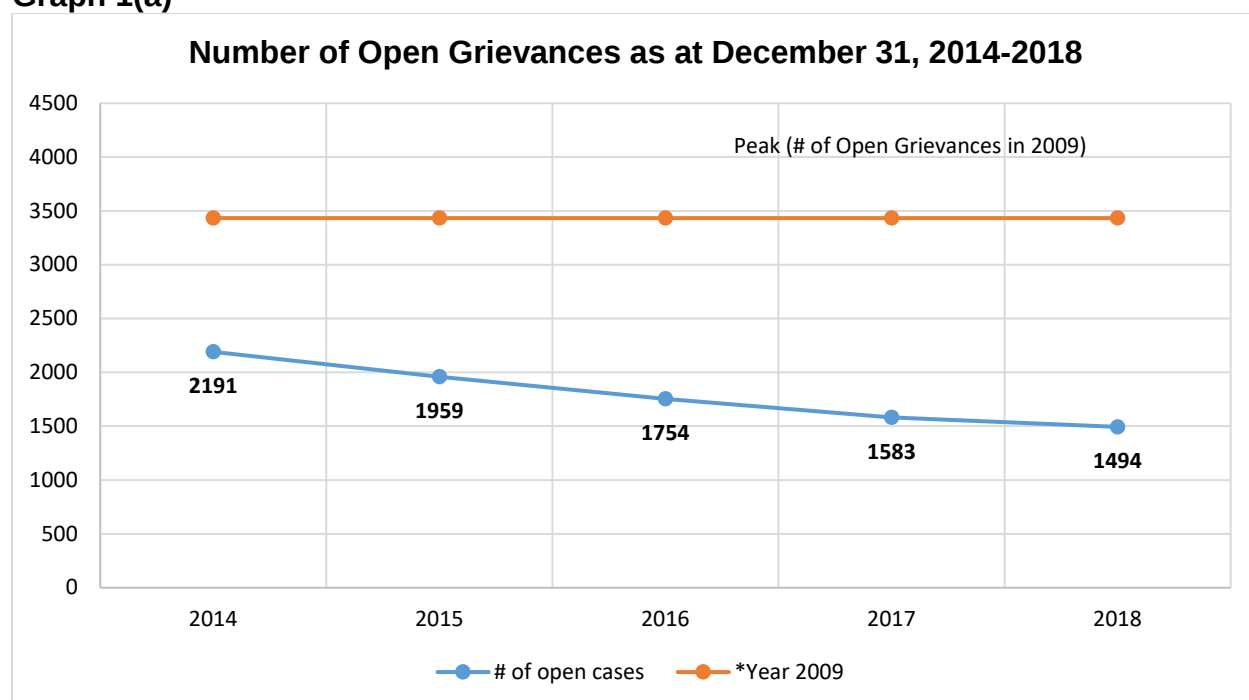


Table 1(a)

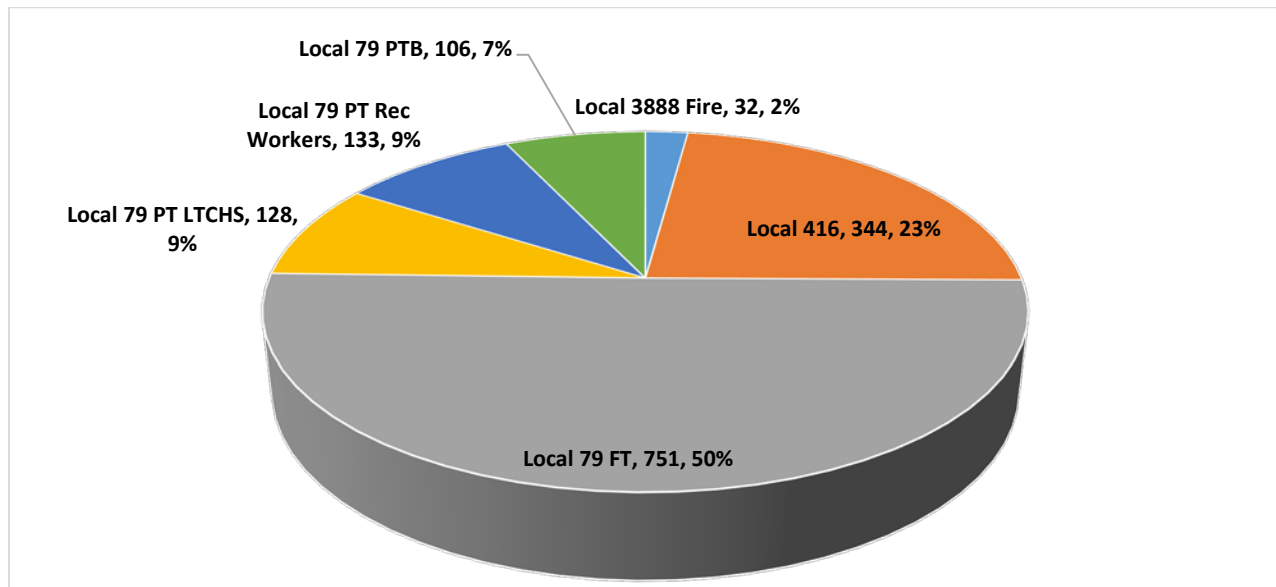
Year	Number of open Grievances	Compared to Previous Year	Annual Change	*Year 2009	Compared to 2009	% Change compared to 2009
2014	2191			3405	-1214	-36%
2015	1959	-232	-11%	3405	-1446	-42%
2016	1754	-205	-10%	3405	-1651	-48%
2017	1583	-171	-10%	3405	-1822	-54%
2018	1494	-89	-6%	3405	-1911	-56%

*Open Grievances in 2009 at the peak (following the six week labour disruption).

