



REPORT FOR ACTION

Security Union Status De-Certification

Date: November 28, 2019

To: The Board of Governors of Exhibition Place

From: Don Boyle, Chief Executive Officer

Wards: Ward 10

SUMMARY

Exhibition Place, together with City of Toronto Labour Relations, were preparing for upcoming negotiations with CUPE Local 5116 (Security), as the Collective Bargaining Agreement between the parties was set to expire on December 31, 2019. However, prior to either party giving notice to commence bargaining, an application for the termination of bargaining rights was filed in accordance with the process and requirements of the Ontario Labour Relations Board's ("OLRB") Rules of Procedure, by members of CUPE Local 5116. After a vote was conducted, the membership voted to de-certify from CUPE Local 5116. On October 22, 2019, Exhibition Place received the final Decision of the OLRB approving the termination of bargaining rights with CUPE Local 5116.

RECOMMENDATIONS

The Chief Executive Officer recommends that:

1. The Board authorize the CEO to engage a consultant to conduct a Market Analysis of compensation levels for the employees in the Security group.
2. The Board direct the CEO to report back in early 2020 on the design and financial implications of the implementation of the Market Analysis design.

FINANCIAL IMPACT

The cost of hiring a consultant would be covered in the operating budget within the CEO Department.

DECISION HISTORY

The Exhibition Place 2017 - 2019 Strategic Plan has a Safety & Security Goal to *recognize the importance of public safety for all its guests*. As a strategy to support this goal, we will continue to provide the highest level of Safety & Security through highly trained Security Guards who are able to respond to many different *and* often challenging situations.

In October 2011 members of the Exhibition Place Security Services voted (28 of 31) to organize and become part of the CUPE provincial union Local 5116 and were certified by the Ministry of Labour on November 4, 2011. In early 2012, Exhibition Place staff commenced bargaining with Local 5116 and after a meeting with a Conciliator on November 19, 2012 agreed to a final meeting without a Conciliator on November 27, 2012 where a tentative agreement was reached.

At its meeting of February 15, 2013 (Item #31), the Board approved the first of two Collective Agreements between Security Guards represented by CUPE Local 5116 and the Board commencing January 1, 2013 and expiring on December 31, 2015. As this was the first Collective Agreement between the parties, the agreement contained many provisions and language to govern the relationship going forward.

<https://www.explace.on.ca/about/board-of-governors/schedule-and-reports/2013-reports/2013-february>

At its meeting of April 12, 2013 meeting, the Board directed the CEO to set-up a confidential briefing session for members of the Board to receive information on the bargaining process to be undertaken by Exhibition Place with respect to labour negotiations including CUPE Local 5116.

<https://www.explace.on.ca/files/file/58caaa47b5c2d/Bargaining-Process-item-13.pdf>

At its meeting on September 30, 2016, the Board approved the KORN FERRY / Hay Group report on the Exhibition Place Compensation Plan which applied to all non-unionized positions / employees (excluding the five executive management positions to replace the 2003 Compensation Plan. As the Security employees were unionized at the time of this review, the adoption of the Exhibition Place Compensation Plan did not apply to these employees.

[https://www.explace.on.ca/files/file/58b5f8f17f377/Item-19\(b\)-EP-Comp-Supp.pdf](https://www.explace.on.ca/files/file/58b5f8f17f377/Item-19(b)-EP-Comp-Supp.pdf)

At its meeting in May 18, 2017, the Board approved the second (and most recent) Collective Agreement between the two parties commencing January 1, 2016 and expiring on December 31, 2019.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.EP3.6>

COMMENTS

On October 3, 2019, prior to the notice to bargain being served by either party, the Ontario Labour Relations Board (OLRB) received an application by a CUPE Local 5116

represented employee for the termination of bargaining rights under the Labour Relations Act, 1995, S.O. 1995, c.1, as amended.

On October 8, 2019, the OLRB provided further clarification on the application process for termination of bargaining rights and advised that the vote of the membership would be held on October 10, 2019.

On October 11, 2019, the OLRB provided information on the outcome of the vote. There were 27 eligible voting members of which 17 votes were cast. The results were 14 against the union (in favour of termination of bargaining rights) and 3 for the union.

On October 22, 2019, the OLRB provided their final decision and declared that the responding party (CUPE) no longer represents the employees of the Board of Governors of Exhibition Place for whom it has heretofore been the bargaining agent.

As a result of this decision by the OLRB, Exhibition Place is in a position where it must re-integrate these employees back into non-unionized roles and determine how best to apply all of the Board policies and guidelines, including compensation packages, to this group of employees who were previously covered by a Collective Bargaining Agreement that was terminated on October 22, 2019.

The termination of bargaining rights is a rare practice and neither the City nor Exhibition Place have any past experience with this. This change has prompted the hiring of a consultant to assist with the market analysis on wage structure to follow during the re-integration process.

CONTACT

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SIGNATURE

Don Boyle
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