Ontario Government Responds to Construction Industry Concerns

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Under the *Ontario Labour Relations Act*, workers have a right to seek decertification or representation by a different union during the last three months of operation of a collective agreement (the open period). In the construction industry here in Ontario, most ICI related collective agreements, and all residential collective agreements in the GTA have a three year term that expires on April 30th of 2016, and every three years thereafter. In the last few years an ongoing battle between rival unions has resulted in multiple 'raids' where one union seeks to displace another as the bargaining agent of a particular trade. Construction companies have found these activities to be disruptive with representatives of one union appearing on jobs and attempting to convince members of one union to sign cards for another, thus triggering a raid application.

In a recent piece of proposed legislation, [Bill 146], the Ontario Government proposes to bring in a number of changes to several labour related Statutes. One proposal is to reduce this open period in the construction industry to two months. The Government wants to reduce the disruption by reducing the length of time the open period lasts. It is not clear to this author that this proposed change will have the effect desired. Nothing in the proposal stops union organizers from commencing their raids prior to March 1st. They just have to wait until the open period to make their applications. In any event, even if the amendment passes, the open period for ICI and residential construction in the GTA will not be upon us for more than two years. Time will tell if this amendment has the result intended.

Stay tuned.