At the end of 2018, the number of open grievances was 1494, a decrease of 89 grievances or 6% compared to 1583 in 2017.

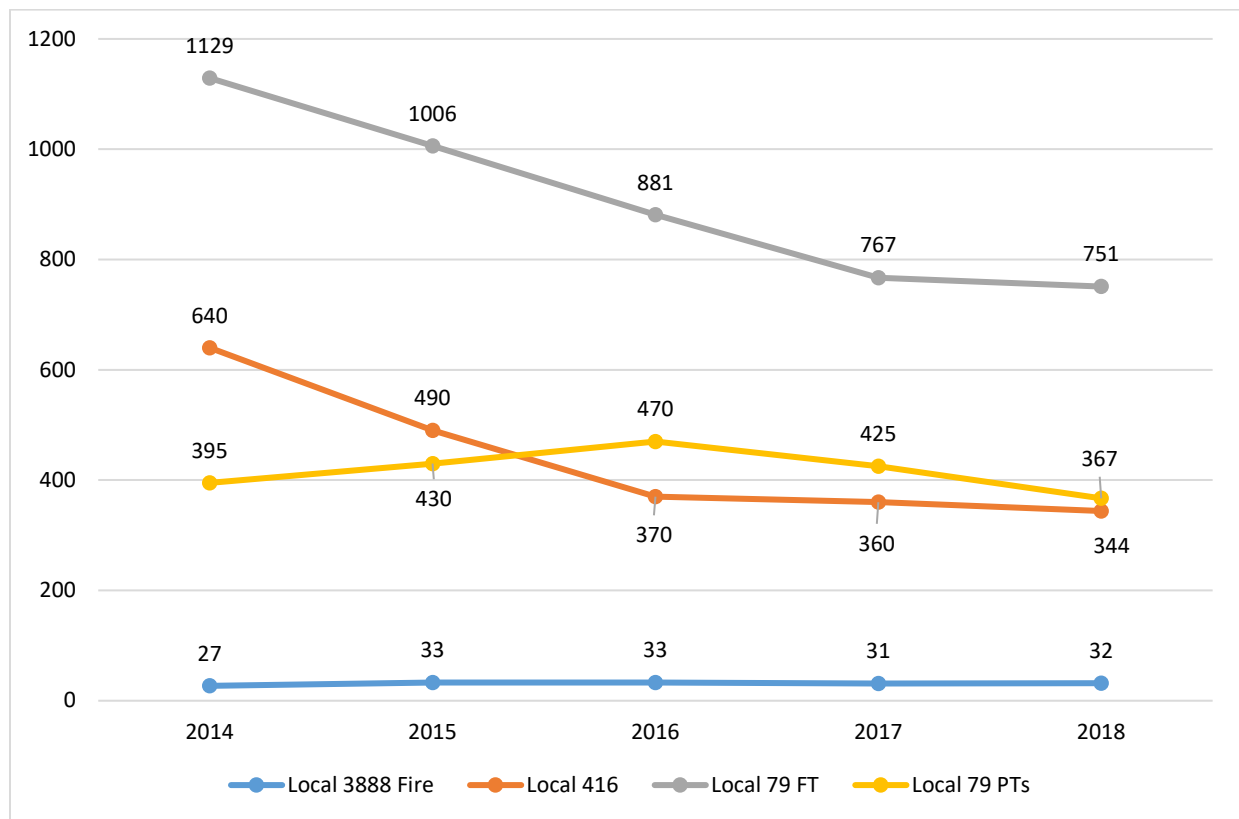
The number of open grievances continued to show a declining trend over the past few years and reached the lowest level in 2018 since 2014. However the rate of decrease has slowed down as reflected in lower "resolved /new case ratio" (please refer to chart Part 3 below).

Part 2 - Open Grievances By Bargaining Unit

Graph 2(a)**Table 2(a)**

	*Local 3888 Fire	Local 416	Local 79 FT	Local 79 PT LTCHS	Local 79 PT Rec Workers	Local 79 PTB	Grand Total
Number of Grievances, as of December 31, 2018	32	344	751	128	133	106	1494

* The Local 3888 grievances are being updated based on the receipt of recent Step 2 information.

Graph 2(b)**Open Grievances By Union Over The Past Five (5) Years****Table 2(b)**

Distribution of Grievance Activity by Bargaining Unit										
	2014	%	2015	%	2016	%	2017	%	2018	%
Local 3888 Fire	27	1.2%	33	1.7%	33	1.9%	31	2.0%	32	2.1%
Local 416	640	29.2%	490	25.0%	370	21.1%	360	22.7%	344	23.0%
Local 79 FT	1129	51.5%	1006	51.4%	881	50.2%	767	48.5%	751	50.3%
Local 79 PTs	395	18.0%	430	21.9%	470	26.8%	425	26.8%	367	24.6%
Grand Total	2191	100%	1959	100%	1754	100%	1583	100%	1494	100%

Local 416

The number of grievances showed a decrease from 360 in 2017 to 344 in 2018. In 2018, Local 416 grievances accounted for 23.0% of all grievances, relatively stable compared to 22.7% in 2017; grievances continued to trend downward over the past 5 years.

