



**MAINTENANCE & CONSTRUCTION
SKILLED TRADES COUNCIL**

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January 9, 2013

Chris Bolton
Chair of the Toronto District School Board

Dear Mr. Bolton

The Skilled Trades Council was surprised by your reaction to the government's decision to roll-over contracts that were not re-negotiated by the December 31, 2012 deadline. The provisions of Bill 115, the government's deadline for negotiated settlements and the many statements by the Minister as to how the government would deal with all contracts not renegotiated by the deadline, were all very, very clear.

At the deadline, most of the TDSB's contracts including the one with the Skilled Trades Council had not been renegotiated.

A closer look at negotiations between the TDSB and the Skilled Trades Council helps explain why there was never a possibility of a new contract settlement by the deadline.

Before the Board and the Council agreed to meet for the first time to exchange proposals, management had taken the bizarre move of applying for conciliation to the Minister of Labour. The TDSB had not even seen the contract proposals from the Council. Management's strategy to unilaterally impose contract terms and conditions begins to unfold.

Upon arrival of the conciliator for the first meaningful day of negotiations, the TDSB opens the meeting by announcing they would be seeking a No Board Report, showing no interest in negotiating and setting the stage for the TDSB to impose unilaterally contract terms and conditions. Shortly thereafter, TDSB negotiators declined the provincial conciliator's offering of mediation - a normal step to resolve outstanding issues, and instead declared that the Board would be imposing its key contract proposals and conditions -- essentially unilaterally imposing its contract proposals effective December 31, 2012.

In fact, Mr. Bolton it was never the intention of the TDSB to enter into meaningful negotiations for a new contract and it was never the intention of the Board to reach a contract settlement by Bill 115's deadline. The fact is the Board's negotiators did all they could to ensure there would be no contract settlement. Yet now you cry foul when the Ministry did exactly what it had said on several occasions

it would do - roll over hundreds of school board-union contracts, including all of the TDSB-union contracts not renegotiated before the December 31, 2012 deadline

By engaging in these stone-walling negotiation tactics and the overly aggressive use of the Conciliation processes of the Labour Relations Act, the Board not only ran down the clock on the Ministry imposed deadline, it also squandered an opportunity to work with Council's contract proposals to increase productivity and efficiency and reduce routine construction and maintenance labour costs.

The TDSB 's negotiators refused these discussions in their haste to impose, not negotiate, proposals to contract out routine construction and maintenance.

Post contract rollover, you have claimed that the PWC report served as evidence that the Board could find savings through contracting out routine maintenance and construction. Yet two of the Board's most senior and experienced Trustees who, we understand, undertook a "lengthy" analysis of the report were highly critical of the report's findings and conclusions. Media reports had one senior Trustee saying the report had "little substance" and much of the report was "smoke and mirrors" and concluded by saying "everything about this report stinks."

The report deserves considerable discussion and a deeper analysis since many of its conclusions do not seem to be supported by data from the TDSB. For this reason, we are surprised that you would be rushing to implement aspects of the report without further discussion by the Board or its stakeholders. We are unable to understand your assertion that the rollover of the Board's contracts means a more fulsome evaluation of the PWC cannot take place.

Your insinuation that the Board's financial ills are caused by the TDSB-Skilled Trades contract is simply absurd. Mr. Bolton you sit atop a school board that has 70,000 excess student spaces that has been crushing the Board's operating budget for years. It is and has been truly the elephant in the room. You could put the entire enrolment of the Hamilton Wentworth District School Board in the TDSB schools tomorrow and still have 20,000 excess student spaces. This fact alone helps explain your on-going operational deficit.

Year after year you have been fiddling by the fire-side in dealing deal with this problem. At the same time the TDSB has siphoned off millions and millions of dollars from the Board's maintenance and construction budgets to pay for your operational deficit leaving many of our schools in an ongoing state of poor repair. Whatever savings could have been achieved through contract negotiations absolutely pales in comparison to the hundreds of millions of dollars the Board has denied our schools and our students in badly needed repairs that would make a difference to the quality of education of our students. The backlog in repairs, maintenance and school construction has now reached a staggering \$3 billion dollars.

More over this attitude of the Board playing victim seems more the norm these past few years and especially the last six months.

TDSB management was stung by the revelations that it's maintenance and construction work orders and time reconciliation records contained numerous flaws, inaccuracies, improper use of procedures leading to higher cost and in some cases no information at all. Forced to release hundreds of thou-

sands of work orders under a Freedom of Information request, the work orders revealed serious management errors.

Rather than own-up to these matters and accept any responsibility, management found a way to dodge the bullet - blame it on the employees. But a closer look at management's practices reveals a different story. Here is just a sample of the problem-plagued management issues in the facilities and construction department as identified by employees:

- Change orders for maintenance jobs are not routinely recorded by management, even though they are required to do this, as well as document the information in work orders, and account for the change in time sheets.
- Management-directed work orders contain inaccurate or vague identification of maintenance jobs and the actual work required, resulting in different trades people being sent out to address the same situation at additional time and cost. For example, roofers have been sent to repair a leak in classroom ceiling when the issue is a leaking pipe requiring a plumber.
- Trades workers dispatched to one job are reassigned to another and told by TDSB supervisors to record hours for the original job, even though the job was not completed.
- Work orders are duplicated and different trades are sent to the same job because management cannot identify the correct tradesperson required.
- Trades people are sent to jobs that could have been and should have been performed by a school caretaker. This arrangement has been permitted under our collective agreement and has been available to management since 1998 and years later it is still not been properly followed. As a result, skilled trades workers are sent to install pencil sharpeners and light bulbs -- all jobs school caretaker can do with ease and at far less cost -- while more serious jobs at schools go unattended.
- Travel time to and from job sites is not recorded separately. Nor is the time required to pick up materials to complete a job or obtain new materials due to the incomplete or inaccurate description of work in work orders, recorded separately. The scope of work and time and materials required can only be determined when a skilled tradesperson is on site and evaluates the job.

In light of these significant management deficiencies that carry a heavy price tag of higher costs and productivity, we honestly found management's response, most notably putting GPS in vehicles, somewhat underwhelming and characteristic of internal state of denial within management ranks.

It has also not gone unnoticed that many of the deficiencies in the Board's maintenance and construction department were identified five years ago in an independent, comprehensive two year review. There was wide support from the Skilled Trades Council, School Administrators and even supervisors for improvements, but senior management has been incredibly slow to make improvements. Who holds management to account for their entirely pathetic response that they have started to make some changes now, five years after the fact? The Council has committed to do its part to improve service and efficiency, but we seriously question whether TDSB management is prepared to do its part.

In closing, given the track record of the TDSB in the last round of negotiations, any suggestion that we enter into mid-contract negotiations with the TDSB adopting the same approach as before is a

non-starter. In our view, the TDSB demonstrated bad faith bargaining at almost every turn and there has been a considerable loss of trust among our members. Even with failed negotiations, skilled trade employees will still take a two-year pay freeze and for ever lose sick days and retirement gratuities like other employees at the Board.

We believed that collective bargaining for a new contract was an opportunity for mutual progress in funding ways to improve productivity, create efficiencies in service delivery and generate cost savings in the maintenance and construction operations. We also believe that continuous improvement in these areas should be an on-going endeavor, but clearly we will need a much different environment to make this happen.

As a result the Council would be open to participate in a more informal discussion with the assistance of the Ministry Advisors, to identify mutually agreeable areas for improvement in the delivery of maintenance and construction services to achieve greater efficiency and savings.

Sincerely ,

Jimmy Hazel