

UNITED ASSOCIATION
of Journeymen and Apprentices
of the Plumbing and Pipe Fitting Industry
of the United States and Canada



John Telford
Director of Canadian Affairs
International Vice-President - District 6

June 1st, 2009

Dear Sir & Brother,

**Re: Canadian Standard for Excellence Disciplinary Guidelines
Canadian Standard for Excellence Operating Rules and Regulations**

The UA Canadian SPC has identified the Standard for Excellence as a cornerstone for bringing about change in the United Association both within our membership and in our relationship with our Industry Partners.

In our recent survey the membership of the UA across Canada told us in no uncertain terms that they want us to take action to deal with members who violate job rules, show up to work unfit or do not live up to our Collective Agreements. This sort of behavior hurts our image with our contractors and most importantly with our clients.

To that end it is imperative that we develop an enforcement mechanism that is reasonable, universal in application and most importantly will withstand any legal challenge.

The Canadian Standards for Excellence Disciplinary Guideline and Operating Rules and Regulations attached have been accepted by the MCAC Unionized Contractors Council and have been distributed to all MCA Zones across Canada.

It is now your turn to implement and deliver awareness of this program to your Officers and Members. You can expect to receive further information in the near future on training for your Foreman, Shop Stewards and Officers.

Thank you all for your support of the Moving Forward Campaign. I remain,

Fraternally yours,

A handwritten signature in black ink, appearing to read 'John Telford', written over a horizontal line.

John Telford
Director of Canadian Affairs, UA

CC... International Representative, Special Representatives

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CANADIAN STANDARD FOR EXCELLENCE DISCIPLINARY GUIDELINE



UNIONIZED
CONTRACTORS
COUNCIL

The United Association Standard for Excellence policy not only outlines the obligations of UA members on the job; it also spells out the obligations of our signatory contractors as well. In this way, we are making it clear to all parties—including construction owners—that we are dedicated to doing the best job possible.

Employees are obligated to provide a fair day's work for a fair day's wages. Contractors must be fair to employees, but also have a role in the promotion of a strong unionized sector. Being fair does not mean "looking the other way" when an infraction occurs. Nor does it mean that the Contractor should merely lay off an incompetent or insubordinate employee when that employee may need counseling, discipline or, in irreparable and egregious cases, exclusion from the industry. All parties have a role in this regard.

The United Association and its signatory contractors hereby have established and shall maintain a common disciplinary guideline.

It is agreed that the United Association and its signatory contractors will make all parties aware of the disciplinary guideline for violation of company and client on-site rules.

PROGRESSIVE DISCIPLINARY GUIDELINE

1. **VERBAL WARNING:** An employee who has committed an infraction is verbally warned and told that if the infraction occurs again (within some specified period), the degree of disciplinary action will be increased.

Some examples: minor safety policy violations, minor work-site disruptions, poor workmanship issues, attendance (reporting to work late) problems, verbal abuse to Supervisor and co-workers.

2. **WRITTEN WARNING:** If the employee again commits the same or similar violation within the specified period (or possibly an unrelated infraction), the employee will be given a written warning which will be placed on his/her personnel file. The employee will be told that if any further misconduct occurs, the employee will be disciplined again, more severely.
3. **SUSPENSION AND FINAL WARNING:** If the employee again transgresses in the misconduct, he/she will be suspended from employment for a period of time without pay and will be given a final warning.

This warning clearly will normally specify discharge as the result of another infraction. This step may be repeated, however, for example, a one-day, then a five-day suspension.

4. **DISCHARGE:** If the employee again is guilty of misconduct (as outlined in Step 3), the employee may be discharged.

The Employee may also be immediately discharged, at the Contractor's discretion, for serious disciplinary misconduct.

In other cases of sufficiently serious misconduct, the Contractor at its discretion may skip any of the preceding steps.

Some examples of serious disciplinary misconduct: Fraud, Severe Health and Safety policy violations, severe work place disruptions, workplace violence and/or intimidation, etc.



Canadian Standard for Excellence

This program is designed to promote our UA members' world-class skills and safe, efficient work practices on the jobs performed by our signatory contractors for our customers and owner-clients.