Local 79 Full-time

The number of grievances decreased from 767 in 2017 to 751 in 2018. In 2018 Local 79 FT accounted for 50.3% of all grievances, an increase of 1.8% compared to 48.5% in 2017; grievances somewhat fluctuated overall the past 5 years.

Local 79 Part-time Units

The number of grievances showed a decrease from 425 in 2017 to 367 in 2018. In 2018 Local 79 PT grievances accounted for 24.6% of all grievances, a decrease of 2.2% compared to 26.8% in 2017; grievances declined for the first time in 2018 after a steady growth from 2014 (18.0%) and reached the peak (26.8%) in 2017.

Local 3888

The number of grievances showed a small increase from 31 in 2017 to 32 in 2018. In 2018 Local 3888 grievances accounted for 2.1% of all grievances, relatively flat compared to 2.0% in 2017; grievances have gradually increased overall the past 5 years.

Part 3 - Number of Grievances by Stage Over The Past 5 Years

Graph 3(a)

(Based on original data from that particular year)

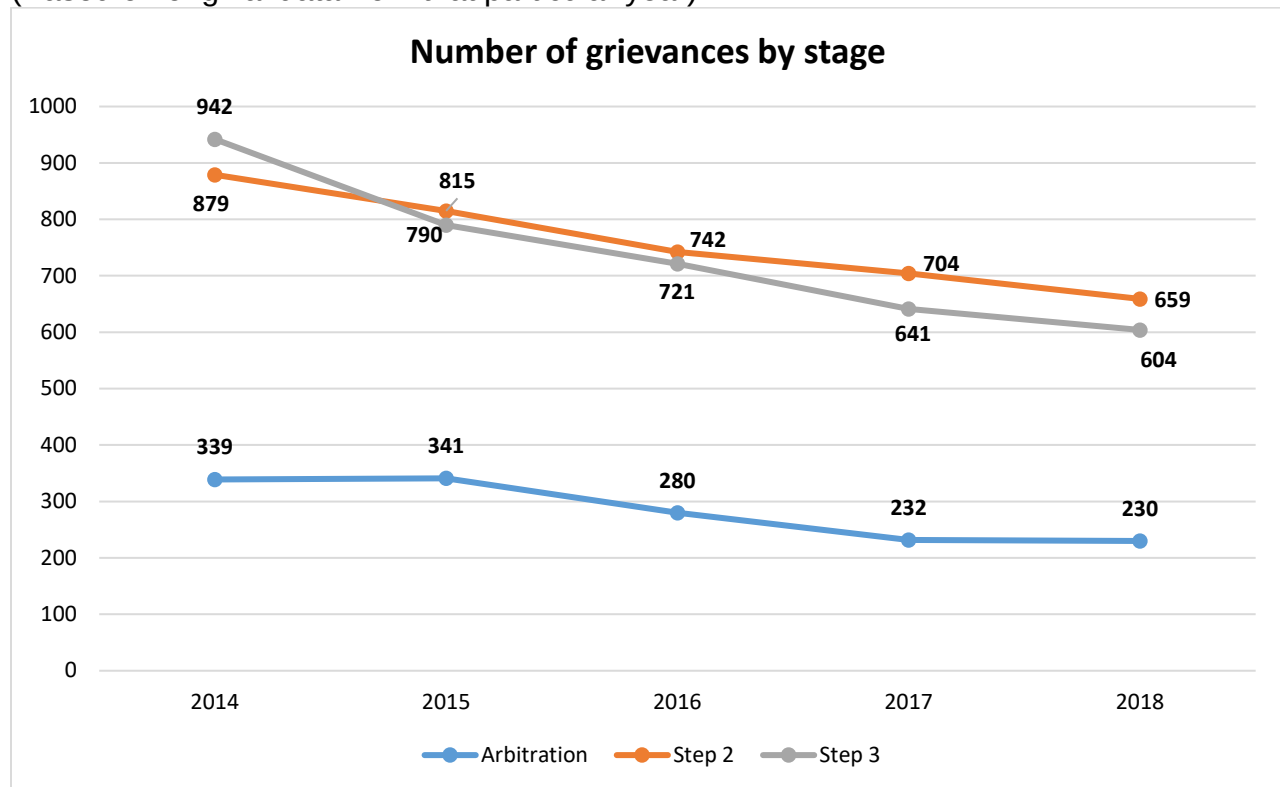


Table 3(a)

	Distribution by Grievance and Arbitration Stage									
	2014	%	2015	%	2016	%	2017	%	2018	%
Judicial Review	0	0.0%	0		0		2	0.1%	1	0.1%
Arbitration	339	15.7%	341	17.5%	280	16.1%	232	14.7%	230	15.4%
Step 2	879	40.7%	815	41.9%	742	42.6%	704	44.6%	659	44.1%
Step 3	942	43.6%	790	40.6%	721	41.4%	641	40.6%	604	40.4%
Total	2160	100%	1946	100%	1743	100%	1579	100%	1494	100%

Arbitration (represents the greatest grievance related costs): the number of arbitration cases decreased slightly from 232 cases in 2017 to 230 cases in 2018. Arbitration cases in 2018 accounted for 15.4% of the total grievances for all stages, an increase of 0.7% compared to 14.7% in 2017, but still lower when compared to the level from 2014 to 2016.

