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## Hamilton ready to work with all general contractors, union-affiliated or not

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All general contractors, whether affiliated or not with Hamilton's local carpenters union, can now bid on the city's industrial and commercial projects. "We are happy with this outcome and think it is about time that the city tried to level the playing field," said Manuel Bastos, business manager of LIUNA Local 837.

Hamilton recently agreed to open up its industrial and commercial construction work to all general contractors after receiving legal advice that its obligations under an agreement with the United Brotherhood of Carpenters and Joiners of America, Local 18 were not as restrictive as first thought.

Hamilton and the carpenters union were exclusively linked over the city's municipal work when two carpenters, employed by the city, voted to certify in 2005.

"We commend Hamilton for continuing to fight for open construction," said Sean Reid, regional director of Progressive Contractors Association of Canada (PCAC).

"We know that they have seen the cost that is associated with these restrictive policies and we are glad they worked to create more open bidding in the city."

Industry insiders say that a lawyer hired by the city for its collective bargaining process provided the municipality with a new legal opinion.

Although the agreement with the carpenters requires that a general contractor be affiliated with the carpenters, the city does not have to exclude all general contractors as long as it honours the subcontracting of work to carpenter-affiliated companies and workers.

Calls to the City of Hamilton seeking further information were not returned to *Daily Commercial News*.

The carpenters are currently awaiting further information from Hamilton about its decision, as of press time, and have not yet received anything official from the city says Matt Creary, business manager of Local 18.

"They want the same deal like Toronto has, which has been the argument for the last five years.

"They want to be able to use non-signatory general contractors and subcontract all the carpentry work," said Creary.

"Whether they are legally in a position that they can or cannot do it, we will let the Ontario Labour Relations Board decide. We are not saying they are wrong but we are saying that, right now, we have a collective agreement. Right now, we do not know yet what their argument is."

The recent tendering of Hamilton's \$55-million Woodward Avenue wastewater treatment plant was the first major project tendered under a memorandum struck last year between the city and the carpenters.

When Hamilton issued its call to prequalify contractors for the project, it received just two responses from contractors affiliated with the union.

The city then opened the bidding and this resulted in three out of the seven responses from carpenters-affiliated contractors, eliminating the four non-union bidders from prequalifying. The entire process illustrated why municipalities should be "protected from these kind of restrictive regimes," said Reid.

"A municipality should not be equal to a construction company," he said.

"We need a change in the law that permanently and consistently designates municipalities as non-construction employers."

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