UNIONIZED CONTRACTORS
COUNCIL

Canadian Standard for Excellence **Operating Rules and Regulations**

Definitions

CBA – Collective Bargaining Agreement

Discharge/Laid Off for Cause (including but not limited to absenteeism, safety violations, timekeeping or productivity; not including lay off due simply to a lack of, or, downturn in work) - Occurs when an employer asserts cause for the discharge/layoff of an employee, and no arbitration or board of arbitration finds that there was no such cause.

MCA - Mechanical Contractors Association

Parties to this Agreement – The parties to this agreement are the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada on behalf of its Local Unions and the Mechanical Contractors Association of Canada.

SC - Standard Coordinator/Job Steward – An individual whose job it is to ensure the continuity of the projects by working to solve problems brought to them. The SC shall be appointed by the Union Business Manager and may be from the Employer's existing work force. Additional SC's may be appointed based upon job and/or crew size.

SFE - Standard for Excellence

Local Union Responsibilities

The Local Union will provide training for the Standard Coordinator with respect to the purpose and intent of this Standard for Excellence.

The SC is empowered by the Business Manager of the Local Union to work with members and management to correct and solve problems related to job labour performance that have been reported to the Union.

The SC will communicate on a regular basis with the supervision on site and the contractor to convey job progress, work schedules, and work process problems to the employee/members.

Meetings will be established between the Local Union Business Manager or Business Agent and the SC to discuss and resolve issues related to the compliance of the SFE.

If applicable, management will be invited to attend and participate in the process. When deemed necessary, the Local International Representative will be invited to attend and participate in the process.

In the event a member(s) is not meeting SFE responsibilities, the Local Union Business Manager or Business Agent and his respective Executive Board Member will assume the responsibility to address problem member(s) not meeting their obligations.

The role of the union is to make every effort to correct the problem by whatever means, to the extent allowed by applicable law, including, but not limited to, the applicable Labour Laws and the Constitution of the United Association.

EMPLOYEE, MEMBER AND LOCAL UNION RESPONSIBILITIES:

To ensure the Standard for Excellence platform meets and maintains its goals, the Business Managers, in partnership with their implementation teams, including Standard Coordinators and the Local membership, shall ensure all members:

- Respect the UA, the customer, client, and contractor by dressing in a manner appropriate for our highly skilled and professional craft. (Offensive words and symbols on clothing and buttons are not acceptable.)
- Eliminate disruptions on the job and safely work towards the on-time completion of the project.
- Meet their responsibilities to the employer and their fellow worker by arriving on the job ready to work, every day on time (Absenteeism and tardiness will not be tolerated.)
- Adhere to the contractual starting and quitting times, including lunch (personal cell phones will not be used during the workday with the exception of lunch and break periods.)
- Meet their responsibility as highly skilled craft workers by respecting those tools and equipment supplied by the employer.
- Use and promote the Local union and international training and certification systems to the membership so they may continue on the road of lifelong learning, thus ensuring Local craft workers are the most highly trained and sought after workers.
- Meet their responsibility to be fit for duty, ensuring a zero tolerance policy for on the job substance abuse is strictly met.
- Be productive and keep inactive time to a minimum.

- Respect and observe the customer, client, and employer and their rules and policies.
- Follow safe, reasonable management directives.
- Communicate with the Site Supervision and SCs in preventing and resolving work/labour problems especially where lack of material and guidance are observed.
- Accept and abide by the Standard for Excellence Operating Rules and Regulations.

Process for Addressing Employee Discharges or Layoffs for Cause

Employees who are discharged/laid off by a contractor for cause shall be subject to the following procedures:

1. After 1st discharge or layoff for cause, the employee/member will meet with the Local Union Business manager or the Regional Business Agent and receive verbal counselling. The content of the counselling will include SFE Disciplinary Guideline and Operating Rules and Regulations and the possible penalties which could be imposed under the SFE as a result of any future discharge or layoff for cause.
2. After the 2nd discharge or layoff for cause within a thirty-six (36) month period, the employee/member will meet with the Local Union Business Manager, Local Union Executive Board, for evaluation and counselling related to the reasons for the discharges or layoffs. The employee/member will be counseled related to the reasons for the discharges or layoffs. The employee/member will be advised that any further discharge or layoffs for cause may result in temporary or permanent removal from the Out-of-Work list.
3. After the 3rd discharge or layoff for cause within a thirty-six (36) month period, the employee/member will meet with the Executive Board, which shall review the facts and make a recommendation for action against the employee/member, with a maximum recommended penalty up to and including permanent elimination from the Out of Work List.