Step 2: the number of step 2 cases decreased from 704 in 2017 to 659 in 2018. The step 2 cases in 2018 accounted for 44.1% of the total for all stages, a decrease of 0.5% compared to 44.6% in 2017.

Step 3: the number of step 3 cases decreased from 641 in 2017 to 604 in 2018. The step 3 cases in 2018 accounted for 40.4% of the total for all stages, a decrease of 0.2% compared to 40.6% in 2017.

Judicial Review

In 2017, the City applied for judicial review of the August 17, 2017 decision of arbitrator James Hayes in the interest arbitration between the City and TPFFA, Local 3888. The City was concerned that the arbitrator directed it to continue certain past practices which it had terminated in the context of collective bargaining between the parties, despite the fact that those practices had no basis in the collective agreement.

During collective bargaining between the City and TPFFA, Local 3888, in 2018, the parties negotiated a settlement based on a collective agreement for a five year term. As part of this settlement, the City and TPFFA, Local 3888 agreed on a process through which past practices, including many of the practices addressed by the 2017 arbitration award, would be resolved through an arbitration procedure and the City agreed to withdraw its application for judicial review.

Part 4 - Grievance Ratio - Resolved Grievances to New Grievances Over the Last Five (5) Years

The Resolved/New Grievance Ratio represents the number of resolved/closed cases in relation to the number of new cases. It reflects the net increase or decrease in open grievances: the higher the ratio, the more cases resolved compared to new cases generated, resulting in a lower overall number of open grievances.

Graph 4(a)

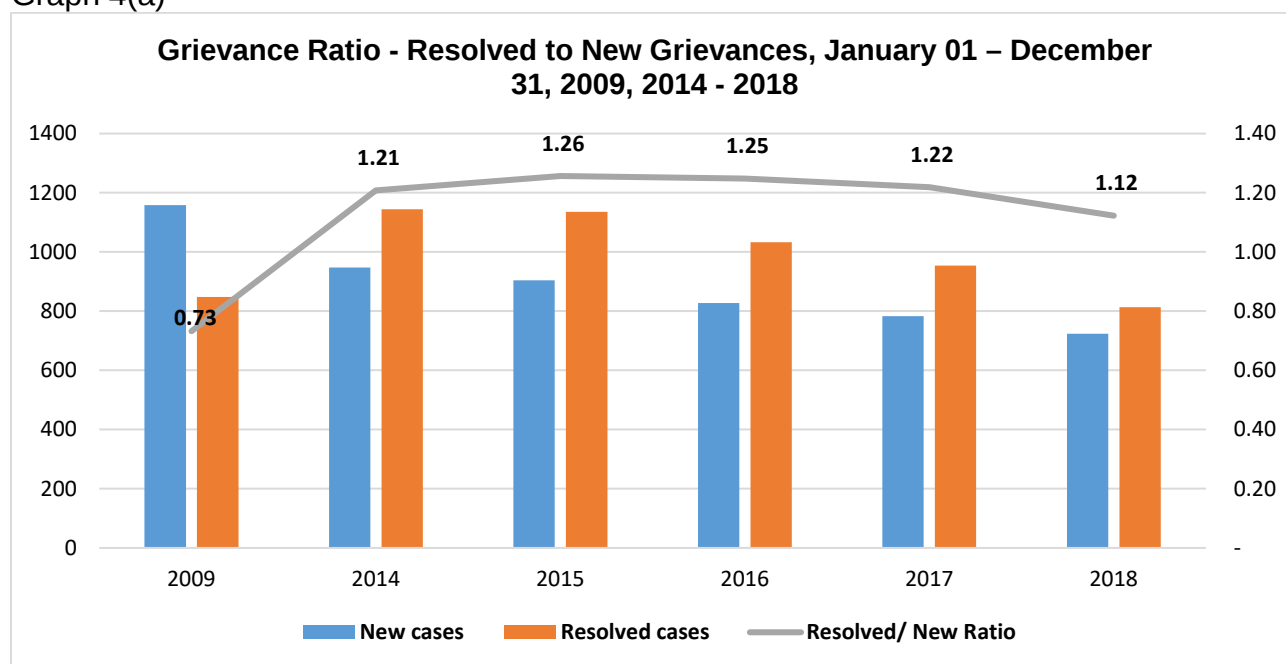


Table 4(a)

Year	New Grievances	Resolved Grievances	Resolved/ New Ratio
*2009	1158	848	0.73
2014	947	1144	1.21
2015	904	1136	1.26
2016	828	1033	1.25
2017	783	954	1.22
2018	724	813	1.12

*Open Grievances at the Peak

There were 724 new grievances filed during the twelve (12) month period of January 1, 2018 to December 31, 2018; during the previous twelve (12) month period (January 1, 2017 to December 31, 2017) there were 783 new grievances filed. This represents a decrease of approximately 7.5% in new grievances filed compared to the same timeframe in 2017.

There were 813 grievances resolved or withdrawn during the period of January 1, 2018 to December 31, 2018. During the previous twelve (12) month period (January 1, 2017 to December 31, 2017) there were 954 grievances resolved or withdrawn. This represents a decrease of approximately 14.7% in grievances resolved or withdrawn compared to the same timeframe in 2017.

