BUILDING COMMUNITY BENEFITS

The hard work of winning equity and dismantling barriers

The Toronto Community Benefits Network (TCBN) is a 100-member strong community-labour partnership created to ensure that public infrastructure and development projects provide real economic benefits to local communities. Its founding objective was to secure hiring measures that would help transform the workforce on these projects to reflect the diversity of Toronto. Most construction projects in greater Toronto are unionized by virtue of a strong organizing history. The labour movement understands that embracing equity is a crucial part of building power, and negotiating community benefits is a concrete example of putting that principle into practice. But making space for new entrants and dismantling systemic barriers is never a simple process. As Colette Murphy of the Atkinson Foundation would often note – **"We move at the speed of trust".**

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What does local economic development look like in the 21st century? For years, business lobbyists and local politicians celebrated mega-projects coming to a community as a creator of good jobs. But as the economy changed and income inequality grew, a different reality emerged. There is an unsettling image of a young person of colour standing at a chain link fence, wondering why they couldn't get a job building that project, or of a local college graduate learning that most of the permanent jobs on offer are part-time, low-wage positions with no benefits. Those are the dynamics that the Community Benefits movement seek to change.

The Community Benefits movement grew from the need to address the growth of income inequality and racial disparity in our society. It drew from experience in U.S. cities where low-income communities organized to realize tangible benefits from large development projects in their neighbourhoods, as well as precedents won by Indigenous communities in Canada.

Three different currents came together to shape the TCBN, each focused on attaining social and economic justice: a coalition in Rexdale focused on the Woodbine Entertainment project; community organizing for jobs in Weston–Mount Dennis; and Toronto's labour movement.

a) Rexdale Organizing

In 2010 a $700 million expansion of the Woodbine Entertainment Racetrack in north Etobicoke was announced, featuring a major new entertainment and retail centre run by Cordish Companies of Baltimore. Across North America, the hospitality workers union HERE had built a practice of organizing around similar developments to ensure the new jobs would be unionized, well-paid and drawing from neighbouring low-income communities. HERE Local 75 launched a new coalition - Community Organizing for Responsible Development (CORD) – which won widespread support for the concept of a Community Benefits Agreement at Woodbine. But when the project was eventually cancelled, Woodbine Entertainment set its sights on a full- blown casino. CORD was revived and merged into the Rexdale Rising campaign that ultimately secured significant benefits through a City agreement with the casino operator.

b) Labour

The construction industry is highly unionized – a result of tough struggles for union recognition in past decades by a workforce that was constantly being renewed by immigration. Building trades unions had undertaken a number of initiatives to recruit from under-represented groups – women, Indigenous people and workers of colour.
The Labour Council and its projects – Labour Education Centre and Labour Community Services – played a central role in creating the Good Jobs for All Coalition, and were focused on breaking down barriers for racialized youth through community outreach and economic development strategies.

c) Community Organizing in Weston-Mount Dennis

In 2005 Kodak closed its massive plant on Weston Road, which had once employed over 3000. It was a major blow to a proud blue-collar community that came to experience some of the lowest income levels in Ontario. Local community leaders in Weston-Mount Dennis were determined to find a path to regeneration and started to partner with labour to explore options. When the 57-acre Kodak land was chosen as the site of a maintenance and storage facility for the proposed Eglinton Light Rapid Transit (LRT) line, the efforts shifted to focus on jobs and amenities for local residents. The working relationships that were nurtured in this process became the foundation for the TCBN.

A TRANSIT MEGAPROJECT

Traditionally the Toronto Transit Commission owned and built all transit lines in Toronto. Mayor David Miller had championed a Transit City plan for four new LRT lines in the suburbs, but that was cancelled after Rob Ford's election. Ontario's Dalton McGuinty government then made a dramatic change, tasking its transit agency Metrolinx with overseeing the LRT projects, in conjunction with Infrastructure Ontario (I.O.). In a highly controversial move, McGuinty decided these would be done as public-private partnerships or P3's. A private consortium of contractors and engineering firms would design, build and finance the entire project, in theory for a fixed sum. In fact, P3s are heavily promoted by business interests looking to make extra profit while downloading risk onto the public purse. Unlike the TTC, neither Metrolinx nor I.O. had union requirements in their tender documents.

