



Comparative Analysis of Municipal Job Security Provisions

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Compared to other collective agreement provisions protecting against contracting out, CUPE 416 and 79's job security position is modest.

- Most municipal employees in Ontario and across Canada are covered by collective agreements that include job security provisions stronger than the clauses in the current contracts between the City of Toronto and the CUPE locals 416 and 79. The majority of municipal collective agreements protect the jobs of all bargaining unit members when the municipality contracts out work.
- Sixty-eight per cent (68%) of municipal employees in Ontario have greater job security in the face of contracting out than provisions in the current collective agreements between CUPE Local 416 and CUPE Local 79. These stronger clauses either restrict contracting out entirely, or ensure job security for all permanent employees.
- Another 10% of municipal employees in Ontario have contract clauses similar to those currently in place in the City of Toronto, offering job security to some but not all employees in the event of contracting out.
- The situation is similar for employees of major municipalities across Canada. Fifty-nine percent (59%) of the employees of major Canadian municipalities are covered by contract clauses that guarantee job security for all bargaining unit members in the case of contracting out. Contract provisions similar to those in the current CUPE Local 416 and 79 collective agreements, protecting some workers depending on their length of service, cover another 10%.
- The contracts between the former municipalities which make up Toronto and their employees offered greater protection against job loss in the event of contracting out than the current Local 416 and 79 collective agreements.
- Protecting employees against job loss when the municipality contracts out work is not "jobs for life". It is only what it says it is. It does not limit a municipality's ability to lay off employees for other reasons, downsize the workforce in other ways, or to manage work performance.

Ontario Municipalities

Out of 221 agreements with Ontario municipalities which have clauses restricting contracting out, 150 have provisions offering greater protection than those in the current collective agreements between Locals 416 and 79 and the City of Toronto.

- Five (5) of those 150 agreements have a complete restriction on contracting out work presently performed by the bargaining unit.
- Six (6) restrict all contracting out as long as there are bargaining unit members able to perform the work.
- In 139 agreements the employer may contract out but must guarantee the jobs of ALL bargaining unit members.
- Another 43 collective agreements have clauses similar to those in the Local 79 and 416 agreements, protecting the jobs of some but not all employees.

To express this in percentages, 47.6% of all 315 collective agreements, covering more than 68% of municipal employees in Ontario, offer greater protection than the current City of Toronto collective agreements. Another 13.7%, covering an additional 10% of the employees, are similar to the clauses in the current City of Toronto agreements. Only 9% of the total offer NO job guarantees to their employees in the event of contracting out.

Ontario Municipalities

Restrictions on contracting out	Agreements		Employees	
	Number	Per Cent %	Number	Per Cent %
Complete restriction on contracting out work performed by the bargaining unit.	5	1.6	158	0.5
No contracting out if bargaining unit members available to perform the work.	6	1.9	904	2.2
Employer may contract out, but jobs of all present bargaining unit members guaranteed.	139	44.1	27047	65.8
Employer may contract out and must guarantee the jobs of some bargaining unit members, i.e. those with a certain length of service	43	13.7	4096	11.9
Employer may contract out and will endeavour to find alternate work for displaced employees.	4	1.3	841	2.0
Employer will consult with union prior to contracting out.	9	2.9	1212	3.0
Employer will notify union prior to contracting out.	15	4.8	1594	3.5
No provision	94	29.8	4392	10.7
Total	315	100.0	41084	100

Source: CUPE SALAD (Systems Analysis Labour Agreement Database)

Major Canadian Municipalities

Major municipalities – Population 100,000 and more

Total number of agreements analysed – 83, covering 59,052 employees

Number with relevant provisions – 73, covering 93% of the employees

- Most major municipalities offer greater protection for employees in the event of contracting out more common for employees of major municipalities across Canada than for Ontario municipal employees overall.
- 57.8 of the collective agreements, covering 59.1% of the employees, at least guarantee the jobs of all employees in the case of contracting out.
- Another 7 agreements, covering 10.5% of the employees, are similar to the Local 416 and 79 agreements, offering employment protection to those with a certain length of service.
- Across Canada, 69.6 % of employees working for major municipalities have job security better than or the same as that in the current City of Toronto/CUPE contracts.

