Certification Activity in the Ontario Construction Trades

Evidence from OLRB and Construction Certification Survey Data

This Report includes the main results of research project on union certification activity in Ontario over the period from 2010 through 2020, and a survey of organizing activity during the period of the COVID pandemic

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The research was conducted by an independent research team based at Queen's University; and the results and conclusions of the research project do not necessarily reflect the views of the OCS or its members.

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Executive Summary

Project Description

The overall focus of the research project is an analysis of trends in Certifications in the Ontario construction sector trades. The project includes:

- An analysis of trends in trade union certification activity in the Ontario construction industry over the period from 2015 through 2020.

  The analysis utilizes data published by the *Ontario Labor Relations Board* as well as a newly constructed database compiled from the decisions information bank maintained by CanLII. This data includes the broader construction sector (including construction sub-sectors such as ICI, electrical power systems, residential, heavy engineering, sewers and water mains, roads, pipeline, demolition, utilities).

- A 2022-23 Ontario survey (*Ontario Construction Sector Union Certification Survey*) of organizing and recruitment activities among local area business managers and organizers that yielded information regarding both the ICI and non-ICI sub-sectors.

Overall Conclusions Regarding Trends in Certification Activity by Unions in the Ontario Construction Industry over the period from 2010 through 2020

1. The Ontario construction industry continues to display robust economic activity, as indicated by GDP and employment levels, including in the initial period following the onset of COVID.
2. The aggregate certification activity in Ontario's construction industry has also been robust for the past decade and appears to have continued to be strong through the period of the COVID pandemic.
3. The high level of certification activity (as measured by the number of certifications) has been led by several construction unions, including LIUNA, the UBCJA, and the IBEW.
4. Even so, eleven unions have been active in organizing, since 2015. Moreover, major unions continued to be active with the onset of the COVID pandemic.
5. In view of the ongoing economic strength of the Ontario construction sector, construction trades unions are well-positioned to maintain their organizing activity and, consequently, their overall membership and union density levels.

Note: Certification trends in the construction industry represent only card-based certification applications filed with the OLRB and do not include any Voluntary Recognition Agreements.

Selected Key Conclusions based upon the 2022-23 Ontario Construction Sector Union Certification Survey

Important issues in campaigns

1. Economic issues (wages and benefits) were the most prominent issues in the organizing campaigns surveyed.
2. Labour market issues, including training (55 percent) and access to the hiring hall (41 percent) were also common issues.
3. Collective representation, and dignity and fairness, were also important issues.

Union organizing strategies

1. The role of accessible health and welfare funds for workers is very important to 86 percent of the organizers surveyed.
2. Nearly 77 percent of construction trade organizers indicated researching the target employer is very important, compared to only 2 percent who reported it was not important.
3. Strategies related to construction labour markets are also very prominent in this sector. Access to the hiring hall is very important to more than 67 percent of the organizers surveyed.
4. Some 65 percent of respondents indicated that stripping skilled workers from non-union sites was a very important strategy.
5. The use of salts (having union supporters get hired into a targeted non-union contractor) was also a very important tactic (for 60 percent of the organizers surveyed).

Union communication strategies

1. The survey results confirm that person-to-person contact remains the primary communication strategy by construction unions in Ontario.

Key barriers to union organizing activity

1. Employer opposition to union organizing was the dominant barrier to union organizing activity.
2. Nearly 63 percent of union organizers reported that non-union competition was a very important barrier.
3. Less than 1 in 5 union organizers reported that elected union officers having other priorities formed a barrier to support union organizing activity.
4. Less than 25 percent of respondents reported weak labour laws as a serious barrier to organizing (expected since card-check certification procedures are the primary legal framework for the construction sector in Ontario).

Employer tactics

Among Ontario's non-union contractors:

1. Opposition typically involves the threat of closure if the union wins (reported in 60 percent of campaigns).
2. More direct forms of opposition included layoffs (37 percent), and termination of union activists (24 percent of campaigns).
3. Promises of improvements (40 percent of campaigns) were less prevalent than threats of job loss.
4. In a majority of campaigns surveyed, employers interrogated employees about the union (57 percent).
5. Supervisors held one-on-one meetings with employees (40 Percent) and 30 percent of employers held mandatory meetings to discuss the union.

Overall Conclusions Regarding Union Organizing

The survey provides several important insights into key factors impact affecting union organizing activity in the construction trades:

1. Employer anti-union tactics were widespread and were the dominant barrier to union organizing activity. This an especially important lesson from the survey results because card-check certification procedures are the primary legal framework for the construction sector in Ontario, but card check procedures do not prevent employer anti-union tactics.
2. Non-union competition was a very important barrier to union certification, across trades and industry sub-sectors.
3. Most successful campaigns reported using tactics critical to union organizing success in other industries, including contractor research.
4. There are several tactics unique to the building trades that organizers leverage for successful campaigns, labour market tactics through salting union supporters and stripping skilled workers from non-union contractors.
5. Building a culture of organizing is an important factor in maintaining union density in the sector: Lack of support among current union members to bringing in new members to the hiring hall was reported by nearly one-third of union organizers, less than one-fifth of elected union officers had other priorities that created a barrier to union organizing efforts.

Another important observation is that the number of certification efforts in the trades compared to the industrial sector has declined during the period reviewed. However, the relatively high level of organizing activity, even among small bargaining units, suggests that the relatively stable unionization rates in construction results, in part, from higher levels of organizing activity.

In short, higher levels of union organizing in construction is a key factor in maintaining union density compared to other private sector industries. Consequently, the results suggest that declining organizing activity would likely result in declining union density rates, especially in non-ICI construction sub-sectors.

Section 1

Introduction: Focus of the Report

This analysis in this report provides a profile of certification activity amongst trades unions in the Ontario construction industry since 2015.

The report begins, in the first two sections, by providing an overview of the economic and labour market context for unions and employers in Ontario construction over the past decade (Sections 2 and 3).

The analysis of trends and developments union certification activity, and the experience of unions in organizing, relies upon two distinct sources of data: Ontario Labour Relations Board (OLRB) and CanLII the (Canadian Legal Information Institute[1]); and new survey data from a 2022/23 survey of union organizing activity and experiences.

The analysis of OLRB data (in Section 4) focuses on trades union certification activity in the Ontario construction industry over the period from 2015 through 2021. The descriptive analysis utilizes data published by the *Ontario Labor Relations Board* as well as a newly constructed database compiled from the decisions information bank maintained by CanLII.

This analysis is extended with a new 2022/23 Ontario construction sector union certification survey. This survey (the *Ontario Construction Sector Union Certification Survey*) focuses on organizing and recruitment activities among local area business managers and organizers during the 2022 period.

The discussion of the survey begins with an overview of the background to the survey and respondents (in Section 5). The discussion of finding is divided into two sections: the first (Section 6) focuses on organizing activity itself, including important campaign issues, organizing strategies and communication strategies; and the second (Section 7) examines the organizing experience, including barriers to organizing, and employer tactics.

Taken altogether, the findings provide a unique and timely analysis of trends over the past half-decade, including the beginning of the COVID pandemic period, and new insights into the nature of organizing activity and experiences of construction sector unions.

[1] The Canadian Legal Information Institute is an independent, non-political organization: "CanLII is a non-profit organization founded in 2001 by the Federation of Law Societies of Canada on behalf of its 14-member law societies. Its mandate is to provide efficient and open online access to judicial decisions and legislative documents." Source: https://www.canlii.org/en/info/about.html.

SECTION 2

Changing Labour Market Context for Unions

Overall unionization rates in the private sector have declined during the past several decades. In 2012, the Ontario unionization rate in private services was about 14%, 21% in manufacturing, and only 17% in primary industries.[2] However, the trend in the unionization rate in construction represents a notable exception in the private sector.

