

**LABOURERES
INTERNATIONAL
UNION OF
NORTH
AMERICA**

LOCAL 183

**HIRING HALL AND
CLEARANCE RULES**

ADOPTED ON NOVEMBER 17, 2019

TABLE OF CONTENTS

OBJECTS AND PURPOSE OF THESE RULES1

EXCLUSION1

RULE 1 – GENERAL PRINCIPALS2

RULE 2 – CONSTRUCTION HIRING HALL RULES3

RULE 3 – CLEARANCE RULES 10

OBJECTS AND PURPOSE OF THESE RULES

- I. These Hiring Hall and Clearance Rules (“the Rules”) set out the rules by which members of Local 183 gain access to jobs in the construction industry with Employers bound to collective agreements with Local 183. These Rules are designed to ensure fair treatment as between members seeking employment which may become available from time to time. The Rules are predicated on principles of fairness and respect for the interests of the membership as a whole.
- II. The Rules apply to all of Local 183’s geographic jurisdiction.
- III. Recognizing that Local 183 has many different types of collective agreements, which contain a variety of hiring and job referral provisions, the Rules set out below are:

Rule 1 – General Principles

Rule 2 – Construction Hiring Hall applicable to any collective agreement administered by Local 183 containing a hiring hall, or system by which Local 183 selects and dispatches members to employment.

Rule 3 – Construction Clearance Rule applicable to any collective agreement administered by Local 183 which does not contain a hiring hall, or system by which Local 183 selects and dispatches members to employment, which is applicable to Local 183, but where the Union may attempt to assist members in finding employment with signatory contractors.

EXCLUSION

E.01 These Rules do not apply to members employed under industrial and shop/yard collective agreements.

E.02 Local 183’s industrial and shop agreements generally provide for a closed shop which require that non-probationary employees must become members of Local 183 as a condition of continued employment. However, employers are free to hire from whatever source is available to them. Local 183 is committed to assisting such unemployed members, where possible, in finding new work with an employer signatory to a Local 183 collective agreement.

E.03 If Local 183 has, or enters into any industrial agreement which has a provision by which Local 183 has a hiring hall or is engaged in the selection, referral, assignment or scheduling of persons to employment it shall not act in a manner which is arbitrary, discriminatory or in bad faith in handling such referrals.

RULE 1 – GENERAL PRINCIPLES

- 1.01 The Rules shall be posted in each Local 183 Dispatch Office. Local 183 has established or will establish Dispatch Offices in each of:
- Toronto Office
 - Barrie Office
 - Cobourg Office
 - Kingston Office
 - Cambridge Office
- 1.02 These Rules shall be available to be viewed by all members on the LIUNA Local 183 webpage. Local 183 may password protect these Rules so that they are only available to members of Local 183 in the member portal.
- 1.03 No person shall be Referred to work or Cleared to work under these Rules if they are not a member of the Union in good standing.
- 1.04 Where, pursuant to a collective agreement, Local 183 is engaged in the selection, referral, assignment, designation or scheduling of persons to employment, it shall not act in a manner that is arbitrary, discriminatory or in bad faith.
- 1.05 All Referrals and Clearances to jobs made in accordance with these Rules shall be on a non-discriminatory basis, and shall not be based on, or in any way affected by, race, gender, national origin, sexual orientation, family status, religious creed, or disability.
- 1.06 All members of Local 183 shall be treated equitably in Referrals to Work and Clearances to Work regardless of where in Local 183's geographic jurisdiction they live, or in which portion of that jurisdiction they choose to seek employment.

- 1.07 Where any provision in these Rules conflicts with the express provision of a collective agreement, the collective agreement shall govern.
- 1.08 Any member who believes that they have not been Referred to Work in accordance with Rule 2 or Cleared to Work in accordance with Rule 3 may file a written dispute with the Dispatcher. If it cannot be resolved to their satisfaction an appeal may be made to the Business Manager or their designate.

RULE 2 – CONSTRUCTION HIRING HALL RULES

- 2.01 Rule 2 shall apply to any construction industry collective agreement administered by Local 183 which contains a hiring hall provision by which Local 183 selects and refers members to employment. It does not govern Clearances to work under construction industry collective agreements which do not contain a hiring hall provision (see Rule 3).
- 2.02 All hiring will be done through the Union office in conformity with the applicable collective agreement.
- 2.03 All persons dispatched or referred to work must be in possession of a Referral Slip issued by Local 183. Any member name hired or recalled to employment as provided for in any collective agreement must advise the Union and obtain a Referral Slip.