Notwithstanding the decrease in the total number of resolved or withdrawn grievances, in 2018 the Resolved/ New Grievance Ratio was 1.12 (that is 1.12 grievances resolved for every new grievance submitted), a decrease of 0.1 compared to 1.22 in 2017; the ratio was 0.39 higher compared to only 0.73 in 2009 when the open grievances was at the peak.

The Resolved/ New Grievance Ratio continued to show a positive trend above 1.0 where the number of resolved grievances exceeded the number of new grievances over the past few years however the gap between new cases and resolved cases has been narrowing since 2015 when the ratio reached 1.26.

Part 5 - Grievance Ratio - Number of Grievances to Number of Union Employees Over The Past 5 years

The Grievance Ratio represents the number of open grievances in relation to the number of union members. It reflects the overall effectiveness in grievance management, where the lower the ratio, the better the performance.

Graph 5(a)

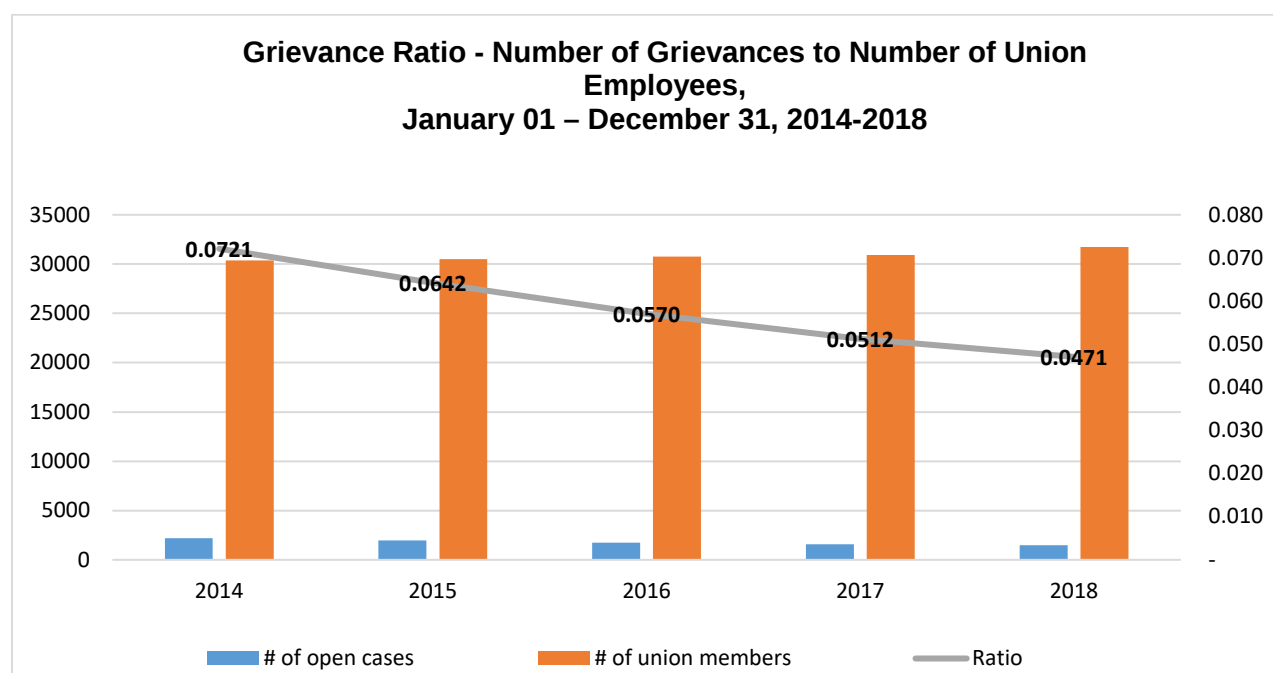


Table 5(a)

Year	Number of open grievances	Number of union employees*	Ratio
2014	2191	30375	0.0721
2015	1959	30507	0.0642
2016	1754	30776	0.057
2017	1583	30909	0.0512
2018	1494	31749	0.0471

*Active & Inactive (L79s, L416, FIRE combined)

For 2018 the Grievance Ratio was 0.047 (that is 0.047 open case for every member), a decrease of 0.004 compared to 0.051 in 2017.

The Grievance Ratio continued to show a downward trend over the past few years and reached the lowest level in 2018 since 2014.

Part 6 - Open Grievances By Category as of December 31, 2018

Discipline remains the most commonly grieved issue at the City representing 33% (up 1% from the end of 2017) of all open grievances. Discipline grievances relate to allegations of an unjust disciplinary action (written warning, suspension, discharge) issued by management to an employee for matters such as excessive lateness, insubordination, failure to report to work, theft, unsatisfactory performance, conflict of interest, failing to comply with City or divisional policies, etc.

Allegations of discrimination or harassment in the workplace is the second most commonly grieved issue at the City representing 14% (up 1% from the end of 2017) of all open grievances. Discrimination/harassment grievances sometimes relate to allegations of violations under the Human Rights Code and/or the City's Human Rights & Anti-Harassment Policy but are more commonly filed in conjunction with discipline grievances alleging harassment on the grounds of being disciplined.

Promotions or alternate rates are the third most commonly grieved issue at the City representing 11% (same as end of 2017) of all open grievances. Promotion/alternate rate grievances typically relate to allegations that an employee has been unfairly denied a promotional opportunity through a job call or should have been granted a temporary alternate rate opportunity.