Union density levels in the construction industry tend to be somewhat "volatile" when viewed from a year-to-year basis. Longer-term trends in union density have displayed a period of significant decline followed by relatively stable rates over the past two decades.

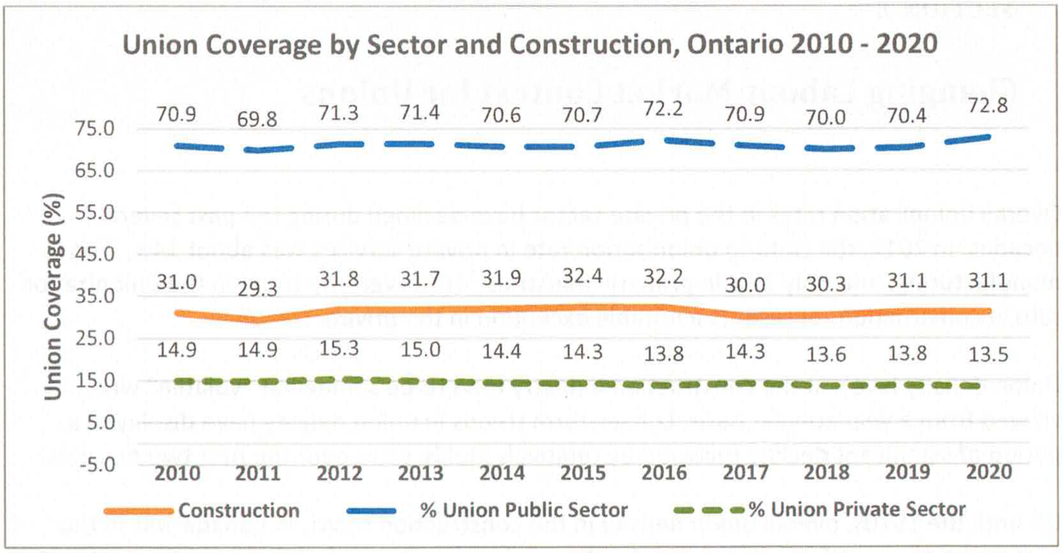
Up until the 1970s, overall union density in the construction sector in Canada was in the high range of about 60 to 70%.[3] Construction union density tended to decline in most jurisdictions in the 1980s. Although union density and membership declined in the construction industry in Ontario in the early 1980s, it recovered to even higher levels by the end of that decade. Since construction industry unions are organized largely on the basis of building trades, the changes in membership varied across the individual trades.

Overall, in the construction industry across Canada over the period from 1997 to 2003 union density increased 2.8% from 29.9% in 1997 to 32.7% in 2003.[4] This quite robust union density in the construction sector in Canada set the stage for the remainder of the post-2000 period. As illustrated in Figure 1, in the past decade, in Ontario, union coverage in the public sector has remained in the range of approximately 70% to 73% while private sector union coverage has continued to erode from 14.9% in 2010 to 13.5% in 2020. In contrast, union coverage and construction has remained robust – while fluctuating somewhat over the past decade, union coverage has remained at roughly 31%.

A significant factor in the decline of union density in the private sector has involved changes in employment and shifts in industrial production. We begin by examining the impact of these contextual factors, such as changes in labour markets and economic activities on the unionization rates in construction compared to other industries.

[2] Source: Legree et al (2017: 614, Table 1).
[3] Source: Rose (1992).
[4] Source: Akyeampong (2004: 9, Table 4).

Figure 1: Union Coverage by Sector in Construction in Ontario 2010 – 2020



There are a number of economic pressures that affect construction industrial relations that are inherent in the nature of the overall construction sector. Traditionally, construction is subject, in the long run, to (un)employment levels being affected by business cycles, as well as systemic pressures related to competition and technological change; and, in the short run, it is "... characterized by ease of entry, a large number of small, undercapitalized firms, competitive bidding, and a high rate of business failures".[5]

These factors can create an economic context in the industry that is characterized by a degree of employment uncertainty in certain trades and/or geographic regions. In addition, unions in the construction industry have faced a long run pressure in the form of nonunion competition, particularly, in Western Canada.[6]

Taken altogether, these sources of pressure, although not unique to the construction industry, place pressure on construction sector unions to organize workers on an ongoing basis. The continuing stability of the rate of union coverage in the construction sector in Ontario over the past decade would suggest that construction unions have been successful in doing so. Even so, this raises several important key questions:

- What is the extent of organizing activity undertaken by Ontario construction sector unions?
- What is the extent and success rate of organizing activity as reflected in certifications?
- Is organizing activity undertaken by a broad range of construction sector unions, or, predominantly by only a few unions?

The analysis of the survey results from this project, in the final section of this Report, will shed light on the importance and effectiveness of union organizing in the building trades.

[5] Source: Rose 1992:188).

[6] See the discussion in Rose (1992:214).

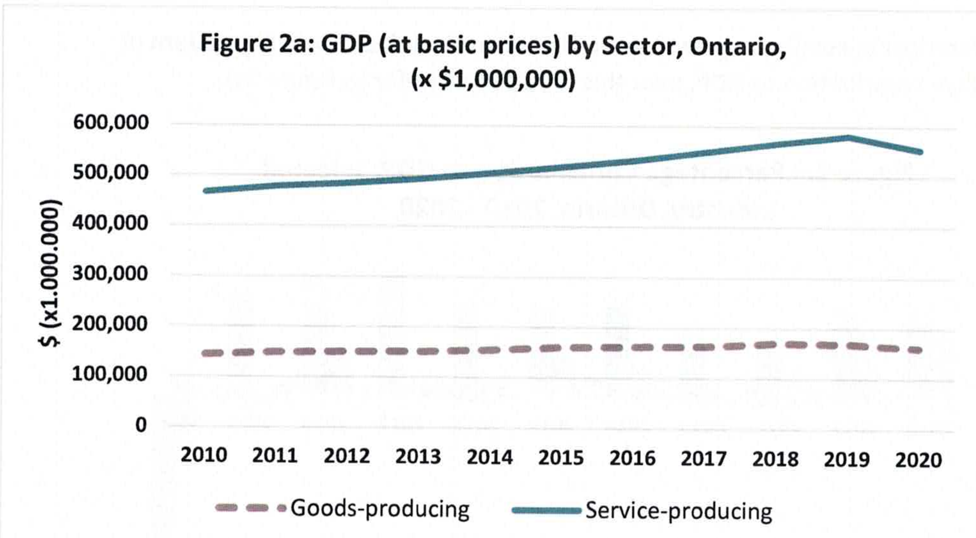
SECTION 3

Recent Economic Context for Unions in Ontario's Construction Sector

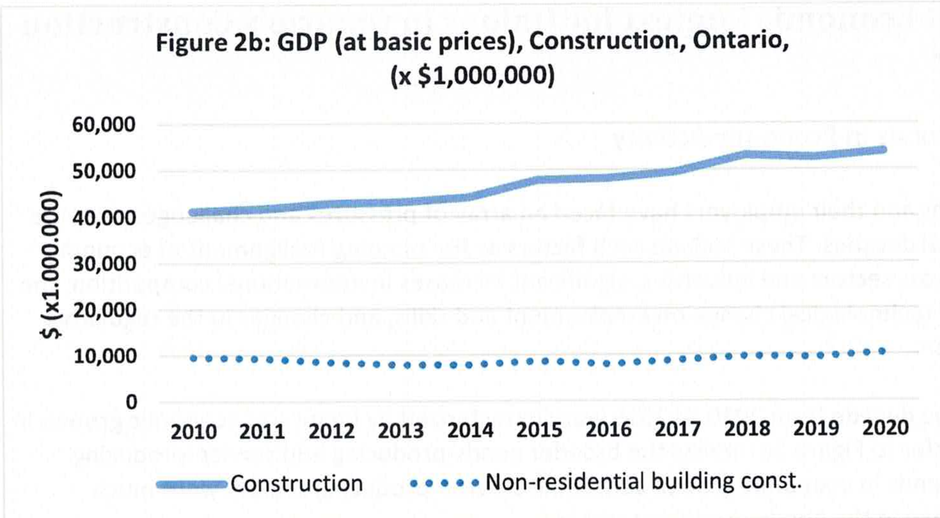
Recent Trends in Economic Activity

Both unions and their employers have faced an array of pressures and challenges over the past several decades. These include such factors as the ongoing realignment of economic growth across sectors and industries, significant increases in international competition, the impacts of technological change on employment and skills, and changes in the regulatory environment.