The first project under the new approach was the Eglinton Crosstown. The estimated cost was $8 Billion to run 19 Km from Weston Road to Kennedy Station, and included the maintenance and storage facility on the land vacated by Kodak.

In the spring of 2012, Weston-Mount Dennis community leaders reached out to MetroLinx asking for a commitment to hire local people and purchase products and services from local businesses, while the Labour Council started to lobby Metrolinx on the issue of unionized construction. Labour highlighted the experience of Los Angeles, where a labour- community alliance had been a driving force behind a successful referendum vote to fund a $36 Billion transit expansion. A major factor in winning public support for this huge expenditure was a promise that a Project Labour Agreement would include equity and local hiring to bring Black and Latino youth into the trades.

Asking Metrolinx for Community Benefits

METROLINX

Metrolinx rejected a union-only policy for construction but expressed interest in partnering around an equity hiring approach. The conversation started in earnest about what a Community Benefits Framework could look like. Labour Council staff began planning the next steps and reached out to key unions as well as community groups. Steve Shallhorn, Executive Director of the Labour Education Centre (LEC), took the lead, and Colette Murphy stepped up to support the work with a $90,000 grant from the Metcalf Foundation. Soon other community groups came on board. Metrolinx Board members Frances Lankin and Joe Halstead championed the concept, along with CEO Bruce McCuaig. In December 2012 the Metrolinx Board agreed to include Community Benefits for its major transit builds.

The Metrolinx Board approval of the concept of CBAs was a key milestone. Senior management was supportive, and they had received a green light from the Liberal government of Kathleen Wynne who had succeeded McGuinty as premier. LEC was located in Wynne's riding, and she knew its reputation. The door was open for TCBN to negotiate the terms of Ontario's first CBA. By the end of the month TCBN had a high-level meeting with Metrolinx CEO Bruce McCuaig, project chief Jack Collins, and senior representatives of Infrastructure Ontario to discuss a framework.

TCBN TAKES SHAPE

In the next few months, the Atkinson Foundation, then the United Way each matched the Metcalf grant. This funding was crucial to the development of TCBN. Charitable grants were routed through Labour Community Services, a sister Project of the Labour Council, and the Maytree Foundation contributed staff support. A small group of leaders went to Los Angeles to meet with LAANE and learn more about their experience.

The first broader TCBN meeting was held in January 2013 at the Electrical Workers Local 353 hall. The goal was to take the first steps to establish a cross-city network to lead a campaign aimed at winning a full community benefits agreement with Metrolinks. The TCBN organized a weekend conference in April at the Plumbers and Steamfitters Local 46 Training Centre, facilitated by community leader Alejandra Bravo. Experienced CBA experts were brought in from Los Angeles, Vancouver and Scotland who also attended workshops and public meetings in Mount Dennis and Warden Woods.

Out of this weekend came the TCBN Foundation Document, which outlined who the TCBN was and what it wanted to achieve. It had five elements:

1) Apprentice training and jobs
2) Professional, Administrative and Technical (PAT) Jobs
3) Opportunities for Social Enterprise
4) Neighbourhood Improvement
5) Clear Commitments and Accountability

The Foundation Document was used as a basis of unity with community groups and unions, an explainer to politicians and media and as a negotiated tool with Metrolinx. The United Way was a strong advocate of social enterprises providing some of the services purchased for the project, while local activists often focused on neighbourhood protection and local amenities.

All of the CBA's in the U.S. opened up apprenticeship careers to equity seeking groups, but the inclusion of professional roles was unique. Recognizing huge gaps in employment for university and college graduates from newcomer communities, a professional (PAT) career stream was seen as an important route to achieving equity goals. Even though few of these jobs would be unionized, the Labour Council strongly supported their inclusion.

The TCBN undertook to meet with every City Councillor and MPP whose Ward or riding was in the 19 km of the Eglinton Crosstown Light Rail Transit line. In every almost every case local residents were included in the delegation.

