

MEMORANDUM OF AGREEMENT

B E T W E E N

CITY OF TORONTO

("City")

– and –

**LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA,
ONTARIO PROVINCIAL DISTRICT COUNCIL**

("LiUNA")

WHEREAS the City anticipates it will require construction labourers to work in connection with specific future projects in the industrial, commercial and institutional ("ICI") sector of the construction industry;

AND WHEREAS LiUNA's local hiring hall consists of members who are construction labourers available to work in connection with the City's above-referenced projects in the ICI sector;

NOW THEREFORE, the parties hereby agree to the following terms and conditions:

1. The City recognizes LiUNA as the sole and exclusive bargaining agent of all construction labourers for all projects awarded pursuant to procurements issued by the City of Toronto in the ICI sector of the construction industry in the Province of Ontario, save and except non-working forepersons and persons above that rank, persons working in connection with a project specified at paragraph 4 herein, and persons covered under subsisting construction or non-construction collective agreements. For clarity, the City does not recognize LiUNA's bargaining rights in any other sector of the construction industry.
2. The recognition in paragraph 1 above shall come into effect on **November 1, 2023** (the "Effective Date") and shall only apply to all projects awarded pursuant to procurements issued by the City on or after the Effective Date, provided those projects otherwise come within the scope of the recognition in paragraph 1. For clarity, the recognition excludes all projects awarded pursuant to procurements issued by the City prior to the Effective Date.

3. The City shall be bound only to those provisions in the applicable provincial agreement pertaining to the ICI sector (the “Provincial Agreement”), as negotiated by the parties’ respective bargaining agencies. Accordingly,
 - a. the City shall not be bound to, and shall not be required to adhere to, any “cross-over” provisions contained in the Provincial Agreement;
 - b. the City shall not be bound to, and shall not be required to adhere to, any collective agreements covering work which is outside of the ICI sector or otherwise beyond the scope of the recognition set out in paragraph 1 herein; and
 - c. the City confirms it is not a member of any employers’ organization, as defined under the *Labour Relations Act, 1995*, and, therefore, unless expressly specified in this Memorandum of Agreement, the City shall not be bound to, and shall not be required to adhere to, any agreements, including side agreements, negotiated or entered into by an employers’ organization.

4. The Provincial Agreement shall not apply to:
 - a. any projects under \$400,000.00, to be adjusted annually for inflation based on the Consumer Price Index in Ontario (all-items, annual average, not seasonally adjusted);
 - b. playgrounds;
 - c. playscapes;
 - d. splash pads;
 - e. landscaping within parks;
 - f. sports infrastructure within parks; and
 - g. hardscaping.

5. If the City engages a general contractor who is not in contractual relations with LiUNA or any other local union affiliated with the same bargaining agency as LiUNA, LiUNA agrees it will not enforce the relevant contracting-out provisions of the Provincial Agreement provided that the general contractor sub-contracts work which comes within the recognition at paragraph 1 to those employers which are bound to the Provincial Agreement.

6. This Memorandum of Agreement is conditional upon all of the following:
 - a. the parties shall obtain the necessary approval of their respective bargaining agencies in respect of the terms and conditions set out in this Memorandum of Agreement, and any other terms and conditions which the parties may negotiate after entering into this Memorandum;

- b. LiUNA shall not initiate, or cause the initiation of, any grievances, jurisdictional disputes, claims, applications, actions or any other proceedings against the City or Toronto Civic Employees Union, Local 416 – CUPE (“Local 416”) with respect to any of the following:
- i. work performed by or assigned to City employees who are members of Local 416, if the work was historically performed by members of Local 416,
 - ii. work which comes within the scope of the City’s collective agreement with Local 416,
 - iii. work which falls outside the ICI sector, and
 - iv. work which falls outside of the construction industry;
- and
- c. the City and LiUNA Local 506 shall enter into the “Community Benefits Partnership” Agreement, which is attached hereto as Appendix “A.”
7. In addition to the conditions in paragraphs 6(a) to (c) above, this Memorandum of Agreement is conditional upon:
- a. the validity and enforceability of the entire Memorandum of Agreement; and
 - b. the Memorandum of Agreement not being rendered null and void.
8. If any paragraph, sub-paragraph, clause, provision, aspect or component is found to be unenforceable by a tribunal or court, the entire Memorandum of Agreement shall be null and void and shall be unenforceable. No paragraph, sub-paragraph, clause, provision, aspect or component may be severed, read down or read out of this Memorandum of Agreement.
9. Any dispute arising under the Community Benefits Partnership Agreement shall be dealt with through the process set out in Section G of that agreement.

Dated at Toronto, Ontario this 26th day of April, 2023.

For LiUNA

For the City of Toronto