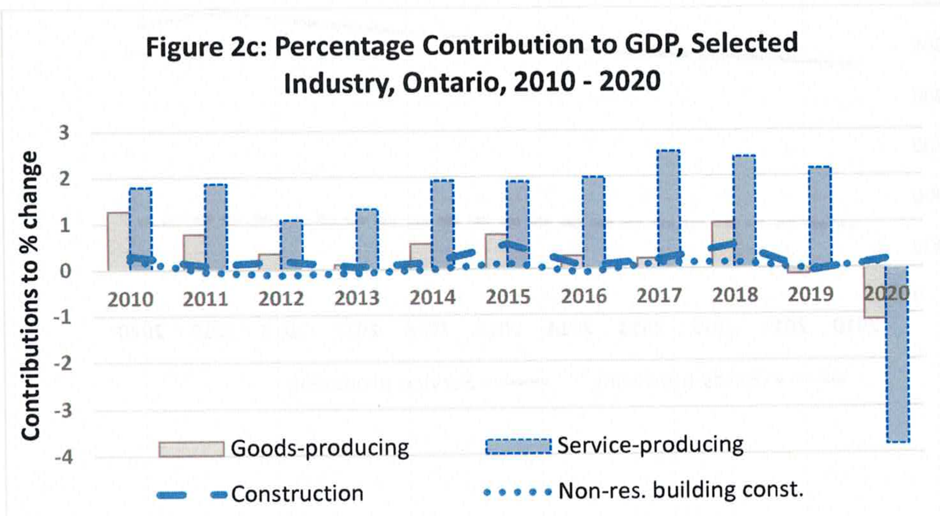
Even so, the decade from 2010 to 2019 was characterized by long-term economic growth in Ontario (refer to Figure 2a) across the broader goods-producing and service-producing sectors. Trends in economic growth across the service–producing sectors were much stronger than in the goods-producing sector.



Although the construction industry as a whole displayed strong growth, the change in GDP over the 2010 – 2019 period in the non-residential building construction segment was level (refer to Figure 2b).

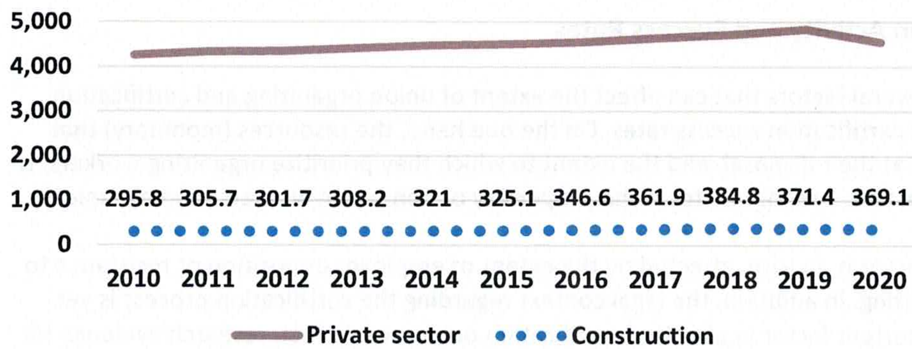


The differences in economic growth are reflected in the (albeit variable) pattern of percentage contribution to GDP, over this time period (refer to Figure 2c).



Importantly, the overall long-term growth was reflected in the increasing levels of employment, both in the private sector as a whole, as well as in the construction industry (refer to Figure 3).

Figure 3: Total Number of Employees (Union and Nonunion), Ontario Private Sector and Construction, 2010-2020



Differential Economic Impacts of COVID

Despite the strong economic track record, the COVID pandemic represents an unprecedented global challenge that has, either directly or indirectly, affected all industries, albeit to varying degrees. Clearly, the advent of COVID resulted in a major economic shock in both the goods producing and service producing sectors of the economy; where the service producing sector was more significantly impacted as reflected in the decline in GDP in 2020 (see Figure 2a) and in the substantial drop in the contribution to the percentage change in GDP (refer to Figure 2c). The economic impact of COVID is further reflected in the decline in the total number of employees in the private sector in 2020 (refer to Figure 4).

Notably, in Ontario,

- Neither the construction industry, as a whole, nor the non-residential building construction segment of the industry experienced a decline in GDP in 2020 (refer to Figure 2b).

- Furthermore, the change in employment levels in the construction industry between 2019 and 2020 were very minor - such that the longer-term trend of increasing employment levels in the industry was not altered by the advent of COVID (refer to Figure 3).

SECTION 4

Union Certification Activity in the Ontario Construction Sector, 2015 to 2021

Certification Activity and Success Rates

There are several factors that can affect the extent of union organizing and certification activity, and certification success rates. On the one hand, the resources (monetary) that unions have at their disposal, and the extent to which they prioritize organizing workers, is one set of factors. Another factor is the propensity of non-union workers to join a union.

This latter factor is, in turn, affected by the extent of employer opposition or resistance to union organizing. In addition, the legal context regarding the certification process is yet another important factor in affecting certification outcomes. In fact, research evidence for Canada has found that:

1. The certification process is affected by employer resistance to union organizing activity and results in a lower likelihood of success in the certification process.[7]
2. Success in the certification process is affected by delays which, in turn, can be affected by employer objections to the certification application during the process, and complaints of unfair labour practices against employers.[8]
3. The legal regime and process for union recognition can have a significant impact on success in union certification. In particular,
    - Legal regimes that provide for mandatory voting, compared to a card check regime, are associated with employer resistance that translates into lower likelihood of success in union organizing (certification).[9]
    - The importance of employer resistance and conflict in affecting certification success rates is consistent with recent findings that indicate that more highly contested relationships that are more highly contested prior to the conclusion of the first collective agreement (e.g., higher filings of unfair labour practices; or first contract arbitration) have a lower likelihood of long-term survival (i.e., a higher likelihood of dissolution over time) after the first contract is concluded.[10]

[7] Source: Bentham (2002).
[8] Source: Campioleti et al (2007).
[9] See: Riddell (2004; 2001); and Johnson (2002).
[10] Source: Weinberg (2018).

OLRB Certification Cases Received, in Ontario Construction, 2015 – 2021

We expect the degree of unionization in the construction industry to be a major determinant of the ability of construction unions to provide a union wage premium.[11] In turn, unionization rates depend upon certification success rates. During the post-2000 period, the overall unionization rate in the Ontario construction industry has remained stable.

What, then, has been the experience with respect to certification activity in the Ontario construction sector in recent years?

OLRB Certification Data

The data analyzed in this section refers to certifications *received*, and is, therefore, an indicator of *activity*. The data is derived from published OLRB data on certifications and corresponds to "OLRB reporting years", which run from May of a given year through April of the following year.

Note: OLRB certification data in the construction industry represent only card-based certification applications filed with the OLRB and does not include any Voluntary Recognition Agreements.