Registration of Availability for Referral

- 2.04 Out of Work Forms shall be available at all Local 183 Dispatch Offices and, when practicable, on the LIUNA Local 183 electronic member portal.
- 2.05 Any member seeking employment must complete an Out of Work Form. Out of Work Forms must be submitted in person, or when available through electronic submission through the LIUNA Local 183 electronic member portal. On the Out of Work Form the member must list:
 - Their full name and LIUNA membership number
 - Home address
 - Cell phone and email contact information
 - Construction Craft Worker or other apprenticeship (if applicable) noting the trade, and hours worked

- The skills the member has and listing any applicable licenses or certifications. The member must also certify that they are up to date on OHSA, WHMIS, and Working at Heights (Fall Arrest)
- The job(s) that the member is seeking (ie, carpenters, labourer, formsetter, etc)
- Noting, if applicable, the collective agreement(s) under which the members is seeking employment
- Whether they were laid off from a job lasting less than thirty (30) working days for which they were Referred to Work under these Rules
- Confirming that the member is not currently working under any LIUNA collective agreement
- Confirming that they are fit to work, and are ready, willing and able to accept dispatch to employment
- The date that the Form is being signed and submitted
- The original form must be signed by the member, or if the Form is available to be submitted electronically to have such electronic signature as is required by the Union.

- 2.06 Only members who are not currently employed under a LIUNA Collective Agreement may register their availability for referral.
- 2.07 Local 183 may refuse to process any Out of Work Form which does not contain the required information.
- 2.08 Members will initially be placed on the Out of Work List based upon the date of registration, not the last day worked. Where a member is reinstated to the Out of Work List in accordance with the Hiring Hall Rules they shall be returned to their prior spot.
- 2.09 A Member may amend their Out of Work Form to change the Geographic Area or Type of Work in which they are seeking work; Collective Agreement under which they are seeking referral; or to update their skills or contact information. Where the Member is adding or expanding the Out of Work information then it will count as a new registration for that geographic area or work, but shall not affect the Member's initial registration.

2.10 Local 183 shall have the right to confirm any prior employment, licenses, or certifications listed by an applicant. Further, Local 183 may challenge the applicant's representations regarding prior employment, licenses or certifications. If any such challenge is made, and cannot be resolved in the processing of the Out of Work Form, then it shall be made in writing, and the applicant shall have five business days from receipt of such a notice to respond and submit any relevant information. It is understood that any applicant who remains aggrieved by a final decision of the Local Union may file a protest with the General President who shall finally resolve all such disputes.

2.11 Out of Work List

- a. Local 183 shall process all Out of Work Forms and create an electronic Master Out of Work List.
- b. Out of Work members shall be eligible to, but shall not be required to, seek referrals to employment anywhere within Local 183's geographic jurisdiction. The Out of Work List shall be sortable such that each Dispatch Office can sort the Out of Work members willing to accept referrals in their geographic area, and having regard to the member's skills and ability, and/or apprenticeship status.

Name Hires and Recalls

- 2.12 If the applicable collective agreement provides for name hires or recalls to employment, then the Employer shall be entitled to name hire or recall such members in accordance with the collective agreement, save that the member must be a member of the Union in good standing, and receive a Referral Slip or Clearance Slip prior to commencing work.
- 2.13 Members who are laid off by a Utility and/or Ontario Hydro who have the right to recall rights under the applicable collective agreement will preserve their recall privilege provided they register with the Union seniority list applicable to the companies, and obtain a job referral slip from the Union office. Laid off members who accept work elsewhere, whether non-union or are dispatched to an employer other than the Employer for which they are registered on the applicable seniority list, shall automatically be removed from the list and shall forfeit all recall privileges.

- 2.14 Any person name hired or recalled shall be removed from the Out of Work List.

Dispatch to Employment

- 2.15 When contacted by an Employer with a job opportunity the Dispatcher shall obtain the job location, type of work, classification, applicable collective agreement, and any other available information. After being contacted by an Employer, the Union shall sort the Out of Work List to members who have listed the skill and ability for the available job, and are willing to accept work in the required geographic area.
- 2.16 Members are expected to be available at the contact number provided on the Out of Work Form between 12 and 5pm for dispatch.
- 2.17 Members shall be referred to employment under the applicable collective agreement in the order in which they have registered their availability for referral, with the first registered applicant referred first, provided that the applicant has the skills and qualifications requested by the employer, as follows:
- a. Members will not be contacted for work outside of the geographic area requested, or where they do not have the listed skill or ability to perform the work.
 - b. For job opportunities received prior to 11am, the Dispatcher will telephone the first member on the Out of Work List at the telephone number provided. If they are not available the Dispatcher will leave a message (if available) requesting a call back. If the member calls back, they will be referred to work.
 - c. If the job has not been filled under (b) above, the Dispatcher will call Members in the order on the Out of Work List between 12pm and 5pm. If the Dispatcher is not able to contact the Member, they shall record the attempt, and proceed to the next person on the list with the skills and qualifications.
 - d. All members being referred must attend at the Union Dispatch Office and obtain a Referral Slip. Where this is not practical the Union may send such Referral Slip to the member and/or Employer by email, fax or text message.