A Steering Committee was formed with four union and four community representatives, then additional seats were added to represent the social enterprise sector and the Labour Education Centre. LEC continued to be the grant holder and hired two staff along with 60% of the time of Steve Shallhorn, who also served as the TCBN Executive Director.

IDENTIFYING GOALS

With the groundwork in place, TCBN began to negotiate the terms of the Community Benefits Agreement with Metrolinx. The Metrolinx team was both supportive and patient as they walked the TCBN reps through the legally exacting process required to determine who would build the Eglinton Crosstown, for what price, and under what terms. The TCBN consistently stated its general opposition to P3's, while asserting the need for union standards and enforceable equity hiring.

The TCBN took considerable guidance from the American experience with CBAs. This included:

- Any Community Benefits Agreement needed to have legally binding targets,
- For construction jobs, the targets should be expressed as a percentage of total hours worked, rather than number of jobs.
- These targets had to be enforceable onto the builder of the project, as well as sub- contractors, with penalties for non-compliance.
- The lead contractor must have an official responsible for implementation of the CBA, and to act as an entry point for community into the builders.
- There must be regular meetings of the project owner, builders and community to ensure compliance and to troubleshoot.
- There needed to be some kind of database to track the number of people hired, hours worked and their relevant demographics.
- Community must take some responsibility for recruiting and assessment of candidates.

Negotiating meetings were cordial – even friendly. Metrolinx presented the notion of a Community Benefits Framework, which included most of what the TCBN was asking for, but with a crucial omission – legally binding hiring targets. The Framework included much of the language of the TCBN Foundation document, and outlined responsibilities of Metrolinx, the company (yet to be selected) that was to build and maintain the Eglinton Crosstown line and the TCBN. Metrolinx also added military veterans to the list of equity seeking groups that the TCBN had proposed.

TCBN initially asked for a binding target of 15% of the construction hours - trade by trade - be worked by members of equity seeking groups, to ensure that careers in the full range of trades would be included. It proposed an "off-ramp", whereby contractors would not be penalized if they could show that could not find qualified applicants. It also asked for 50 people to be hired in Professional Administrative and Technical jobs, and for $1 million in contracts awarded to social enterprises.

A General Meeting of the TCBN agreed to accept the Framework, considering it to be the floor rather than a ceiling for future Metrolinx projects. Metrolinx and the TCBN signed the Framework in April 2014.

TCBN meeting at Warden Woods Community Centre

COMMUNITY OUTREACH

The TCBN then began to partner with community groups to hold public events to attract potential apprentices. Meetings were held at accessible locations on evenings or weekends and included culturally appropriate food, an introduction by the host organization, a presentation led by the TCBN before each potential recruit was offered a personal interview with an employment councillor and a representative from the building trades.

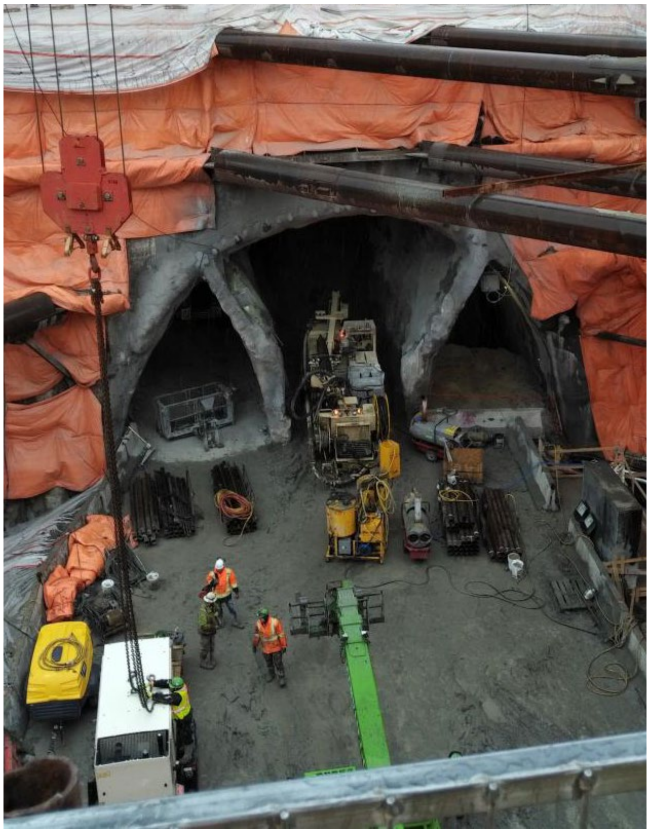
These meetings garnered a list of some 300 interested workers. Unfortunately delays in the start of construction meant that many people moved on to other jobs before training opportunities arose. The primary reason for the delay was the expansion of the P3 scope to include a 30-year maintenance contract. This meant that stations, tracks and vehicles were now to be maintained by the private consortium instead of the TTC. This had significant implications for both cost and public accountability and added months more to the bidding timeline, and billions to the contract value.