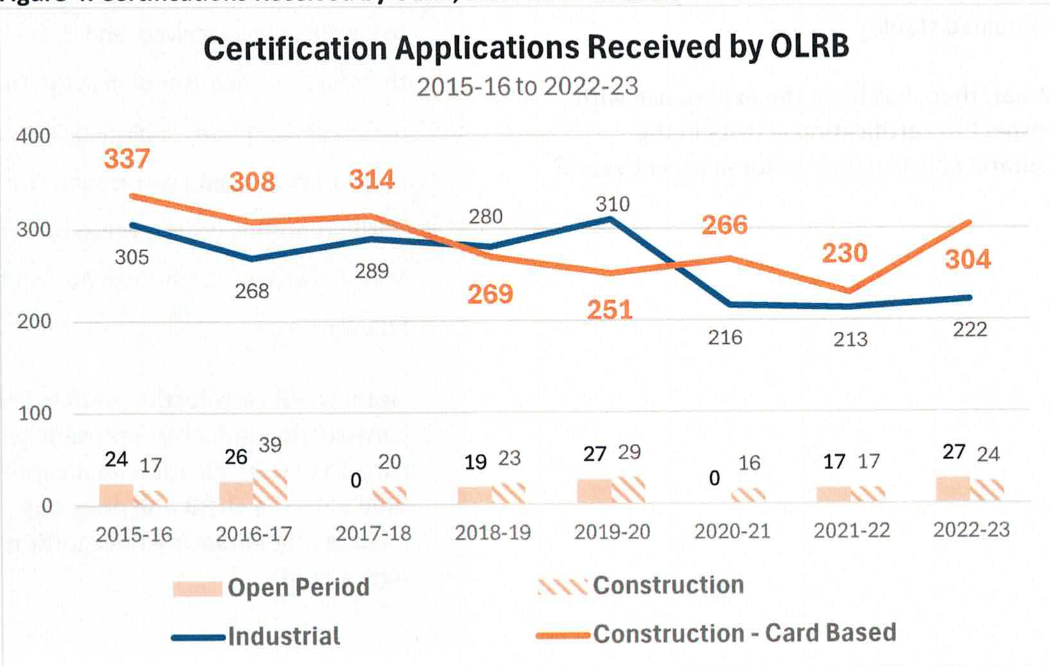
[11] We expect the magnitude of the union wage premium rests, in part, upon the ability to organize as many workplaces, and as large a proportion of workers in an industry, as possible.

Research evidence from the US [see Bilginsoy (2013)] indicates that the decline in unionization rate in the US construction industry during the period from 1983 – 2007 was associated with a declining union wage premium. Even so, we expect a substantial and ongoing union wage premium amongst workers in the Canadian construction industry, particularly, in Ontario, because of the ongoing strong unionization levels. Fang and Verma (2004:16, Table 3) found that, among all industries and occupations, respectively, the union wage premium was largest in the construction industry (at 19%) and construction trades (at 15%).

The number of certifications received by the Ontario Labor Relations Board (OLRB), for the period from 2015 through 2023, is provided in Figure 4.[12] The annual *certifications received* are provided for the broader industrial sector and, also, separately, for card-based certifications in construction, and certifications in construction during the open-period.

➔ The construction industry in Ontario displays a high level of certification activity relative to the industrial sector, underscoring the relative importance of construction unions and certification activity as a proportion of all certification activity in the province.

Figure 4: Certifications Received by OLRB, 2015-16 to 2022-23



➔ Importantly, the trend in certifications received by the OLRB has been relatively stable in construction, including in the recent COVID time period.

➔ In fact, although certifications received by the OLRB declined modestly from 2018 – 19 to 2019 – 20, the certifications received *increased* again in 2020 – 21.

This is in contrast to the experience in the industrial sector which experienced a substantial decline in certifications received, of approximately one-third, from 2019 – 20 to 2020 – 21.

Overall, the data for certifications received suggests that certification activity has remained quite robust for construction industry unions.

[12] In Figure 4, "construction" certifications received refers to non-card-based and non-open-period.

Size Distribution of OLRB Certificates Issued

An important feature of construction industry union organizing, that distinguishes it from other industries, is the employee size distribution of the bargaining units.

➔ The data for Figure 5a shows that, for the period from 2015 – 16 to 2020 – 21, the number of construction certificates issued is, consistently and overwhelmingly, concentrated in the size range of 2 to 9 employees.

➔ There is some certification activity in the size range of 10 to 19 employees; and virtually all units are of size less than 100 employees.

Figure 5a Number of Construction Certificates Issued by Size (number of employees), 2015-16 to 2020-21

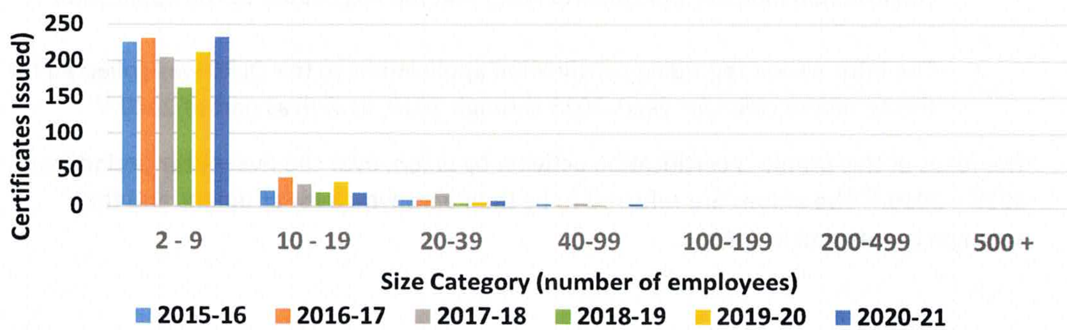
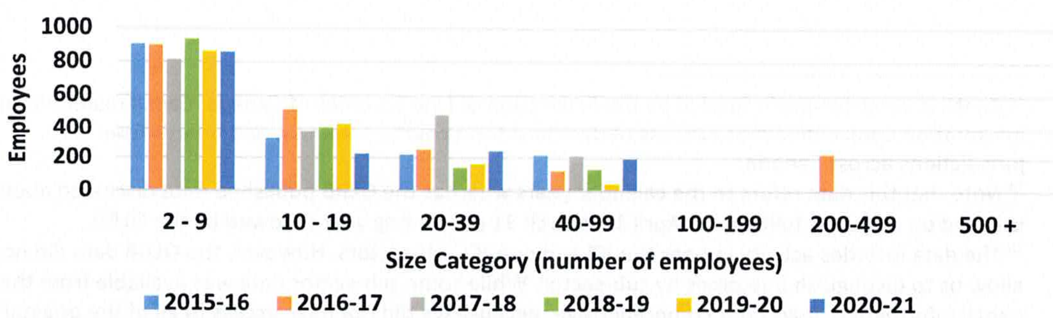


Figure 5b provides the number of employees corresponding to construction certificates issued by size for the time period from 2015 – 16 to 2020 – 21.

➔ The predominance of small units in the Ontario construction industry is, similarly, reflected in the data for construction certificates issued by size.

Figure 5b Total Number of Employees Corresponding to Construction Certificates Issued by Size Grouping, 2015-16 to 2020-21



Certification Activity by Union in the Ontario Construction Industry, 2015 – 2019

In this section, we provide a profile of certification activity in the Ontario construction industry over the period from 2015 through 2019 – that is, up to the last year before the onset of COVID. The data upon which the profile is based upon is a newly constructed database derived from the online information bank of the *Canadian Legal Information Institute* (known as CanLII).[13]

The CanLII information bank contains all of the decisions of the *Ontario Labor Relations Board* including certification cases from the construction industry. These decisions provide a rich source of information regarding every certification case brought before the OLRB:

- For each case, the OLRB file includes the applicant (union), respondent, as well as information regarding the nature of the bargaining unit, segment of the construction industry (ICI construction), and the disposition of the application.

