

News Release

For Immediate Release
May 28, 2012

HEAVY EQUIPMENT OPERATORS STRIKE IN ESSEX & KENT COUNTIES

OAKVILLE — Three hundred heavy equipment operators who work on projects across Essex and Kent Counties, including the Windsor-Essex Parkway, are on strike.

The operators, represented by Local 793 of the International Union of Operating Engineers, had been working without a contract since April 30, 2012. The union was in a legal strike position May 19, 2012. Talks with the Heavy Construction Association of Windsor broke down May 24, 2012.

The operators work on all types of heavy construction equipment, including excavators, backhoes and bulldozers. They're involved in road, sewer and watermain, bridge and general excavating projects.

The main issue in the dispute is hours of work and overtime. Both sides had agreed on almost everything for a new four-year contract, but the contractors made a final offer demand to extend the regular work week for operators doing sewer and watermain and general excavation from the current 50 hours before overtime is paid to 55 hours before overtime provisions kick in.

Local 793 Business Manager Mike Gallagher said such a move contravenes the Employment Standards Act, which states that overtime pay for sewer and watermain work must be paid for all hours worked in excess of 50 hours in a work week at an amount not less than one and one-half the employee's regular rate.

The union has filed bargaining in bad faith charges against the Heavy Construction Association of Windsor. The complaint states that the Association bargained the issue of overtime threshold to an impasse, contravening Section 17 of the Labour Relations Act.

The union states that the Association's conduct in failing to be candid and forthright about their bargaining priorities and then pressing an illegal position to impasse constitutes a violation of the Act.

"We are asking the Ontario Labour Relations Board to make this declaration and enforce the status quo with respect to hours of work in compliance with the Employment Standards Act," said Gallagher. "We are calling on the Board to expedite a hearing into our complaint so that this matter can be resolved and the work disruption throughout the area can be brought to an end."

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The union wants the Ontario Labour Relations Board to order the contractors to sign its final offer memorandum of agreement, which would resolve negotiations to renew the collective agreement.

Gallagher said the union is encouraging the Heavy Construction Association of Windsor to review its position.

“If they value their employees and the contributions of our members, the employers should sign our final offer memorandum, as we had agreed to all other issues over the course of several months of bargaining. The Heavy Construction Association should not continue to insist that our members work beyond the hours set out in the Employment Standards Act before overtime is paid.”

Gallagher said the Act is in place to protect workers from being forced to work excessive hours without proper compensation.

“Our members work hard and are proud of the quality of their workmanship, as will be evident when the Windsor-Essex Parkway project is completed. They would like to at least be paid in accordance with the provincial standards, which is what the expired collective agreement requires.”

Gallagher noted that the union regrets any inconvenience to the residents of Windsor caused by the dispute and is calling on the Ontario Labour Relations Board to act quickly to deal with the issue.

“We prefer to work in partnership with our employers, as we do in areas of training and health and safety, but we need to see a reasonable approach from them when it comes to the Employment Standards Act.”

Local 793 of the International Union of Operating Engineers represents thousands of highly-skilled crane and heavy equipment operators across Ontario. The union has a head office, banquet hall and training campus in Oakville, and another training campus in Morrisburg.

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