Paid/Unpaid leaves is the fourth most commonly grieved issue at the city representing 7% (same as end of 2017) of all open grievances.

Work of the Bargaining Unit is the fifth most commonly grieved issue at 6% (up 1% from the end of 2017)

Table 6(a)

	2017 distribution	2018 Distribution
Discipline/Terminations	32.0%	32.7%
Promotions/ARs/Transfers	11.6%	11.4%
Discrimination/Harassment	12.6%	13.8%
Paid/Unpaid Leaves	7.5%	6.9%
Work of the Bargaining Unit	5.8%	6.4%

The chart below represents the most commonly grieved issues at the City, with the top three issues accounting for over 50% of all open grievances, consistent with the ratios from the 2017 reporting period.

Graph 6(a)

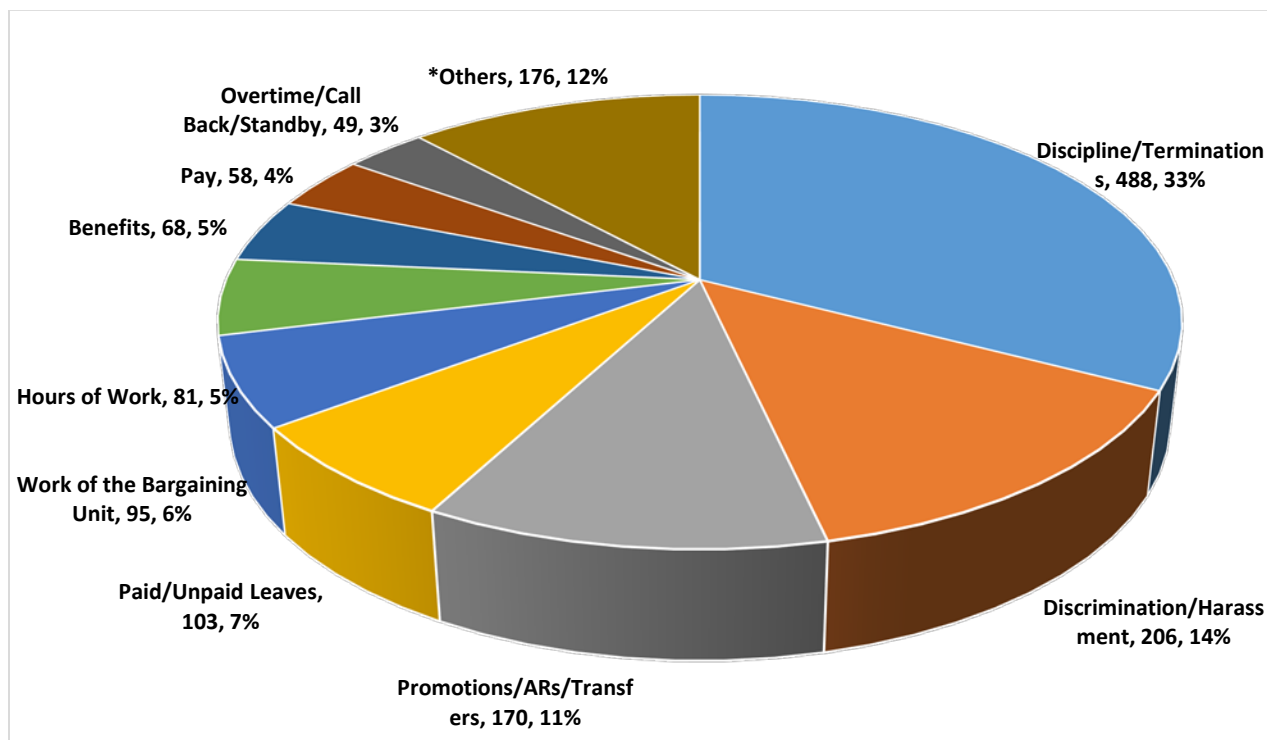


Table 6(b)

Category	Number of Grievances
Discipline/Terminations	488
Discrimination/Harassment	206
Promotions/ARs/Transfers	170
Paid/Unpaid Leaves	103
Work of the Bargaining Unit	95
Hours of Work	81
Benefits	68
Pay	58
Overtime/Call Back/Standby	49
*Others	176
Total	1494

Open Grievances By Category Over The Past 5 Years

Table 6(c)

	2014	2015	2016	2017	2018
Discipline/Terminations	598	603	547	506	488
Promotions/ARs/Transfers	293	230	197	184	170
Discrimination/Harassment	209	204	209	199	206
Paid/Unpaid Leaves	193	163	150	118	103
Work of the Bargaining Unit	168	133	115	92	95
Hours of Work	79	83	90	97	81
Pay	115	83	68	63	58
Overtime/Call Back/Standby	74	90	79	79	49
Benefits	93	59	61	59	68
Redeployment/Layoff/Recall	89	78	75	38	36
Attendance Mgmt. Program	97	63	43	42	41
Seniority/Service	37	40	42	40	38
Work Selection (Local 416)	81	71	16	10	4
Health/Safety/Return to Work	45	36	36	30	31
Other	16	21	23	24	25
Training	4	2	3	2	1
Total	2191	1959	1754	1583	1494

"Discipline/Terminations", "Promotions/ARs/Transfers", and "Discrimination/Harassment" continued to be the top three (3) issues over the past 5 years.