- The information regarding certification applications to the OLRB was collected for the complete *calendar* years 2015 through 2019, as well as part of 2020.[14]

The focus of this profile is certification activity, *by union*, over the five – year period from 2015 – 2019.[15] The unions are referred to by their acronym; a list of unions and their acronym is provided in Table 1.

[13] CanLII is a not-for-profit funded by the Federation of Law Societies of Canada. CanLII maintains an information bank online that consists of decisions from courts, tribunals, and boards from all jurisdictions across Canada.
[14] Note that this data refers to the calendar years whereas the OLRB published data discussed above is based on data that follows the April 1 – March 31 accounting year followed by the OLRB.
[15] The data includes activity in both the ICI and non-ICI sub-sectors. However, the OLRB data did not allow us to distinguish outcomes by sub-sector. While some sub-sector data was available from the CanLII information, it was not comprehensive, because we did not have access to all of the original application bargaining unit descriptions.

Table 1: List of Unions and their Acronyms

Union	Acronym
Building Union of Canada	BUC
Canadian Union of Skilled Workers	CUSW
Canadian Construction Workers' Union	CCWU
Carpenters' District Council of Ontario, United Brotherhood of Carpenters and Joiners of America	UBCJA
Christian Labour Association of Canada	CLAC
International Brotherhood of Electrical Workers	IBEW
International Union of Operating Engineers	IUOE
International Union of Painters and Allied Trades	IUPAT
Ironworkers District Council of Ontario	Ironworkers
Labourers' International Union of North America	LIUNA
Operative Plasterers' and Cement Masons' International Association of the United States and Canada Union	OPCMIA
Sheet Metal Workers International Association	SMWIA
United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the US and Canada	UA Canada

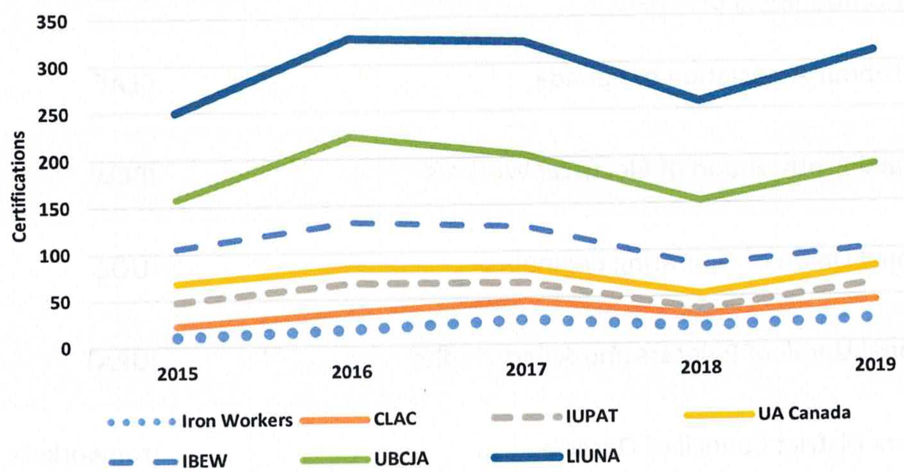
Unions with a high level of Certification Activity

The unions with a high level of ongoing activity throughout this time period, ranked from highest level of activity, include:

- LIUNA
- UBCJA
- IBEW
- UA Canada
- IUPAT
- CLAC
- Ironworkers

The certification activity (expressed as the number of certifications each year) of these unions over the time period is provided in Figure 6a.

Figure 6a Number of Certifications, By Union with High Ongoing Activity, 2015 - 2019



Three main features are apparent from the certification activity:

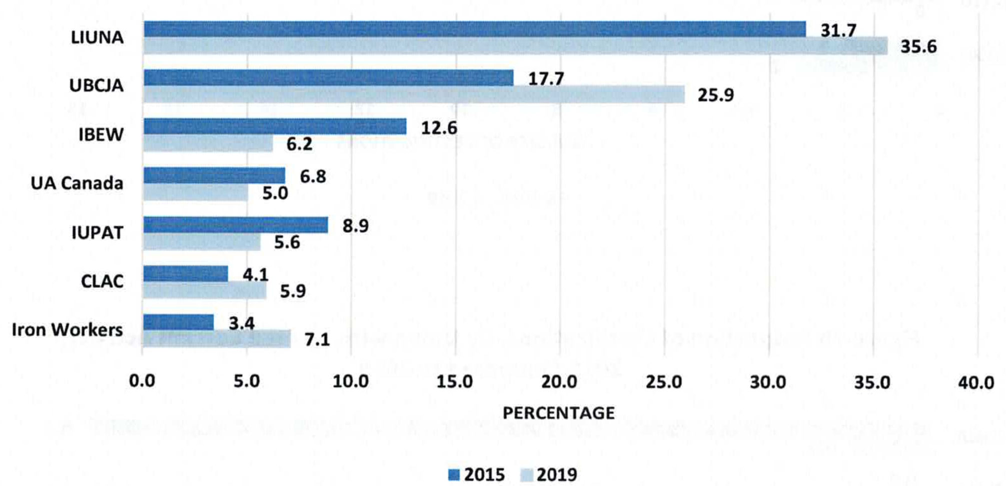
- First, throughout the period, LIUNA consistently accounted for approximately one third of all certification activity while the UBCJA made up about one – fifth of the activity.
- Second, throughout the period, the relative ranking of the unions (in terms of annual certification activity) remains the same.
- Third, the year – to – year pattern and certification activity was the same across these unions; certification activity increased from 2015 to 2016, then declined through 2018, but then increased for all of the unions in 2019.[16]

[16] Note that, although the database only includes partial data for 2020 – the first year in which COVID set in – the relative ranking of these unions remains the same.

➔ **Overall, most of the certification activity is accounted for by three major unions including LIUNA, UBCJA, and the IBEW (refer to Figure 6b).**

In fact, these three unions accounted for 62% of certifications in 2015 and 67.7% of certifications and 2019. Although data available for 2020 is partial, they indicate that these three unions continue to be active in their certification activity.

Figure 6b Proportion of Certifications, By Union with High Current Activity, 2015 Compared to 2019



Unions with a Low Level of Certification Activity

Other unions also engaged in certification activity during this period, albeit, at a lower level of intensity. Unions with a relatively low level of activity over the 2015 – 2019 time, ranked from highest level of activity, include:

- OPCMIA
- SMWIA
- IUOE
- BUC
- CCWU
- CUSW

For these unions, the number of certifications, and the proportion of certifications by union, respectively, are compared for the years 2015 and 2019, in Figures 7a and 7b.

➔ While most of these unions had little or no activity throughout this period, both the OPCMIA and the IUOE had sizeable certification activity at the beginning of the period. However, the certification activity for these two unions declined to a much lower level by 2019.

