

TORONTO MUNICIPAL CODE
CHAPTER 67, FAIR WAGE

Chapter 67

FAIR WAGE

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[History: Adopted by the Council of the City of Toronto June 26, 2003 by By-law 591-2003.¹ Amendments noted where applicable.]

General References

Defence and indemnification - See Ch. 39.

¹ Editor's Note: Section 2 of this by-law repealed By-law 51-71 of the former City of Toronto, being "A By-law to provide for the appointment of the Manager, Fair Wage and Labour Trades Office and to define the duties of the person so appointed." Section 3 of this by-law stated that the fair wage policy of the former Municipality of Metropolitan Toronto as adopted by Council by the amendment to Corporate Services Committee Report No. 13, Clause No. 1, at its meeting of October 1 and 2, 1998, was made to apply to the former Borough of East York, the former City of Etobicoke, the former City of North York, the former City of Scarborough, the former City of Toronto and the former City of York; and that policy, further modified by the adoption of Administration Committee Report No. 7, Clause No. 1, as amended, by Council at its meeting of June 18, 19 and 20, 2002, is replaced by the provisions of this by-law. Section 4 of this by-law stated that, despite sections 2 and 3 of this by-law, the provisions former City of Toronto By-law 51-71, as amended, and the fair wage policy of the former Municipality of Metropolitan Toronto shall remain in full force and effect for the purposes of any review, actions, claims, proceedings, etc., until that review, action, claim, proceeding, etc., has been concluded to the full extent permitted by law; and sections 2 and 3 of this by-law shall not affect any offence committed against, any penalty incurred in respect to, nor any investigation, legal proceeding or remedy under former City of Toronto By-law 51-71 and the fair wage policy of the former Municipality of Metropolitan Toronto. Section 5 of this by-law stated that any investigation or legal proceeding commenced under or in respect of former City of Toronto By-law 51-71 and the former Municipality of Metropolitan Toronto policy prior to the in-force date of this by-law shall be taken up and continued in conformity with By-law 51-71 and the former Municipality of Metropolitan Toronto policy. Finally, Section 6 stated that this by-law comes into force on August 1, 2003, except that certain portions of the Fair Wage Schedule may come into force at a later date, as indicated in the Schedule.

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§ 67-1. Definitions.

For the purposes of this chapter, the following terms shall have the meanings indicated:

FAIR WAGE OFFICE - The office responsible for administering the provisions of this chapter.

MANAGER, FAIR WAGE OFFICE - The officer appointed, from time to time, to oversee the Fair Wage Office and to ensure compliance with this chapter.

§ 67-2. Appointment of Manager, Fair Wage Office; reporting.

- A. The person appointed Manager, Fair Wage Office for the City of Toronto, is deemed to be under the control of the Chief Procurement Officer for administrative purposes, including routine personnel matters such as provision of clerical services, attendance, vacation scheduling, sick pay authorization, increment recommendations, recording and control of budget allocation and petty cash authorization. **[Amended 2005-05-04 by By-law 338-2005; 2018-03-27 by By-law 284-2018; 2019-07-18 by By-law 1174-2019; amended 2020-10-02 by By-law 804-2020]**
- B. The Manager, Fair Wage Office, shall report directly to the General Government and Licensing Committee on matters arising from this chapter. **[Amended 2007-02-06 by By-law 37-2007; 2007-07-19 by By-law 780-2007; 2019-01-31 by By-law 255-2019²]**

§ 67-3. Duties of Manager, Fair Wage Office.

The duties of the Manager, Fair Wage Office, shall include:

- A. To collect and keep accurate information respecting:
 - (1) The rate of wages and fringe benefits from time to time paid to each worker and each classification of worker engaged in the performance of any City contract; and
 - (2) The number of hours per day worked by each such class or worker.
- B. To review and approve all necessary contractors and sub-contractors as part of the City's purchasing approval process: **[Amended 2007-10-23 by By-law 1140-2007]**
 - (1) For compliance with the Fair Wage Policy; and
 - (2) For compliance with Labour Trades Contractual Obligations in the Construction Industry.

² Editor's Note: By-law 255-2019 deleted references to "Government Management Committee" throughout this chapter and replaced them with "General Government and Licensing Committee". By-law 255-2019 is deemed to have come into effect on December 13, 2018.

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- C. To receive and investigate complaints:
- (1) On any matter or thing relating to the rate of wages, hours of labour per day or conveniences provided for workers;
 - (2) On alleged discriminatory practices in connection with the performance of any City contract; and
 - (3) On any other matter relating to the Fair Wage Policy and Labour Trades Contractual Obligations in the Construction Industry.
- D. Prepare schedules setting out:
- (1) the rates of wages which in his or her opinion should be paid to each classification of worker (including drivers of vehicles) engaged in the performance of City contracts.
 - (2) The number of hours which should constitute a day's work for each such class.
 - (3) For the purposes of preparing any such schedule, to confer with representatives of employers and labour, as necessary.
- E. To investigate and obtain full and accurate information:
- (1) On labour and conditions under which all City contracts are performed, including:
 - (a) The name of any contractor or sub-contractor whom he or she has found has failed to pay or cause to be paid to any worker wages according to the provisions of his or her contract with the City.
 - (b) The name and address of such worker, his or her occupation, the time he or she was employed, the amount of wages payable according to the terms of the contract, and the amount of wages actually paid to such worker.
- F. Inspection of books and records; reporting.
- (1) To investigate and inspect from time to time, as he or she may consider necessary, the books and records of contractors and sub-contractors employed or engaged in the performance of any City contract to ensure that each such contractor and sub-contractor is keeping proper books and records as required by the contract; and
 - (2) To request any information respecting wages of workers, names of workers, records of amounts paid to each, paysheets, original books, etc., in connection with a contract that has been substantially completed within the past six months,