The number of Discipline/Terminations has been gradually declining since the peak at 603 in 2015. The number of Promotions/ARs/Transfers has also been decreasing over the past 5 years. However, the number of Discrimination/Harassment has been fluctuating, ranging between 199 and 209 per year.

Open Grievances By Category and By Union Affiliation

Table 6(d)

Category	Local 3888 Fire	Local 416	Local 79 FT	Local 79 PT LTCHS	Local 79 PT Rec Workers	Local 79 PTB	Grand Total
Discipline/Terminations	7	104	226	51	70	30	488
Discrimination/Harassment	1	33	133	15	13	11	206
Promotions/ARs/Transfers	3	45	91	8	18	5	170
Paid/Unpaid Leaves	1	28	51	6	1	16	103
Work of the Bargaining Unit	1	13	53		7	21	95
Hours of Work	1	31	10	20	8	11	81
Benefits	8	14	41	2	1	2	68
Pay	3	18	27	2	8		58
Overtime/Call Back/Standby	2	23	18	6			49
Attendance Mgmt. Program		12	24	3		2	41
Seniority/Service		2	21	12		3	38
Redeployment/Layoff/Recall		2	29		2	3	36
Health/Safety/Return to Work	2	9	16	2		2	31
Other	3	6	10	1	5		25
Work Selection (Local 416)		4					4
Training			1				1
Grand Total	32	344	751	128	133	106	1494

Local 416

Discipline remains the most commonly grieved issue in the Local 416 Unit, representing 30.2% of the 344 open grievances filed by Local 416, followed by promotions at 13.1%, discrimination/harassment at 9.6%, hours of work at 9.0%, and paid/unpaid leaves at 8.1% each.

Local 79 Full-Time Unit

Discipline is the most commonly grieved issue in the Local 79 Full Time Unit at 30.0% of their 751 open grievances, followed by discrimination/harassment at 17.7% and promotion/ARs/Transfers at 12.1%.

Local 79 Part-Time Units

Similar to the Local 79 Full Time Unit, discipline remains the most commonly grieved issue for the 367 open grievances in the three Local 79 Part Time Units at 41.1%, followed by discrimination/harassment and Hours of Work at 10.6% each.

Local 3888

Local 3888 has relatively low grievance activity, with Benefits being the most commonly grieved issues followed by Discipline/Terminations.

Conclusion

In 2018, the City continued to experience success in its overall grievance management through a further reduction of the open grievances. Employee & Labour Relations will continue to focus its efforts on reducing the number of open grievances and working with the Divisions to resolve grievances in a timely manner.

Attached as Appendix 1 is a summary of the Open Grievances For Each Service Area & Division.

Attached as Appendix 2 is a summary of the Ratios of Open Grievances to Unionized Employee By Division, for 2016 to 2018 (as at December 31 of each year).

Attached as Appendix 3 is a summary of the Open Discipline and Termination Grievances by the Year Filed, which provides an overview of the length of time grievances remain open.

CONTACT

Michael Wiseman, Director, Employee & Labour Relations, People, Equity and Human Rights Division (416) 392-5006, Michael.Wiseman@toronto.ca

SIGNATURE

Omo Akintan
Executive Director, People, Equity and Human Rights

ATTACHMENTS

Appendix 1 - Open Grievances for each Service Area & Division and Grievance Ratio Per Number of Union Employees as per December 31, 2018

Appendix 2 - Open Grievances to Unionized Employee Ratios By Division, for 2016 to 2018 (as at December 31 of each year)

Appendix 3 - Open Discipline and Termination Grievances by Year

Appendix 1

Open Grievances for each Service Area & Division and Grievance Ratio Per Number of Union Employees as per December 31, 2018

Community & Social Services	Number of Grievances	Number of union employees as at December 31	Grievance Number - Headcount Ratio
Children's Services	77	1165	0.066
Court Services	7	202	0.035
Economic Development & Culture	9	304	0.03
Employment & Social Services	99	1756	0.056
Long-Term Care Homes & Services	236	3564	0.066
Parks, Forestry & Recreation	262	10499	0.025
Public Health	34	1756	0.019
Shelter, Support & Housing Admin	76	840	0.09
Social Development, Finance & Admin	3	73	0.041
Toronto Paramedic Services	187	1501	0.125
Total	990	21660	0.046

Infrastructure & Development Services	Number of Grievances	Number of union employees as at December 31	Grievance Number - Headcount Ratio
City Planning	3	311	0.01
Engineering & Construction Services	14	269	0.052
Fire Services	46	3182	0.014
Municipal Licensing & Standards	29	402	0.072
Policy, Planning, Finance & Admin	4	128	0.031
Solid Waste Management Services	110	890	0.124
Toronto Building	6	367	0.016
Toronto Water	49	1320	0.037
Transportation Services	39	889	0.044
Total	300	7758	0.039

Corporate Services	Number of Grievances	Number of union employees as at December 31	Grievance Number - Headcount Ratio
311 Toronto	14	209	0.067
Environment & Energy	2	28	0.071
Facilities Management	79	452	0.175
Fleet Services	16	122	0.131
Information & Technology	4	422	0.009
Real Estates Services	3	59	0.051
Total	118	1292	0.091