Figure 7a Number of Certifications, By Union with Limited Current Activity, 2015 Compared to 2019

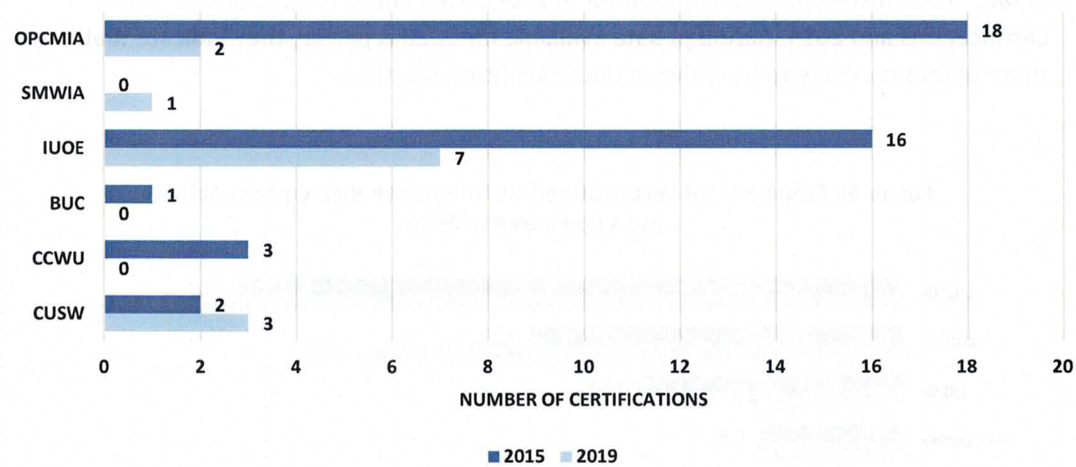
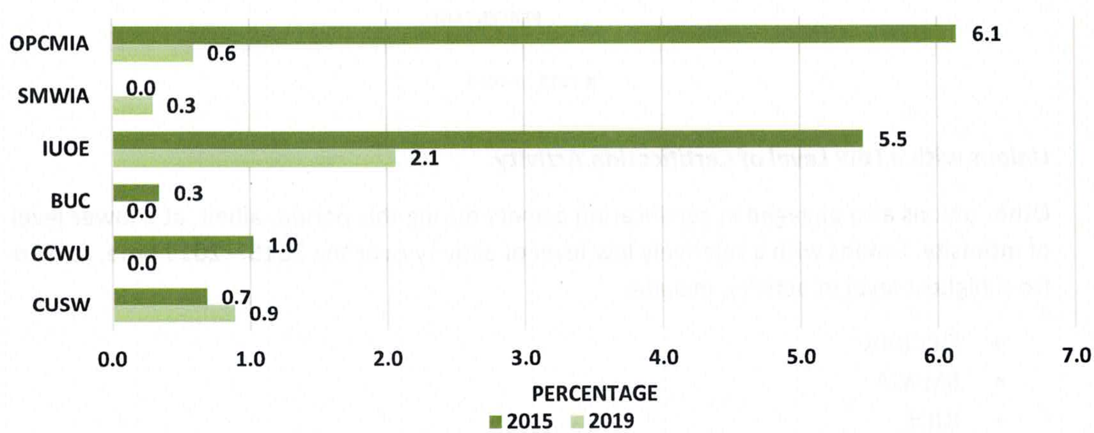


Figure 7b Proportion of Certifications, By Union with Limited Current Activity, 2015 Compared to 2019



Overall Conclusions Regarding Certification Activity by Union in Ontario Construction Industry

- Taken altogether, the aggregate certification activity in Ontario's construction industry has been robust for the past decade and appears to continue to be robust as the impacts of the COVID pandemic on the Canadian economy unfold.

- The high level of certification activity, as measured by the number of certifications, has been led by several construction unions, including LIUNA, the UBCJA, and the IBEW. Even so, eleven unions have been active in organizing, since 2015.

- Moreover, major unions continued to be active even with the onset of the COVID pandemic.

The Ontario construction industry continues to display robust economic activity, as indicated by GDP and employment levels, including in the initial period following the onset of COVID.

In view of the ongoing economic strength of the Ontario construction sector, construction trades unions are uniquely positioned to maintain their organizing activity and, consequently, their overall membership and union density levels through the period of the pandemic.

If so, then this bodes well for the ability of unions to maintain the union wage premium; the sustained increases in real wages of unionized workers and construction through mid-2021 is consistent with this conclusion.

SECTION 5

2022/23 Ontario Construction Sector Union Certification Survey

- Background to the Survey and Respondents

Purpose of the Survey

The purpose of the survey is to better understand the extend and nature of organizing strategies and employer activities related to union organizing and recruitment.

The survey allows us to better understand the characteristics of organizing and recruitment activity in the Ontario construction trades, by focusing the survey on the lead local organizer or business manager involved in certification campaigns and applications.

Application of the Survey

The Ontario construction sector union certification survey was administered to participants during the period from December 2022 through early March 2023.

The intended recipients included those union individuals responsible for organizing activity.

Survey Content

The Survey asked for information about, and experiences related to, union organizing strategies, and employer activities related to union organizing and recruitment, as well as background information about the bargaining unit and the union organizer. The survey included a section on successful union campaigns, which asked survey respondents to stay focused on a specific ICI case.

Survey Content

Questions in the survey regarding the bargaining unit, and union organizer, related to characteristics in 2021.

Questions related to union organizing and employer activity related to organizing activities undertaken in the past 3 years.

Other questions asked respondents to report specific numbers, while others asked for more detailed information. Our interest was in actual practices that they experienced.

Finally, at the end of each section and at the end of the survey, space was provided for any comments respondents might have on the items covered or on any additional information that respondents felt should be noted.

Survey Response and Respondent Background

The number of survey responses exceeded 70; however, the number of usable responses was approximately 43. There are number of reasons for this difference including, for example, individuals who may have started, stopped, and attempted to restart the survey. We therefore consider the number of usable responses, for an industry of the size, and given the nature of the intended sample (i.e., persons responsible for union organizing), to be quite good.

- Approximately one half of the respondents were union organizers, about 37% were business managers, and about 11% self-identified as an assistant business manager or business representative.
- Approximately 99% of respondents self-identified as **male**, about 5% were **aged** 25 to 34, 26% aged 35 to 44, 45% aged 45 to 54, and 24% aged 55 to 64 years.
- With regard to (highest) level of **educational attainment**, about 67% of respondents held a trade certificate, about 11% held a college diploma and about 11% a university degree, approximately 6% had some college, and approximately 6% had a high school diploma.
- Approximately 92% of respondents had attended **training workshops** on union organizing.
- Approximately 71% of respondents had 21 or more years of **experience in the trade**, about 21% had 11 – 20 years of experience in the trade, while only about 8% had 10 years or less experience in the trade.
- About 26% of respondents had 11 or more years of **organizing experience**, about 40% had 6 to 10 years of experience, and 34% had one to five years of experience.

SECTION 6

2022/23 Ontario Construction Sector Union Certification Survey

- Organizing Activity

Aggregate organizing activity across all respondents\unions

In the aggregate, in 2022, **total organizing activity** including with respect to certifications, voluntary recognition agreements, and section 1 (4)'s,

- Approximately 330 new bargaining units were reported gained in **ICI construction**
- Approximately 181 bargaining units were reported gained in **non-ICI construction**
- Approximately 51 new bargaining units were gained in **non-construction**
- Zero new bargaining units were gained in the **public sector**
- Approximately 4500 new members were gained across all new bargaining units
- Approximately 420 organizing campaigns or efforts were begun but did not result in union certification or Voluntary Recognition Agreement (VRA).

Several union organizing strategies in the construction trades stand out when compared to other sectors. First, the role of accessible health and welfare funds for workers in this traditionally episodic (precarious) industry is very important to 86 percent of the organizers surveyed.

Previous research of union organizing strategies had found that researching and targeting specific employers has been an indicator of more sophisticated and successful union strategies (Bronfenbrenner & Hickey, 2004). Nearly 77 percent of construction trade organizers indicated researching the target employer is very important compared to only 2 percent reported it was not important.