- 2.18 The Business Manager may grant a variance, tolerance or exception to these Rules including referring members to work out of order when he believes it necessary to fully accomplish an object or purpose of Local 183 and its members.
- 2.19 Upon issuance of a Referral Slip the member shall be removed from the Out of Work List. However, a Member who accepts a job referral, and is then laid off due to shortage of work such that the job lasted less than thirty (30) working days, will be placed back to their original place on the Out of Work List after submitting a new Out of Work Form.

Temporary Suspension of Registration

- 2.20 A member who is temporarily unable to accept work including due to temporary illness, injury or vacation may advise the Union and request a temporary suspension for up to fifteen (15) working days. During that temporary suspension the member will not be contacted for any job referrals, but otherwise will not lose their place on the Out of Work List.
- 2.21 A member who accepts a Referral and fails to report for or to start work, or who quits without just cause within five (5) days after acceptance of a job referral shall be removed from the Out of Work List and will not be eligible to register for or be placed upon the Out of Work List for a period of ninety (90) days, and may be subject to further disciplinary action as recommended by the Executive Board.
- 2.22 A member who obtains a referral slip by falsifying employment information (including skills, work history, fitness to work) shall be removed from the job referred to, and will not be eligible to register for or be placed upon the Out of Work List for a period of ninety (90) days, and may be subject to further disciplinary action as recommended by the Executive Board.
- 2.23 A Member who is terminated from employment because they did not have the skill, ability or qualifications listed in their Out of Work Form will not be allowed to re-register for such work without providing proof to the Union.

- 2.24 A member who disputes a suspension under Rules 2.22 or 2.23 may file a written dispute with the Dispatcher setting out all of the facts they rely upon, together with any supporting documents. If the dispute has not been resolved to their satisfaction an appeal may be made in writing to the Business Manager or their designate.

Removal from Out of Work List

- 2.25 Article VIII, Section 4 of the LIUNA Uniform Local Union Constitution provides that monthly union dues are due on the 1st day of each month, and unless paid by the last day of the following month, the member shall be deemed suspended by the International Union without notice. Any person who is suspended due to the non-payment of dues will automatically be removed from the Out of Work List.
- 2.26 Where the Union has not been able to reach a member to dispatch them, they shall record the date and time of such attempted contacts. Where the member has been passed by on three (3) occasions due to inability to reach them, they shall be removed from the Out of Work List. This will not prevent a member from re-registering on the Out of Work List.
- 2.27 A member who refuses work in a geographic area where they have indicated their willingness to work, will have their Out of Work record amended and will not be eligible for future dispatch in that geographic area. The Member will not be eligible to subsequently register as Out of Work in that geographic area without the approval of the Business Manager or their designate.
- 2.28 A member who refuses a job referral without just cause, as determined by the Business Manager or his designate, shall be removed from the Out of Work List. Where a member refuses a job referral because of the job location, or lack of skill, the Union may refuse to place them on the Out of Work List for such work in the future.
- 2.29 Any member who has registered as Out of Work who subsequently accepts work under a LIUNA Collective Agreement must notify the Union. Members who are found to be working will automatically be removed from the Out of Work List.

2.30 **Non-Union work**

- (a) Any member who obtains work in the construction industry which is not under a Local 183 Collective Agreement must notify the Union of the employer name, nature and location of said employment. A member who has complied with this provision may remain on the Out of Work List while working “non-union” provided they sign a membership card in support of organizing that employer if requested and are willing to leave the non-union employer if union work becomes available.
- (b) A member who is found working non-union who has not complied with (a) above shall automatically be removed from the Out of Work List, and shall not be eligible to register for or be placed upon the Out of Work List for a period of ninety (90) days, and may be subject to further disciplinary action as recommended by the Executive Board.
- (c) Where a member signs a membership card this information will be kept confidential.
- (d) Members who refuse to sign a membership card when requested to do so, may be charged under the LIUNA Local Union Constitution.