Finance & Treasury Services	Number of Grievances	Number of union employees as at December 31	Grievance Number - Headcount Ratio
Accounting Services	3	70	0.043
*Corporate Finance	5	9	0.556
Pension, Payroll & Employee Benefits	4	113	0.035
Purchasing & Materials Management	1	106	0.009
Revenue Services	7	226	0.031
Total	20	524	0.038

*Corp. Fin. has 3 policy, 1 group, 1 individual

	Number of Grievances	Number of union employees as at December 31	Grievance Number - Headcount Ratio
City Clerk's Office	13	264	0.049
Legal Services	6	156	0.038
OTHER	47		

Appendix 2

Open Grievances to Union Employee Headcount (HC) Ratios By Division, as of December 31, 2016 – 2018

As at the end of December	2018			2017			2016		
Divisions	Open Cases	Union Employee HC	Ratio	Open Cases	Union Employee HC	Ratio	Open Cases	Union Employee HC	Ratio
311 Toronto	14	209	0.067	16	202	0.079	14	199	0.070
Accounting Services	3	70	0.043	4	76	0.053	3	81	0.037
Children's Services	77	1165	0.066	73	1102	0.066	83	1044	0.080
City Clerk's Office	13	264	0.049	10	272	0.037	8	299	0.027
City Planning	3	311	0.010	7	294	0.024	5	273	0.018
Corporate Finance	5	9	0.556	4	10	0.400	1	10	0.100
Court Services	7	202	0.035	8	206	0.039	10	217	0.046
Economic Development & Culture	9	304	0.030	7	308	0.023	7	303	0.023
Employment & Social Services	99	1756	0.056	98	1863	0.053	113	1991	0.057
Engineering & Construction Services	14	269	0.052	8	273	0.029	6	280	0.021
Environment & Energy	2	28	0.071	1	24	0.042		23	-
Facilities Management	79	452	0.175	78	493	0.158	92	504	0.183
Fire Services	46	3182	0.014	42	3124	0.013	45	3147	0.014
Fleet Services	16	122	0.131	22	128	0.172	61	132	0.462
Information & Technology	4	422	0.009	20	426	0.047	24	429	0.056
Legal Services	6	156	0.038	7	147	0.048	9	128	0.070
Long-Term Care Homes & Services	236	3564	0.066	249	3359	0.074	294	3253	0.090
Municipal Licensing & Standards	29	402	0.072	29	397	0.073	31	381	0.081
Parks, Forestry & Recreation	262	10499	0.025	260	9967	0.026	272	9957	0.027
Pension, Payroll & Employee Benefits	4	113	0.035	5	106	0.047	5	105	0.048
Policy, Planning, Finance & Admin	4	128	0.031	1	119	0.008	2	123	0.016
Public Health	34	1756	0.019	34	175	0.020	67	1671	0.040
Purchasing & Materials Management	1	106	0.009	2	101	0.020	5	96	0.052
Real Estates Services	3	59	0.051	3	60	0.050	6	60	0.100
Revenue Services	7	226	0.031	14	232	0.060	16	252	0.063
Shelter, Support & Housing Admin	76	840	0.090	103	725	0.142	95	715	0.133

Social Development, Finance & Admin	3	73	0.041	2	68	0.029	2	58	0.034
Solid Waste Management Services	110	890	0.124	106	918	0.115	85	908	0.094
Toronto Building	6	367	0.016	8	358	0.022	17	344	0.049
Toronto Paramedic Services	187	1501	0.125	213	1517	0.140	213	1486	0.143
Toronto Water	49	1320	0.037	68	1326	0.051	55	1327	0.041
Transportation Services	39	889	0.044	38	877	0.043	47	872	0.054

Appendix 3

Open Discipline and Termination Grievances by Year

The tables below depict open discipline and termination grievances at the City broken down by year the grievances were filed. There are several factors that could explain why the grievances remain open, including the complexity of the grievance, the availability of the parties to schedule dates and arbitrators, the priority of the case to be moved to the next step, and so on.

Outstanding Discipline* (excluding Termination) Grievances Per Filed Year

Year	Number of Grievance Filed	Number of Grievances remain open as of Dec.31 2018	Number of grievances remain open as of Dec. 31, 2018					
			Local 3888 Fire	Local 416	Local 79s	Arbitration	Step 2	Step 3
2018	245	145	1	45	99	7	92	46
2017	267	55	0	12	43	12	15	28
2016	269	37	0	4	33	8	19	10
2015	315	31	2	6	23	6	14	11
2014	288	26	0	4	22	10	10	6
2013	282	12	0	1	11	3	6	3
2012	318	10	0	1	9	2	5	3
2011	366	9	0	0	9	4	3	2
2010	296	3	0	0	3	1	1	1

*Include Suspension, Letter of Reprimand/Warning, and Insubordination only

Outstanding Termination Grievances Per Filed Year

Year	Number of Grievances filed	Number of Grievances remain open as of Dec. 31 2018	Number of grievances remain open as of Dec.31, 2018					
			Local 3888 Fire	Local 416	Local 79s	Arbitration	Step 2	Step 3
2018	91	64	0	17	47	19	11	34
2017	81	17	1	1	15	9	0	8
2016	77	11	1	0	10	9	0	2
2015	95	7	0	1	6	4	0	3
2014	84	4	0	1	3	2	1	1
2013	105	1	0	0	1	1	0	0
2012	94	0	0	0	0	0	0	0
2011	107	1	0	0	1	0	0	1
2010	91	0	0	0	0	0	0	0