

JURISDICTIONAL ASSIGNMENT PLAN
of the
ALBERTA CONSTRUCTION INDUSTRY

DECISION OF THE UMPIRE

REVIEW OF CONTRACTOR'S
INTENDED WORK ASSIGNMENT

PIPE AND VESSEL OR EQUIPMENT LAGGING / CLADDING

SUNCOR TAR ISLAND
SUNCOR MILENNIUM PROJECT

CONTRACTOR. TRACER CANADA INC.

J.A.Plan #0012. September 26, 2000

Disputing trades

Sheet Metal Workers' International Association, Local Union No.8, Edmonton.

International Association of Heat and Frost Insulators & Asbestos Workers, Local Union 110, Edmonton.

HEARING

A hearing on the Application to Review Tracer Canada's Intended Work Assignment of **Pipe and Vessel or Equipment Cladding / Lagging**, was held in Edmonton on Thursday September 21, 2000, commencing at 9:30 A.M.

For the Sheet Metal Workers International Association, Local Union #8

Mr. Gregory D. Reid – Business Manager / Financial Secretary-Treasurer

Mr. Gray Thompson – Organizer

Mr. Bert Ottenson – International Representative

For the International Association of Heat and Frost Insulators & Asbestos Workers, Local Union #110

Mr. Bill Spring – Business Manager

For Tracer Canada Inc.

Mr. Greg Andrews

The parties agreed that the hearing was properly constituted in accordance with the Rules of the J.A. Plan of the Alberta Construction Industry. No challenges were offered. The Umpire called the hearing to order.

Description of the Work

The description of the work was provided by Tracer Canada Inc. in a letter to the J.A. Plan Administrator dated September 6, 2000.

“Tracer is supplying and installing insulation and lagging / cladding on all heat traced and “insulate only”, piping and equipment or vessels (other than equipment that was insulated by equipment vendors).”

“The majority of our work is insulation and cladding of piping where the metal is .016 aluminum or .010 stainless, depending on the area of application. With the exception of four Coke Drums, metal cladding on equipment and vessel bodies is .016 aluminum or .010 stainless depending on the areas of application, and .020 on vessel heads and transitions. Metal on the body and cone of the four coke drums is .024 aluminum while the top head is .032 aluminum.”

“At present Tracer is approximately 70% complete with the installation of insulation and cladding on all equipment and vessels requiring metal over .016, and expect to complete the remaining by December, 2000.”

Mr. Greg Andrews of Tracer Canada Inc. attended the hearing, but had nothing further to add to the description of work provided in his letter of September 6, 2000.

Nature of the Protest

Assignment of the work in question to the International Association of Heat and Frost Insulators & Asbestos Workers (Insulators).

The Sheet Metal Workers International Association (Sheet Metal Workers) claims all corrugated sheeting in accordance with the Decision of Record dated May 26, 1923. The claim of the Sheet Metal Workers includes but is not limited to corrugated sheets on equipment, vessels, coke drums, tanks, etc. and all metal incidental to these installations.

Authority

The authority of the Umpire is based on the Jurisdictional Assignment Plan of the Alberta Construction Industry, the request and documentation submitted by the Sheet Metal Workers and the response submitted by the Insulators.

EVIDENCE

Sheet Metal Workers Written Submission

Exhibit 1.

This is a Decision of Record between the Iron Workers and the Sheet Metal Workers on the subject of corrugated sheeting, dated May 26, 1923.

“The erection of corrugated metal sheeting on steel frames construction when the sheets are simply end and side lapped is the work of the Iron Workers; the erection of all other corrugated metal sheeting of No.10 gauge or lighter is the work of the Sheet Metal Workers.”

For reference, the Sheet Metal Workers supplied the following No.10 gauge equivalents.

Galvanized	0.138 inches
Aluminum	0.102 inches
Stainless	0.140 inches

Exhibit 2.

Several manufacturers brochures showing pictures of various types of cladding, often called jacketing, in both corrugated and smooth profiles. The brochures show both piping and equipment cladding.

Exhibit 3.

Several dictionary definitions of the word “sheeting”. Either a noun or a verb, but the definition as a protective lining or covering is understood.

Exhibit 4.

A page from Employment and Immigration Canada's Occupational Analysis Series. The work assigned to the Sheet Metal Workers under Task 32 is circled.

“Prepares and applies metal lagging on vessels and piping found in industrial gas plants, thermal generating plants and other industrial plants.”

Exhibit 5.