Record Keeping

- 2.31 **Job Referral Information:** The Union shall maintain accurate and current records of all job referrals. The records shall be preserved for a period of three (3) years from the making of each record. The records shall include the following information:
- a. All Out of Work Forms submitted by members indicating their availability for referral including the date of each member’s registration.
 - b. Electronic Out of Work Lists searchable by date, including all applicants whose registration of availability for referral are then in effect, and the date of each applicant’s registration.

- c. All requests from employers for workers including the date of each request, the location of the job, the length of the job (if known), and any request by the employer for applicants with special skills, licenses, or certificates, or an applicant employed by the employer.
- d. All instances where a job referral is not made because of an applicant (a) refuses the referral, (b) is unavailable, or (c) lacks the required skills, including (where applicable) the date and time of the call(s), the person making the call(s), the name of the employer, the location of the job, the start date of the job, the basis for not making the referral, the results of the call(s) including whether the call(s) were answered and by whom, the response (if any) to the call.
- e. All job referrals made by the local union shall include the name of the applicant referred, the name of the employer, the location of the job site, the start date of the job, and any other relevant information that may be required from time to time.

Access to Referral Information

- 2.32 Local 183 shall ensure that each member on the Out of Work List may determine their place on the Out of Work list. This will be available on a computer in each dispatch office, and when possible, through the member web portal.
- 2.33 The information accessible under Rule 2.32 shall not reveal the personal information of any other member.

RULE 3 – CLEARANCE RULES

- 3.01 Local 183 has a number of collective agreements under which employers may only hire and employ members of the Union who are in possession of a Clearance Slip confirming that they are members of the Union in good standing. Under such collective agreements employers may hire such members as are available to them and there is no Hiring Hall.

Rule 3 sets out the process by which Local 183 will assist members seeking employment with employers covered by such collective agreements, and by which Local 183 will communicate information to members about employers seeking members to work under such collective agreements.

- 3.02 Rule 3 does not apply to any construction industry collective agreement administered by Local 183 which contains a hiring hall provisions by which Local 183 selects and refers members to employment (see Rule 2).

Obligation of Members

- 3.03 It is each member's responsibility to keep themselves informed as to the availability of work and to actively seek their own employment with a company bound to LIUNA Local 183.
- 3.04 Each member is expected to be current in their union dues, and to have current OHSA, WHMIS and Working at Heights (Fall Arrest) certifications when seeking employment with Employers bound to a Local 183 Collective Agreement.
- 3.05 Each member is encouraged and expected to keep their skills up to date and, during periods of unemployment, seek to improve or expand their skills through the training programs offered by the LIUNA Lifelong Learning Centre and/or LIUNA Local 183 Training Centre.
- 3.06 Each member must, when accepting work from an employer bound to a Local 183 collective agreement advise the Union and obtain a Clearance Slip if and as required by the collective agreement.
- 3.07 A member who accepts a Clearance Slip and fails to report for or to start work, or who quits without just cause within five (5) days will not be eligible to receive another Clearance Slip for thirty (30) days without the approval of the Business Manager or their designate.

Where Employer is Seeking Workers

- 3.08 The Union shall maintain a television, computer screen, or other method of displaying job opportunities at each Dispatch Office. If possible, such displays shall be coordinated or synchronized so that the same information is available in all Dispatch Offices. If and when available, similar information shall be listed on the LIUNA Local 183 electronic member portal, understanding that such information may be kept in a password protected area only available to members.

- 3.09 If a Business Representative of the Union becomes aware of an employer seeking workers they shall encourage them to contact the Dispatch Office, or where not possible shall take such information as possible and pass it to the Dispatcher so that they may comply with Rule 3.09 below.
- 3.10 If and when an employer contacts the Union advising that they have a work opportunity, the Dispatcher shall obtain and post the contractor name; the applicable collective agreement; the job classification sought; any special skills required; and a contact person.
- 3.11 The process in Rule 3.09 shall also apply if a Pieceworker contacts the Union seeking a helper/employee to work under any of the Local 183 collective agreements which permit piecework.
- 3.12 Any member accepting a Clearance Slip to work under a LIUNA Collective Agreement shall be administratively removed from the Out of Work List.

No Out of Work Lists

- 3.13 The Union does not maintain Out of Work Lists for the sectors in which it has collective agreements which do not have a hiring hall provision.
- 3.14 If an Out of Work member seeking employment contacts their local union Business Representative or Sector Coordinator advising that they are out of work and seeking employment the Union will advise them to consult the jobs listed in the Dispatch Office, or if they are aware of such opportunities, advising them of the jobs listed.
- 3.15 In advising Out of Work members of job opportunities, the Union shall do so in a manner that is not arbitrary, discriminatory or in bad faith.

[End]