

JURISDICTIONAL ASSIGNMENT PLAN

of the Alberta Construction Industry

SCOTT BOYD LABOUR RELATIONS CONSULTING
9667 Oakhill Drive SW Calgary, AB T2V 3W6
Phone: (403) 990-2558 (Calgary), Fax: (403) 238-7857
Email: dscottboyd@shaw.ca

FACSIMILE TRANSMISSION: 3 PAGES TOTAL

Date: January 20, 2005

From: Scott Boyd, Plan Administrator

To: Larry Matychuk, UA Local 488 @ (780) 452 - 1291
Darrell LaBoucan, Iron Workers @ (780) 482 - 0874
Harry Tostowaryk, Iron Workers @ (780) 743 - 2233
Brett Horan, Bantrel Constructors Co. @ (780) 410 - 5864

Gib Beatson FYI w/o

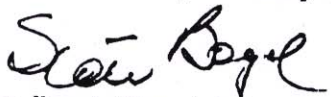
VIA FAX ONLY

Subject: APPLICATION FOR RECONSIDERATION OF UMPIRE'S DECISION.
This new file J.A. Plan # 0501/original file J.A Plan # 0408 UA, Local 488/IRON WORKERS, LOCAL 720/BANTREL CONSTRUCTORS CO.

REGARDING: SOLE PURPOSE PIPE SUPPORTS - DIESEL DESULPHURIZATION PROJECT AT PETRO CANADA REFINERY, EDMONTON

In accordance with the Plan Rules I am forwarding to you Umpire Beatson's decision in this matter.

Article IX, 4 (a) of the Plan Rules provides that a Participating Union or the Contractor may file an application for an appeal hearing on a Specific Work Assignment within five (5) working days of the date on which they receive the Umpire's ruling in respect to a request for reconsideration. Therefore the deadline for any submission in this regard will be Thursday January 27th at 5:00 p.m..



Scott Boyd, Plan Administrator

**JURISDICTIONAL ASSIGNMENT PLAN
of the
ALBERTA CONSTRUCTION INDUSTRY**

Office of the Umpire
302 - 3204 Rideau Place S.W.
Calgary, Ab. T2S 1Z2

January 20, 2005

United Association Plumbers & Pipefitters
Local Union #488
16214 - 118 Avenue, Edmonton, Ab.

International Association of Ironworkers
Local Union #720
10504 - 122 Street, Edmonton, Ab.

Attention. Larry Matychuk
Business Agent

Darrell LaBoucan, Business Manager
Harry Tostowaryk, Business Agent

**Sole Purpose Pipe Supports
Diesel Desulphurization Project
Petro Canada Refinery, Edmonton, Ab.**

J.A Plan Decision #0408, December 31, 2004

I have read the request for reconsideration submitted by the United Association dated January 7, 2005 and the rebuttal submitted by the Ironworkers dated January 11, 2005. I find insufficient grounds in the submissions to grant the request for reconsideration of my decision #0408 dated December 31, 2004. I have so informed the Alberta J.A. Plan Administrator.

In #0408, I said on page 7 that the Senio-Hickingbottom Agreement dated October 1, 1956 was still in force and local agreements are recognized in the J.A. Plan Procedural Rules as taking precedence if there is no applicable Decision of Record or Agreement of Record. That was the decision.

The Umpire's additional comments were provided gratuitously and appear to have caused considerable umbrage on the part of the United Association. That is unfortunate, because the real issue is not whether the Umpire has a full understanding of Provincial Statutes or whether for the purpose of making jurisdictional assignments an item must be identified by function/purpose rather than by material. The real issue is how many and which pieces of Alberta legislation must be taken into account by a Contractor making a jurisdictional assignment and who will determine if that legislation takes precedence over industry

2.

agreements and established trade practice. I cannot believe that the United Association is unaware of this.

I am heartened to learn that it is not the intent of the United Association to cause a Contractor undue hardship and cost by being investigated by bureaucracies. However some authority would have to select the applicable legislation as it would be a law matter, and then there would be the determination of precedence and finally enforcement of the law. This does not sound like the J.A. Plan to me. Quoting from the United Association application, 'The JAPlan is an available mechanism to deal with the issue and the United Association chose this avenue as its first recourse (emphasis added) as it is the most unobtrusive for the contractor.' One wonders what the second recourse might be.

The concept introduced by the United Association in J.A. Plan #0408 is troubling when one thinks of where it might lead. I suggest it is a matter not for the Plan Umpires, but for the Board of Trustees of the Plan.



G.R. Beatson Umpire
J.A. Plan, Alberta Construction Industry