But the conversations about achieving equity goals started leading to detailed policy. In 2015 the Province of Ontario enacted the Infrastructure for Jobs and Posterity Act, which provides for bidders on infrastructure projects to submit a (non-binding) plan on how it expects to use apprentices "who are women, aboriginal persons, newcomers to Ontario, at-risk youth, veterans, residents of the community in which the infrastructure asset is located…".

Labour and community organizations also brought the issue to the City of Toronto roundtable on addressing poverty. In June 2015 the City's Interim Poverty Reduction Strategy Report included recommendations to "Design and implement a community benefits program for City purchasing and capital investments, and a City social procurement policy." This would set the stage for including community benefits for the casino development at Woodbine.

CROSSLINX TARGETS

In November 2015 Crosslinx, a consortium of four companies, won the bid to build the Eglinton Crosstown. Crosslinx joined the meetings with Metrolinx and TCBN, and soon hired a Community Benefits specialist. Led by engineering giant SNC-Lavalin it quickly became clear that transparency and cooperation with community was not forthcoming. It was very difficult to get timely information on labour requirements for the project, and the initial Crosslinx apprenticeship plan was rejected by Metrolinx and had to be re-submitted. After heated exchanges, the target of 10% of hours worked was included in their plans, but only as an aspirational goal.



For construction unions, the goal of equity targets presented real challenges to their traditions and practices. There is no seniority in construction, and union members rely on the hiring hall to dispatch them to new jobs. Making room for new apprentices and giving equity-seeking groups preference in hiring hall dispatch would always be a point of contention. So too would the question of tracking success. It was not common practice for unions or contractors to identify workers by race. A working group of union reps responsible for the project helped to share ideas on tackling these difficult issues.

Consultation with the industry found deep resistance from the employers to being bound by "quotas". Contractors finally agreed to goals being aspirational rather than fully enforceable. While some were willing to champion this work, others failed to engage in any meaningful way. Creating a reporting mechanism that would include subcontractors as well as the primary builder proved to be a difficult task.

Having a Community Benefits Working Group meeting regularly to get reports on the progress of the project was an essential part of accountability. To its credit, the Crosslinx consortium modeled the way by creating an intentional equity hiring approach with the three unions signatory to its Project Labour Agreement – Labourers, Carpenters, and Operating Engineers. Gradually the numbers started to ramp up.

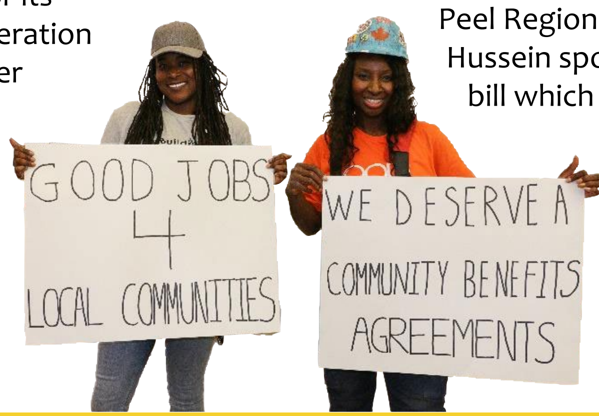
One surprising feature was the number of PAT hires, which surpassed the construction trades. A unique hiring portal was created to ensure that candidates referred from TCBN or its member agencies got full consideration for professional jobs. By 2020 over 200 people had been hired for PAT careers, compared to 160 trades apprentices on record from equity-seeking groups. No doubt there were many other apprentices hired by sub-contractors, but their inadequate reporting was an ongoing weakness in the system.

