

THE LABOURERS' CODE OF PERFORMANCE

Members of the Labourers' International Union of North America are known for bringing more to the worksite than their union cards. Labourers' built our Union by delivering:

- experience in the field
- all the necessary skills for the job
- pride in their work, and
- an ethic of hard work and safe practices.

To ensure that these traditions are passed on to present and future generations of Labourers', and to ensure maximum efficiency and productivity for our signatory employers, the Union adopts and implements this Code of Performance for its members and officers.

The goal of the Code of Performance is to ensure that our members meet the highest standards in our industries. Our aim is to deliver craftsmanship that exceeds the expectations of our contractors and their customers. We will provide and maintain a work force that makes contractors want to be Union and owners want to build Union.

Meeting these goals requires a commitment of our Union leaders to embrace the values of hard work and best practices at work and to lead our membership through such an example. These goals require members to understand and incorporate these values in their day-to-day performance. Furthermore, these goals require contractors to follow through on any performance issues that fall below the standards set here.

LOCAL UNION RESPONSIBILITIES

- Understand and adopt the Code of Performance as part of the Local Union's Hiring Hall Rules, or request a variance from the General President if the Local Union has previously adopted a substantially equivalent policy, practice or procedure; any such variance request must first be approved by the District Council (if the Local is affiliated with a District Council) and the Regional office.
- Educate members about the Code of Performance, its goals and standards.
- Provide guidance to members in assessing their skills.
- Provide training opportunities for members to upgrade their skills.
- Enforce the Code of Performance by suspending members' referral rights as appropriate. Nothing in the Code shall prevent a Local Union from enforcing its own job referral rules provided such rules have been approved the District Council (if the Local is affiliated with a District Council), are not inconsistent with the Code or the Job Referral Guidelines.
- Ensure a fair opportunity for members to contest any suspensions of referral privileges.
- Provide an opportunity to counsel members whose referral privileges have been suspended about how to prevent further problems.
- Promptly notify members who are discharged "for just cause" and provide the contact information for the Business Manager of the District Council (if the Local Union is affiliated with a District Council).

DISTRICT COUNCIL RESPONSIBILITIES

- Assist Local Unions in effectuating the Code in accordance with Article II of the Uniform District Council Constitution and where the Hiring Hall Rules are included in a collective bargaining agreement, in negotiations with contractors, to adopt the Model Hiring Hall Clause.

MEMBER RESPONSIBILITIES

- Acquire the necessary skills through apprenticeship and/or training programs.
- Report promptly upon referral to a job and show up to work on time, ready, willing and able to work.
- Be aware of and follow the Local Union's Job Referral Rules.
- Avoid excessive absenteeism and excessive tardiness.
- Follow direction from supervisors.
- Do not be insubordinate.
- Give a fair day's work.
- Treat the Employer's and the customer's tools and property and those of fellow workers with respect.
- Avoid disruptions on the job by using the established procedures to resolve disputes.
- Observe all safe working practices.

EMPLOYER RESPONSIBILITIES

The Code of Performance will not be effective without the Employers' commitment, support and participation. Accordingly, it is the Employers' responsibility to:

- Ensure that each project has the necessary number of Labourers', equipment and leadership to perform the work.
- Inform the Local Union of any problem Labourers' and/or work issues with Labourers' regarding the Code of Performance.
- Counsel Labourers' who are not meeting their responsibilities through verbal and written warnings and consult with the Local Union when warnings occur.
- Fill out the Notification of Termination Form for any Labourer terminated "for just cause." (Just cause shall include only those reasons for termination specified on the Notification of Termination Form.)
- The Employer agrees to support any decision made through or by a Review Committee, or Independent Review Officer.

ENFORCEMENT PROCEDURE

(A) Should any Labourer be terminated for just cause, his or her referral privileges shall be suspended automatically for one month. Should the same individual be terminated for just cause a second time within a twenty-four (24) month period, his or her Hiring Hall Referral privileges shall be suspended automatically for six months. Should the same individual be terminated for just cause a third time within a twenty-four (24) month period, his or her referral privileges shall automatically be suspended indefinitely (time period begins from the date of first discharge).

(B) A termination shall not be considered as “for just cause” for purpose of this provision if the person referred for employment has filed a grievance under the c/b/a challenging the propriety of his or her termination, unless and until the grievance is resolved in a manner that affirms the termination for just cause. For the purpose of this provision, a decision of a designate panel or an arbitrator shall be final and binding.

(C) The provisions in subsections (a) and (b) notwithstanding, a Review Committee, composed of three (3) members appointed by the Business Manager of the District Council, may, upon written request of the applicant, vacate or reduce the period of suspension, in the event the Local Union is not affiliated with a District Council, any such representatives shall be appointed by the Business Manager of the Local Union.

Any such written request by the applicant shall be filed in writing with the Business Manager of the District Council, or if the Local is not affiliated with a District Council then with the Business Manager of the Local Union, within five (5) calendar days of the time he/she has been notified that the termination is “for just cause” under this Code. A request under this provision shall stay the commencement of suspension from referral unless and until the Committee decides otherwise. The Committee’s decision will be by majority vote and shall be based on all of the available evidence including, as appropriate, the circumstances of the termination, skills evaluations by third parties, the availability and need for additional training whether the applicant is a journeyman or an apprentice member and such other factors as may be relevant. The Committee’s decision shall rest in its sole and complete discretion.

(D) The decision of the Committee will affect only the issue of eligibility for future referrals, and will not affect the termination unless all parties expressly consent to have that issue considered by it.

(E) If dissatisfied with the decision by the Review Committee, the applicant may appeal the Committee’s decision to an Independent Review Officer. The Independent Review Officer shall establish an expedited procedure to review such appeals promptly and expeditiously. Any appeal to the Independent Review Officer shall be filed by the applicant in writing within five (5) calendar days of time he/she has been notified of the Review Committee’s decision and shall contain a brief statement of the issue/s. The decision of the Independent Review Officer shall be final and binding. A request for review by the Independent Review Officer under the provision does not affect the commencement or continuation of the suspension from referral unless and until the Independent Review Officer decides otherwise.

(F) Should any member whose referral privileges are suspended pursuant to this Code seek to transfer into another affiliated Local Union, then the terms and conditions of such suspension of referral privileges shall be recorded on the transfer slip issued by the Local Union from which the member seeks a transfer; such suspension of referral privileges shall continue at the new Local to which the member transfers.