Strategies related to construction labour markets are also very prominent in this sector. Access to the hiring hall is very important to more than 67 percent of the organizers surveyed. Some 65 percent of respondents indicated that stripping skilled workers from non-union site was a very important strategy. The use of salts, having union supporters get hired onto to a targeted non-union contractor, was also a very important tactic for 60 percent of the organizers surveyed.

Survey participants were asked to consider the relative importance of a wide range of strategies regarding their overall organizing activities. The survey results with respect to each of the strategies, in turn, suggest:

Salting: about 61% indicated very important; about 30% suggested slightly important

Stripping: about 64 % indicated very important; about 31 % indicated slightly important

Access to market recovery funds: about 48% indicated very important; about 26% indicated slightly important

Member referral incentives: about 21% indicated very important; about 33% indicated slightly important, while 33% indicated not used or not applicable

Research and targeting specific contractors: about 79% indicated very important, while 21% indicated slightly important

Access to hiring hall: approximately 69% indicated very important; and 26% indicated slightly important

Access to apprenticeship program: about 76% indicated very important; and 21% indicated slightly important.

Access to health and welfare benefits: approximately 88% indicated very important; and 7% indicated slightly important

Collaboration across trades: approximately 36% indicated very important; and 50% indicated slightly important.

Blocking: only about 2% indicated very important and about 20% indicated slightly important; about 63% indicated not used or not applicable and about 15% indicated not at all important.

Digital membership cards: the results here were quite divided; about 26% indicated very important and about 33% indicated slightly important; whereas about 12% indicated not at all important and 26% indicated not used or not applicable.

Electronic filing with OLRB: about 60% indicated very important and about 28% indicated slightly important; about 10% indicated not used or not applicable and only about 3% indicated not at all important.

Union Organizing Strategies	% Very important	% Not at all important	% Not used or not applicable
Access to health and welfare benefits	86.0%	2.3%	4.7%
Researching and targeting specific contractors	76.7%	2.3%	0.0%
Access to apprenticeship program	74.4%	0.0%	4.7%
Access to hiring hall	67.4%	0.0%	7.0%
Stripping	65.1%	2.3%	2.3%
Salting	59.5%	6.4%	4.3%
Electronic filing with OLRB	58.5%	4.9%	0.1%
Access to market recovery funds	46.5%	11.6%	16.3%
Digital membership cards	37.9%	14.0%	25.8%
Collaboration across trades	34.9%	9.3%	7.0%
Member referral incentives	20.9%	14.0%	32.6%
Blocking	2.4%	16.7%	61.9%

Union campaign communication strategies

The survey results confirm that person-to-person contact remains the primary communication strategy by construction unions in Ontario. Only 2 percent of respondents posted to social media as part of their successful union certification campaign.

Union Communication Strategies	
Held small group meetings	49.0%
Distributed leaflets at the job site	30.6%
Conducted home visits with employees	20.4%
Surveyed employees	20.4%
Posted on social media	2.0%

Organizing committee activities

Organizing Committee Activities	
Spoke to workers off the job site about unionization	26.5%
Helped assess co-worker support for union certification	26.5%
Distributed or collected membership cards	18.4%
Passed out leaflets or union information at the job site	10.2%
Assisted at an OLRB hearing (e.g. served as a witness)	10.2%
Posted social media messages in support of unionization	0.0%

The role of social media

Regarding the **importance of social media** as a tool for union organizing,

- About 46% indicated social media was a very important tool
- About 34% indicated it was somewhat important
- About 20% were neutral regarding the importance of social media

Respondents were asked about their **overall use of social media** such as Facebook, Instagram, or TikTok, to support union organizing efforts and whether it changed since the onset of COVID:

- 15% indicated a substantial increase in use and about 34% indicated a slight increase
- Only 2% indicated a slight decrease and 49% indicated no impact in use.

Role of Multi-Trade Campaigns

Nearly 25 percent of respondents reported that their certification campaign involved a multi-trade contractor. The level of coordination across the trades were evenly split in the campaigns.

In nearly 40 percent of the multi-trade organizing campaigns, there was a fully coordinated, joint union organizing effort.

Organizers reported that there was little or no coordination in 40 percent of the certification efforts involving multi-trade contractors. Each union targeted its own trade in these cases. Importantly, none of the multi-trade campaigns resulted in unions competing with each other to represent a single bargaining unit.

Spotlight on important campaign issues

Economic issues (wages and benefits) were the most prominent issues in the organizing campaigns surveyed. Labour market issues, including training (55 percent) and access to the hiring hall (41 percent) were also common issues. Bargaining power (collective representation) and dignity and fairness were also important issues.

Key Organizing Campaign Issues	
Key issues	**% of campaigns where important**
Wages	61.2%
Benefits	61.2%
Training	55.1%
Collective representation	46.9%
Access to hiring hall	40.8%
Dignity and fairness	38.8%
Health and safety	30.6%
Job security	22.4%
Discrimination and harassment	10.2%

Section 7

2022/23 Ontario Construction Sector Union Certification Survey

- The Organizing Experience

Factors Affecting Organizing Activity by the Union

From the survey responses, several key factors impact union organizing activity in the construction trades.

First, consistent with previous research of employer opposition to union organizing (Bentham, 2002), aggressive employer anti-union tactics were the dominant barrier to union organizing activity. These tactics were widespread, reported by over 75 per cent of survey respondents. Employer opposition included both legal and illegal efforts to prevent union certification.

This finding is especially important because card-check certification procedures are the primary legal framework for the construction sector in Ontario. Less than 25 percent of respondents reported weak labour laws as a serious barrier to organizing, but card check procedures do not prevent employer anti-union tactics. For example, 60 percent of union organizers reported that the non-union contractor threatened closure if the union was certified. In over 24 percent of campaigns, employers fired union activists – a rate similar to illegal terminations of union activists in US (Bronfenbrenner and Hickey 2004).

Second, nearly 63 percent of union organizers reported that non-union competition was a very important barrier to union certification; including across trades and industry sub-sectors.[17]

Third, most successful campaigns reported using tactics critical to union organizing success in other industries. Most notably, over 87 percent of successful union organizing campaigns reported industry and contractor research as a key factor in successful campaigns.

Fourth, there are several tactics unique to the building trades that organizers leverage for successful campaigns. For example, access to health and welfare plans mitigates employer opposition and attracts non-union workers to the union. Union organizers also leverage labour market tactics through salting union supporters and stripping skilled workers from non-union contractors.

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[17] One possibility is that non-union competition was inducing targeted contractors to take a more anti-union stance; and where key tactics such as Voluntary Recognition Agreements and attraction through access to health and welfare did not outweigh competitive markets or perceived competition.

Finally, the lack of support among officers and members to bringing in new members to the hiring hall, historically, has been an important barrier (Grabelsky, Pagnucco, & Rockafellow, 1999). While lack of support from current union members was reported by nearly one-third of union organizers, less than one-fifth of elected union officers had other priorities that created a barrier to union organizing efforts. Building a culture of organizing is evidently an important factor in maintaining union density in the sector.

The survey respondents were asked to rate the relative importance of various factors in potentially hindering organizing activity conducted by their union including:

Absence of an organizing tradition in the union: the results here were distributed across response categories; about 29% indicated very important, 24% indicated slightly important, while 20% indicated not at all important and 27% indicated not used or not applicable.

Lack of human or financial resources: about 21% indicated very important, 33% indicated slightly important, while 24% indicated not used or not applicable and 21% indicated not at all important.

Employer opposition to unions: about 79% indicated this factor was very important and 19% indicated slightly important.

Lack of support from current union members: about 33% indicated this was very important and 45% indicated slightly important; about 14% indicated not at all important and 7% indicated not used or not applicable.

Rivalry from other unions: about 43% indicated very important and 45% indicated slightly important.