Any penalties imposed as a result of two or more discharges or layoffs for cause within a thirty-six (36) month period, other than permanent elimination from the Out-of-Work list, will be removed from the employee/member's record after thirty-six (36) months.

In the event that the basis for an employee/member's discharge or layoff by a Contractor is challenged as lacking the requisite cause, by a timely grievance

filed by the Local Union or the employee/member, that issue shall be resolved pursuant to the provisions of the Grievance and Arbitration Procedure of the applicable CBA prior to any action being taken by the Executive Board.

The suspension of an employee/member's eligibility for referrals from the Out-of-Work List as a result of multiple discharges or layoffs for cause shall not constitute a violation of any provision or section or clause of any applicable Collective Agreement.

The above process may:

1. Require the employee/member to obtain drug and/or alcohol counseling or further training from the JATC before again being eligible for referral.
2. Disqualify the employee/member for referral from the Out-of-Work List for a period of two (2) or more weeks, or permanently, depending on the seriousness and/or repetitive nature of the conduct, with the Executive Board making the final determination as to the employee/member's continued eligibility for referral.
3. Refer the employee/member to an approved employee assistance program for evaluation and recommended action.
4. Declare the member eligible for continued referral employment pursuant to the CBA, including when an employee/member can satisfy his/her onus of showing why he/she should be restored on the referral list, with or without conditions.

In the event that any portion of the SFE Disciplinary Guideline and Operating Rules and Regulations conflict with any provision of the CBA, the CBA shall prevail, unless otherwise specifically stated herein. Nothing in the SFE Disciplinary Guideline and Operating Rules and Regulations shall be construed to amend, modify, restrict, or expand upon, any right, obligation, or provision contained in the CBA.

The SFE Disciplinary Guideline and Operating Rules and Regulations shall constitute an addendum to the CBA. Any changes to the SFE Disciplinary Guideline and Operating Rules and Regulations during the term of the CBA must be in writing and signed by the parties. Nothing in the SFE shall hinder the right of the employee/member to file a grievance as allowed for in the CBA.

EMPLOYER AND MANAGEMENT RESPONSIBILITIES:

The ultimate responsibility of job management falls on the contractor management. Contractors will become signatory to the SFE Disciplinary Guideline and Operating Rules and Regulations before being able to utilize it in their company marketing.

Contractors who are bound to this Standard recognize their obligation to manage their jobs effectively, and as such shall have the following responsibilities under this Standard of Excellence:

- Educate Superintendents, General Forepersons and Forepersons about the purpose, intent and proper use of the Standard of Excellence.
- Provide reasons in writing for returning unsatisfactory general foremen, foremen, journey workers and apprentices to the hiring hall.
- Provide worker recognition for a job well done.
- Supply all necessary tools, equipment, material and information in a timely manner to ensure a successful project.
- Provide the necessary leadership and problem-solving skills to jobsite Supervision.
- Create and maintain a safe work environment by providing site specific training, proper equipment and following occupational health and safety guidelines.
- Promote and support continued education and training for employees while encouraging career building skills.
- Treat all employees in a respectful and dignified manner, acknowledging their contributions to a successful project.
- Cooperate and communicate with the Site Supervision and Standards Coordinator in preventing and resolving work problems.
- Problems with Contractor performance shall be addressed as follows:
 - Management will address concerns brought forth by the Standard Coordinator. If the lowest level of management does not resolve the problem, the Local Union Business Manager and Standard Coordinator will address the issues with higher levels of management.
 - If the issues are not corrected, the Union, or the Contractor shall call for a Labour-Management meeting to resolve concerns or issues.

- If the issue is not resolved, the MCA, Business Manager and the UA International Representative shall meet with the affected contractor and attempt to correct the management problems on the project.
- Accept and abide by the Standard for Excellence Disciplinary Guideline and Operating Rules and Regulations.