



Survey of Unionized Construction



In an Ipsos Reid online survey, conducted this summer to gauge public opinion about Ontario's Construction Industry and the public's perception of unionized construction, Ontarians had a low familiarity with the industry with a relatively small majority having a neutral impression of unionized construction.

The survey, involving 800 adults from across the province showed that 20% of the people surveyed had a positive impression of unionized construction, however, a similar proportion (22%) had a negative impression. Following is a summary of the Ipsos Reid Survey:

- Familiarity with unionized and non-unionized construction is low, with only 23% of respondents stating that they are familiar with either sector.
- As a result of these low levels of familiarity, a majority (58%) of the respondents had a neutral impression of unionized construction in the province.
- Of those who had an impression of unionized construction, one in five had a positive impression and a similar proportion had a negative impression.
- Of those surveyed, people had a more negative impression of unionized construction (22%) compared to non-unionized construction (12%), or the construction industry in general (10%).
- Of those who had a positive impression of unionized construction, the following reasons were cited:
 - Higher Wages — 15%
 - Worker Protection — 10%
 - Safety Standards — 11%
 - Good Workmanship — 8%
- Among those who had a negative impression of unions, the following reasons were identified:
 - General Dislike for Unions — 20%
 - High Costs — 17%
 - High Wages — 10%
- Respondents indicated that completing the work on time (73%) and safety (69%) were the important factors community leaders and decision makers should consider when selecting a construction contractor. Only 13% of respondents believed that a low cost bid was an important factor.
- Respondents were considerably more likely to associate apprenticeship training, better safety records, availability of a skilled work force and better value with unionized construction.
- A vast majority indicated that they associate lower costs with the non-unionized sector.
- With seven in ten respondents indicating that they are prepared to accept slightly higher costs for long term value, only 40% believed that union contractors provided added value through higher quality work.

The Mathews Dinsdale Minute



How up to date are your policies about discrimination and harassment? While a construction site can be a rough environment, are you leaving yourself open to potential liabilities when normal interaction between employees crosses the line? Are you ready to respond if you receive a complaint?

In a recent case involving a Health Unit employer, an employee filed a grievance after an employer failed to deal with his complaint about harassment. Coworkers of the griever were discussing materials about sexual health education that focussed on gay men. The griever was gay, but had not told any of the co-workers. The griever overheard the discussion, which was found to be inappropriate, though was not directed at the griever directly, and became offended. A conflict ensued that included some inappropriate actions and comments on behalf of the griever as well as his co-workers.

Ultimately, the griever filed a complaint. The employer, even though it had a policy that required personal interviews with those involved, responded in a manner that could only be described as cursory. At no point did the employer even interview the complainant and the people whose actions were alleged to be discriminatory were simply asked to provide written statements. The employer did not respond to the griever until approximately a month later, and only then when the griever made inquiries into the status of his complaint. At that time the employer issued a response saying the complaint was unfounded.

Ultimately, the arbitrator concluded that the employer (1) had not created an environment that would avoid and/or prevent harassment and discrimination and (2) had not adequately investigated the griever's complaint. On the first point, the arbitrator was critical of the fact that the employer had circulated a policy on these issues, but had not ever taken any steps to educate employees on the policy or to ensure it was understood. On the second, the arbitrator was clearly not impressed with the failure to conduct investigatory meetings or otherwise respond to the complaint in a timely fashion.

Ultimately, the arbitrator awarded the griever \$9,000.00 in general damages. While the amount is not large, this emerging line of case law about the frailty of employer investigations is a warning sign to employers. It is important that you have policies in place, educate your employees on those policies, and that you respond promptly and effectively to complaints in a manner in line you're your policies, and that all complaints be taken seriously. As arbitrators move towards awarding damages in these types of circumstances employers leave themselves exposed to greater risks. Are you ready if you get a complaint?