Lack of access to targeted workplaces: about 48% indicated very important and 48% indicated slightly important.

Nonunion competition: about 63% indicated very important and 28% indicated slightly important.

Elected union officers have other priorities: mixed results with about 19% indicating very important and 28% at slightly important; with 33% indicating not at all important and 21% not used or not applicable.

Excessive demands on one's time and energy: about 35% indicating very important and 30% indicating slightly important; with 23% indicating not at all important

Weak or inadequate labour laws: about 23% indicating very important and 44% indicating slightly important; with 21% indicating not at all important and about 12% not used or not applicable.

Key Barriers to Organizing

	% Very important	% Not at all important	% not used or not applicable
Employer opposition to unions	76.7%	4.7%	0.0%
Non-union competition	62.8%	7.0%	2.3%
Lack of access to targeted workplaces	46.5%	2.3%	4.7%
Rivalry from other unions	41.9%	9.3%	4.7%
Excessive demands on your time and energy	34.9%	23.3%	11.6%
Lack of support from current union members	32.6%	16.3%	7.0%
Absence of an organizing tradition in union	28.6%	21.4%	26.2%
Lack of resources (human or financial)	20.9%	23.3%	23.3%
Weak / inadequate labour laws	23.3%	20.9%	11.6%
Elected union officers have other priorities	18.6%	32.6%	20.9%

Frequency of Union Tactics in Successful Campaigns

	% Successful
Union targeted	55.9%
Combination	29.4%
Employees contacted union	14.7%
Research	87.9%
Stripping	32.4%
Active Organizing Committee	28.1%
Voluntary Recognition Agreement	27.3%
Salting (Salts per campaign range from 2-3)	25.0%
Assessment tactics	24.2%
Involve community groups	3.0%

Experience with employer tactics

Employer opposition is a key barrier to union organizing. Previous research of union organizing has found that employers use a combination of legal and illegal tactics to resist unionization (Bentham, 2002; Bronfenbrenner & Hickey, 2004). Among Ontario's non-union contractors, opposition typically involves the threat of closure if the union wins (reported in 60 percent of campaigns).

More direct forms of opposition included lay offs (37 percent), and termination of union activists (24 percent of campaigns). Promises of improvements (40 percent of campaigns) were less prevalent than threats of job loss. In most campaigns surveyed, employers interrogated employees about the union (57 percent). Supervisors held one-on-one meetings with employees (40 Percent) and 30 percent of employers held mandatory meetings to discuss the union.

Employer Tactics During a Campaign	
	% experienced
Threatened closure of operations if union won	60.0%
Employer interrogated employees about the union	56.7%
Made promises of improvement	40.0%
Supervisors held one-on-one meetings with employees	40.0%
Laid off employees	36.7%
Held mandatory meetings to discuss the union	30.0%
Employer threatened union supporters	26.7%
Fired union activist(s)	24.1%
Altered benefits and/or working conditions	16.7%
Engaged in any type of surveillance of union activities	16.7%
Contracted out work	16.7%
Threatened to cut benefits or wages if union won	16.7%
Granted unscheduled raises	13.3%
Hired an anti-union management consultant	10.0%
Promoted pro-union activist	10.0%
Sent out anti-union emails	10.0%
Made positive personnel changes (e.g. new supervisor)	6.7%
Used bribes or special favours	6.7%
Created an employee involvement program	3.3%
Distributed anti-union leaflets at the job site	3.3%
Issued anti-union social media posts	3.3%
Mailed anti-union letters to employees	3.3%
Called police to arrest workers at job site	0.0%
Created or assisted an anti-union committee	0.0%
Filed unfair labour practices against union	0.0%
Hired guards or put up security cameras	0.0%
Imposed new no solicitation rules	0.0%
Instigated violence and blame the union	0.0%

Potential COVID impacts

Participants were asked to reflect upon their **overall level of organizing activity since the onset of COVID** in March 2020:

- About 10% indicated a substantial increase
- About 42% indicated a slight increase
- About 20% indicated a slight decrease, while 24% indicated no impact

Participants were asked about whether their **ability to communicate on-site** with employees your and certification efforts at increase, decrease, or stayed the same, **since the onset of COVID**:

- About 10% indicated a slight increase
- About 48% indicated a slight decrease while about 13% indicated a substantial decrease
- About 30% indicated no impact

Participants were asked whether **the costs associated with certification efforts** had changed or stayed the same **since the onset of COVID:**

- About 8% indicated a substantial increase and 18% indicated a slight increase
- About 13% indicated a slight decrease and 3% indicated a substantial decrease
- About 60% indicated no impact

Participants were asked **whether, overall, COVID had made it easier or harder to organize:**

- About 20% indicated that it was somewhat easier to organize
- About 38% were neutral
- About 35% indicated it was somewhat more difficult organize while about 8% indicated it was much more difficult organize

Appendix 1

Sources and Explanatory Notes to Accompany Figures

Figure 1: Union Coverage by Sector in Construction in Ontario 2010 – 2020

Sources:
Statistics Canada. Table 14-10-0070-01 Union coverage by industry, annual (x 1,000) (https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410007001); and,
Statistics Canada. Table 14-10-0070-01 Union coverage by industry, annual (x 1,000) (https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410007001)

Note: Includes: "Employees who are members of a union and employees who are not union members but are covered by a collective agreement or union contract."

Figure 2a: GDP (at basic prices) by Sector, Ontario, (x $1,000,000)
Figure 2b: GDP (at basic prices), Construction, Ontario, (x $1,000,000)

Source: Statistics Canada. Table 36-10-0402-01 Gross domestic product (GDP) at basic prices, by industry, provinces and territories (x 1,000,000)
(https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3610040201)

Notes:
"For the gross domestic product (GDP) by industry refer to table 36-10-0434-03 (formerly CANSIM 379-0031) for Canada in chained dollars, table 36-10-0401-01 (formerly CANSIM 379-0029) for Canada in current dollars, table 36-10-0400-01 (formerly CANSIM 379-0028) for provinces and territories in percentage share."

"For the chained dollars, the aggregates are not equal to the sum of their components."

Figure 2c: Percentage Contribution to GDP, Selected Industry, Ontario, 2010 - 2020

Source:
Statistics Canada. Table 36-10-0402-01 Gross domestic product (GDP) at basic prices, by industry, provinces and territories (x 1,000,000)
(https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=3610040201)

Notes:
"For the gross domestic product (GDP) by industry refer to table 36-10-0434-03 (formerly CANSIM 379-0031) for Canada in chained dollars, table 36-10-0401-01 (formerly CANSIM 379-0029) for Canada in current dollars, table 36-10-0400-01 (formerly CANSIM 379-0028) for provinces and territories in percentage share."

"For the chained dollars, the aggregates are not equal to the sum of their components."

Figure 3: Total Number of Employees (Union and Nonunion), Ontario Private Sector and Construction, 2010-2020

Source:
Statistics Canada. Table 14-10-0070-01 Union coverage by industry, annual (x 1,000)
(https://www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1410007001)

Figure 4: Certifications Received by OLRB, 2015-16 to 2020-23
Source: Ontario Labour Relations Board. *Annual Report*. (various years). Toronto: Queen's Printer for Ontario.

Figure 5a Number of Construction Certificates Issued by Size (number of employees), 2015-16 to 2020-21
Source: Ontario Labour Relations Board. *Annual Report*. (various years). Toronto: Queen's Printer for Ontario.

Figure 5b Number of Employees Corresponding to Construction Certificates Issued by Size Grouping, 2015-16 to 2020-21
Source: Ontario Labour Relations Board. *Annual Report*. (various years). Toronto: Queen's Printer for Ontario.

Appendix 2

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Certification Activity in the Ontario Construction Trades

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