

JURISDICTIONAL ASSIGNMENT PLAN
of the
ALBERTA CONSTRUCTION INDUSTRY

**RECONSIDERATION
of the
DECISION OF THE UMPIRE**

REVIEW OF CONTRACTOR'S WORK ASSIGNMENT

STENCILING OF TRAYS / EQUIPMENT
NOVA CHEMICALS JOFFRE PROJECT

CONTRACTOR. FLUOR CONSTRUCTORS CANADA LTD.

J.A.Plan #0007. June 7, 2000

Disputing Trades

International Brotherhood of Painters & Allied Trades, Local Union 177, Edmonton

International Brotherhood of Electrical Workers, Local Union 424, Edmonton

**Reconsideration of the Decision of the Umpire
Contractor's Work Assignment
Stenciling of Trays / Equipment
Nova Chemicals Joffre Project, Fluor Constructors Canada Ltd.**

Reconsideration Request

The request for reconsideration was brought by the International Brotherhood of Painters & Allied Trades, Local #177, in an application and letter dated December 10, 1999 addressed to the Jurisdictional Assignment Plan of the Alberta Construction Industry. An oral hearing was requested.

Authority

The authority of the Umpire to undertake this reconsideration is based on Article VII of the Procedural Rules of the J.A.Plan, and the request submitted by the Painters.

Fluor Constructors confirmed that the decision of the Umpire in J.A.Plan #9916 dated December 6, 1999, had been put into effect and remains in effect.

Nature of the Request for Reconsideration

The Painters do not agree with the Umpire's ruling, saying that he based his decision on representations by the Electrical Workers that are inaccurate and untrue. Specifically, the claim by the Electrical Workers that the Painters are not qualified to read electrical prints.

The Painters submitted with their application for reconsideration, a description of the blueprint and drawing reading courses which form part of their apprenticeship training program.

The Electrical Workers submitted no new evidence.

THE HEARING

The hearing was held on Wednesday June 7, 2000 in the Sarcee Room of the Calgary Construction Association.

Representing the Painters - John Tackaberry, Field Representative

Representing the Electrical Workers – George Chatschaturian, Asst. Business Manager

There was no representative present from Fluor Constructors Canada Ltd. The hearing commenced a little before 1:30 PM.

Painters Evidence

In their opening statement, the Painters advised that the evidence they submitted for the Review of Contractor's Work Assignment, J.A.Plan #9916, was to be made part of this reconsideration. That evidence showed that historically the work of the Painters covers all painting.

The basis for this reconsideration request was explained. Contrary to what the Electrical Workers claim, the Painters receive 117 hours of instruction with respect to blueprint reading and interpretation during their apprenticeship training. This training includes:

- Identifying different types of drawings and sketches.
- Reading and interpretation of blueprints and drawings
- Instruction and use of drawing instruments, drawing to scale, etc.

“The Painters were given the drawings to paint the entire plant and they could also have been given the drawings for stenciling.” At the very least, having been given the original assignment by the Contractor, there should be a composite crew of Electricians and Painters to do stenciling and signage.

Peel and stick work by others is not objected to, but when stenciling with a paint spray bomb is used, the Painters overall work rights are challenged.

Electrical Workers Evidence

In their opening statement, the Electrical Workers stated that they agreed with the Umpire's decision in J.A.Plan #9916, and wanted the evidence they submitted for that decision made part of this reconsideration.

Painting work and identification work are not the same. The trays are not being painted but identified. Trays can be complicated and numerous. There are communication trays, high voltage trays and others. They must not be mixed-up or the plant could be shut down. Electricians know the difference between the various trays.

A course outline of the Painter's apprenticeship program indicates that the student receives ten hours of drawings instruction in the third period. This covers architectural, structural, mechanical and electrical drawings - not enough time to know electrical work.

When Painters say all the painting work falls to their jurisdiction, we are not talking about the same thing. This is identification work, and the trade that does the installation should do the identification. Usually the tape and peel method is used for interior work but for exterior work, we must use a stencil and spray bomb.

The identification of cable trays has been awarded to the electrical Workers in this area for many years. This is the first time in twenty years that the Painters have claimed this work.

Painters Rebuttal

The electrical workers say that the trade doing the initial work should see the work through, but the Painters are never the initial trade. If this logic was followed, the Painters would never get any work. As far as safety is concerned, the majority of the painter's experience is gained on the job. The Painters have in the past identified equipment.

Summary

I have re-read the evidence submitted by the Painters and the Electrical Workers in J.A.Plan #9916. I have also considered the new evidence submitted at this hearing and agree that Painter apprentices receive some basic training in print reading.

The Painters are concerned that the historic position they enjoy within the building industry, ie. the right to do all painting work, is being eroded. In my opinion that historic position is not being challenged, and certainly not by the Electrical Workers who stated as much during the hearing.

It is also my opinion that identification work belongs to the trade that made the installation, not because it was the initial trade, but because the best knowledge of that work lies with them. I believe the Joint Board agrees, and it is for these reasons that I made my initial decision. The suggestion that the work be performed by a composite crew is just not feasible.

Decision

The Ruling of the Umpire dated December 6, 1999 remains in force. Costs of this reconsideration shall be borne by the Painters.

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