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that may be desired by the Manager to fulfill the Manager's duties under § 67-3C and 67-3E; and **[Added 2007-10-23 by By-law 1140-2007³]**

- (3) To report in respect thereto to the General Government and Licensing Committee as may be necessary. **[Amended 2007-02-06 by By-law 37-2007; 2007-07-19 by By-law 780-2007]**
- G. Site inspections.
 - (1) To inspect and view from time to time the place or premises where any City contract is being executed to ensure that the contractor has posted and kept posted in a conspicuous place, open to the view of all workers, the schedule of rates of wages and hours of labour contained in the contract and a copy of the Fair Wage Policy.
 - (2) Site inspections may include interviews with workers to ensure work conditions are in compliance with the Fair Wage Policy and Labour Trades Contractual Obligations in the Construction Industry.
- H. To ensure that the City's contractual obligations in the construction industry, with respect to using certified labour trades, are being met.
- I. To ensure compliance with the conditions under the Fair Wage Policy and Labour Trades Contractual Obligations in the Construction Industry Document.
- J. To perform such other duties as may from time to time be assigned to him or her by the General Government and Licensing Committee or the City Council. **[Amended 2007-02-06 by By-law 37-2007; 2007-07-19 by By-law 780-2007]**
- K. To report annually to the General Government and Licensing Committee activities and any issues relating to the Fair Wage Policy and Labour Trades Contractual Obligations in the Construction Industry Document or recommended revisions that are deemed appropriate. **[Amended 2007-02-06 by By-law 37-2007; 2007-07-19 by By-law 780-2007]**
- L. To report to the General Government and Licensing Committee all issues respecting the disqualification provisions under the Fair Wage Policy. **[Amended 2007-02-06 by By-law 37-2007; 2007-07-19 by By-law 780-2007]**

§ 67-3.1. Delegation.

[Added 2013-10-11 by By-law 1287-2013]

- A. The Manager, Fair Wage Office, is delegated the authority to update the wage rates in Schedule C to Chapter 67, Fair Wage, every three years consistent with the construction industry prevailing market rates commencing in 2013 for new Tenders, Requests for

³ Editor's Note: This by-law also redesignated former § 67-3F(2) as § 67-3F(3).

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Quotations, Requests for Proposals, Purchase Orders and Divisional Purchase Orders issued by the City.

- B. No updated wage rate shall take effect until the enactment by Council of the necessary by-law to amend Schedule C to Chapter 67, Fair Wage.
- C. The City Solicitor may submit, for enactment by Council, amendments to Schedule C to Chapter 67, Fair Wage, to give effect to the updated wage rates as determined by the Manager, Fair Wage Office under the delegated authority in § 67-3.1.
- D. Subsequent to the 2013 update for the General Classification division of Schedule C to Chapter 67, Fair Wage, set out in section 4 and Appendix I of this by-law⁴, the Manager, Fair Wage Office, is delegated authority to update the wage rates for the General Classification division of Schedule C every three years to reflect current market wage rates prevailing in such industries for new Tenders, Requests for Quotations, Requests for Proposals, Purchase Orders and Divisional Purchase Orders issued by the City.
- E. 2013 shall be the base year and future updates to Schedule C shall go into effect on June 1 of the update year, with the first update year being 2016.
- F. The Manager, Fair Wage Office, shall file the updated wage rates for Schedule C to Chapter 67, Fair Wage, with the City Clerk no later than 60 days prior to the June 1 effective date.
- G. The City Clerk shall post on the City Clerk's website (under Public Notices) and the Manager, Fair Wage Office, shall post on the Fair Wage website notice of the updated wage rates for Schedule C to Chapter 67, Fair Wage, no later than 45 days prior to the updated wage rates coming into effect.
- H. The Manager, Fair Wage Office, shall also advise the Chief Procurement Officer of the updated wage rates for Schedule C immediately prior to the updated wage rates going into effect. **[Amended 2020-10-02 by By-law 804-2020]**

§ 67-4. Fair Wage Policy.

The City's Fair Wage Policy attached as Schedule A to this chapter, as adopted by City Council and amended from time to time, shall be used in the City's procurement documents where necessary.

§ 67-5. Labour Trades Contractual Obligations in the Construction Industry.

The City's Labour Trades Contractual Obligations in the Construction Industry attached as Schedule B to this chapter, as adopted by City Council and amended from time to time, shall be used in the City's procurement documents where necessary.

⁴ Editor's Note: By-law 1287-2013 enacted October 11, 2013.

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§ 67-6. Fair Wage Schedule.

[Amended 2013-10-11 by By-law 1287-2013]

The City's Fair Wage Schedule attached as Schedule C to this chapter, subject to the enactment of any necessary amending by-laws, may be amended from time to time under the authority delegated to the Manager, Fair Wage Office in § 67-3.1 of this chapter, and shall be used in the City's procurement documents where necessary, for the following classifications:

- A. General classifications.
- B. Heavy construction work.
- C. Industrial, commercial and institutional work.
- D. Road building work.
- E. Sewer and water main construction.
- F. Utility work.