Major Canadian Municipalities

Restrictions on contracting out	Agreements		Employees	
	Number	Per Cent %	Number	Per Cent %
Complete restriction on contracting out work performed by the bargaining unit.	0	0.0	0	0.0
No contracting out if bargaining unit members available to perform the work.	1	1.2	750	1.3
Employer may contract out, but jobs of all present bargaining unit members guaranteed.	47	56.6	34118	57.8
Employer may contract out and must guarantee the jobs of some bargaining unit members, i.e. those with a certain length of service	7	8.4	6218	10.5
Employer may contract out and will endeavour to find alternate work for displaced employees.	1	1.2	769	1.3
Employer will consult with union prior to contracting out.	14	16.9	10475	17.7
Employer will notify union prior to contracting out.	3	3.6	2609	4.4
No provision	10	12.0	4113	7.0
Total	83	100.0	59052	100.0

Source: CUPE SALAD

Examples

CUPE Local 388 and the City of Victoria

Current collective agreement. Also in agreements with the Greater Victoria Public Library, the towns of Sydney and Oak Bay, District of Saanich

“No regular employee shall be laid off and placed on the recall list, terminated or failed to be recalled to their classification as a result of contracting out.”

CUPE Local 18 and the City of Saint John

Current collective agreement with outside workers

“26:01 Permanent employees shall not be laid off or suffer a reduction in working hours.”

CUPE Local 30 and the City of Edmonton

1998/99

11:04 “The City recognizes and agrees that, during the term of this Agreement, no permanent employee shall be laid off as a direct result of contracting out the work performed by such permanent employees.

In the event that a permanent employee is displaced as a result of contracting out the work, the City shall place said employee in any position for which he has the required qualifications.

In the event that a permanent employee is placed in a lower position, said employee shall suffer no loss of wages as a result of being displaced.

Saskatoon Civic Employee's Union, CUPE Local 859 and the City of Saskatoon

Article 38. Job Security

Having regard to the desirability of maintaining a stable work force, and having regard to periodic peaks in workload dictating the necessity of contracting work out, the parties agree as follows:

- a) No permanent employee engaged in a year-round job shall be laid off or have employment terminated as a direct consequence of the City contracting out work of a nature normally performed by C.U.P.E. forces.

CUPE Local 401 and the City of Nanaimo

32. CONTRACTING OUT

Restrictions on Contracting Out

The Employer agrees that all work or services performed by the employees shall not be contracted, sub-contracted, transferred, leased, assigned, or conveyed, in whole or in part, to any other plant, person, company or non-unit employee if it would result in lay off of any permanent employee, or failure to recall those employees on lay off who are able to perform the work.

Current Toronto Agreements

CUPE Local 416

“Should the City contract out or privatize any bargaining unit work, no permanent employee shall lose his employment with the City as a result of contracting out or privatization for the years 1999 and 2000. Thereafter, no permanent employee with ten (10) years of service shall lose his employment as a result of contracting out or privatization.”

CUPE Local 79 – Full-Time Agreement

LETTER OF INTENT - Contracting Out

“Should the City contract out or privatize any bargaining unit work, no permanent employee shall lose his/her employment with the City as a result of contracting out or privatization for the year 2000. Thereafter, no permanent employee with ten (10) years of service shall lose his/her employment as a result of contracting out or privatization.”

CUPE Local 79 – Part-Time and Recreation Worker Agreements

There are no job security provisions for employees covered by these collective agreements; there are provisions requiring the employer to give notice to the union when it plans to contract out work performed by members of these bargaining units.

The majority of predecessor collective agreements for workers of the former municipalities (prior to amalgamation) had stronger job protection in the event of contracting out than the current agreements between the City of Toronto and CUPE Local 416 and 79.