By the summer of 2016, the foundation for TCBN had been set. Its membership had grown to nearly 80 unions and community groups. Steve Shallhorn stepped back from his leadership role, and a new full-time position was created for the Executive Director. Rosemarie Powell, a Jamaican-Canadian community and environmental leader, was hired to lead the organization.

Steve Shallhorn and Rosemarie Powell at Crosstown Declaration on Apprenticeship signing on November 8, 2016

MOVING BEYOND TRANSIT

The next LRT line – Finch West - was put out to tender with Community Benefits language in the tender documents, a presentation by TCBN to all eligible bidders, and stronger language on targets. TCBN provided assistance to new coalitions formed around transit in Hamilton and Peel Region. In 2016 Toronto MP Ahmed Hussein sponsored a private members bill which eventually led to a measure that allows the Canadian government to stipulate community benefits



for federally funded infrastructure projects. TCBN's Equity and Diversity Working Group drew together leaders from contractors, unions and social justice groups to grapple with the details of a construction workforce inclusion strategy. In 2018 the West Park Health Centre adopted a CBA for its redevelopment – a sign that the movement was gaining momentum.

REXDALE RISING

In the same year the earlier coalition partners from CORD came together under the banner Rexdale Rising to mobilize for a binding CBA for the Woodbine Casino. More focus was put on the hundreds of permanent jobs in the casino operation. It was a tough process, with much less trust between the parties involved. The new casino operator, Great Canadian Gaming (GCG) had a problematic labour relations history at its operations in British Columbia. Local politicians did not want community or labour representation at the negotiating table. The City staff led negotiations, translating community demands after limited consultation, but neither TCBN or Rexdale Rising were present at the table with GCG.

Under Rosemarie Powell's leadership, community activists worked closely with the construction trades and the unions at Woodbine Entertainment including UNITEHERE Local 75, Service Employees (SEIU) and Public Service Alliance of Canada Local 533 to build pressure for a solid agreement. A CBA was finally achieved in 2018 that called for 10% of construction hours and 40% of ongoing operational jobs to be filled by local and equity seeking candidates. The agreement included community access to space, and other amenities such as a daycare centre. It was a historic breakthrough.

GROWING THE IMPACT OF COMMUNITY BENEFITS

Following the Woodbine effort, ongoing political mobilization helped pave the way for the City of Toronto's 2019 adoption of a Community Benefits Framework for other selected projects.
The TCBN has since expanded to organize with local communities for community benefits at City-sponsored redevelopments.

Within a decade, TCBN has grown dramatically in stature and influence. It had brought together an impressive network of mentors drawn from across the trades to support its federally funded NexGen Builders program focused on Black youth. It hosts an annual Building Diversity Awards gala attended by hundreds of industry and community leaders. From an initial tenuous concept of economic inclusion, Community Benefits has grown to become a vital part of a new definition of the "public good" in Canada's largest urban centre.

TCBN Building Diversity Awards - industry, government, labour and community organizations come together each year to recognize and celebrate leadership in equity work across Canada.

OUTCOMES

The fight for racial equality has many elements, including access to good jobs for historically disadvantaged communities. Winning community benefits agreements has been one aspect of the political bargaining undertaken by Toronto's labour movement in alliance with community activists and organizations.

For Toronto's unions, this issue presented both an opportunity and a challenge. In construction the opportunity was to forge new alliances and deeper relationships with communities of colour while renewing the workforce; in the service sector it was about securing a union voice in the changing economy. The challenges came from trying to implement equity programs internally and getting employers to embrace measurable goals of diversity and inclusion.

The first agreement on the Eglinton LRT Line, despite its shortcomings, improved the lives of hundreds of racialized youth in the city. As CBA's become more integrated into major infrastructure projects, that number is multiplying many times over. But more importantly, it shows that labour and community working together can take real steps needed to address racial inequality in our society.

This study was co-authored by Steve Shallhorn, Executive Director of the Labour Education Centre since 2011 and Founding Director of the Toronto Community Benefits Network.