A letter dated January 25, 2000 from Alberta Learning to the Sheet Metal Workers in Edmonton, confirming that cladding and lagging is a part of the sheet metal worker training. The letter goes on to say that many of the commonly performed activities such as laying out, cutting out and installation of items are common to the sheet metal and insulator trades.

This Exhibit concludes with a copy of the Alberta Sheet Metal Worker Trade Regulation which describes the training program for apprentices to the trade and the activities that are part of that trade.

Exhibit 6.

Two drawings showing in section and plan the application of insulation and aluminum covering to the roof of a tank.

Exhibit 7.

Twenty one assignments of cladding and insulation work on Alberta based projects assigned to the Sheet Metal Workers. The work for the most part took place during the 1980's - 90's.

Sheet Metal Workers Oral Submission

Greg Reid spoke for the Sheet Metal Workers. Reference was made to various parts of the written submission including the Sheet Metal Workers training, ability and availability to do the work in dispute.

The Decision of Record dated May 26, 1923 clearly assigns the work in dispute to the Sheet Metal Workers. "...the erection of all other corrugated metal sheeting of No.10 gauge or lighter is the work of the Sheet Metal Workers." There is no demarcation other than 10 Gauge. A Decision of Record takes precedence in the J.A.Plan Rules.

This concludes the evidence submitted by the Sheet Metal Workers.

Insulators Written and Oral Submission

Mr. Bill Spring spoke for the Insulators. He reviewed the letter addressed to the J.A. Plan Administrator dated September 14, 2000.

The Insulators point out various dates that have been referred to in error by the Sheet Metal Workers, and complain that this application for review of the assignment by Tracer Canada was not made until six months had passed and 70% of the work was complete.

The previous decision by Umpire Weir (J.A. Plan #0001) on this subject is referenced, and noted that the Umpire said that the work should be done by the Insulators.

The Insulators claim that much of the evidence submitted by the Sheet Metal Workers is irrelevant, and although it does show that the Sheet Metal Workers do some application of cladding over commercial / industrial insulation applications, the assignments are from current Sheet Metal Contractors who do very little of this work, or the assignments date from many years ago. Other weaknesses in the evidence submitted by the Sheet Metal Workers are suggested.

- Assignments in areas of practice outside of Alberta are not relevant.
- The small amounts of heavier gauge metal used in earlier years for this work is not pointed out in comparison to the lighter gauges which are mostly used today.
- Assignments of work for applying cladding over steel frames and buildings, or for applying cladding over boiler insulation are not part of the scope of work in this instance and therefore not relevant.
- Much of the documentation does not lend any weight to the question of whether the Insulator or the Sheet Metal Worker should be doing this work.
- Concerning the documentation describing the training in cladding given to apprentice Sheet Metal Workers, this training is very little compared to the training given to apprentices in the Insulator training program.

The Insulators point out why it would be inefficient to have a second trade do part of the insulation and cladding work when the two items of work are often done in conjunction. In reference to the Decision of Record dated May 26, 1923, the work described only applies to steel frame construction, and sheeting is done by many trades. Our work is insulation and cladding. A 50 / 50 division of the work between the two trades is not workable.

The Insulators have approximately 1,100 fully skilled tradesmen capable of doing the type of work involved in the Tracer Canada assignment. Local #110 of the Insulator Union has developed a work force of sufficient numbers to meet industry demand, something that the Sheet Metal Workers Union has not done.

This concludes the evidence submitted by the Insulators.

Sheet Metal Workers Rebuttal

Again Greg Reid spoke for the Sheet Metal Workers. The Decision of Record governs. If it was not for it the Ironworkers would have all the work. As materials change, work assignments change.

Governments say that the Sheet Metal Workers are qualified to do cladding and lagging. The Insulators have 100 sheet metal workers on permit and the Ironworkers have 30 sheet metal workers doing this work.

The Sheet Metal Workers waited to object to the assignment in this case because there were no rebuttal provisions in the previous J.A. Plan Rules.

FINDINGS

Let us first consider the Decision of Record dated May 26, 1923 between the Ironworkers and the Sheet Metal Workers. As a Decision of Record it is applicable to all trades. It deals with corrugated metal sheeting which by definition is a protective lining or covering. This definition could also describe cladding and lagging, and this is the point that the Sheet Metal Workers wish to make.

Sheeting however in building construction usually refers to the covering applied over framing, or the protective sheeting used during construction. The term is not applied to cladding or lagging work on piping, vessels or equipment. Nor is sheeting referred to in the manufacturers and suppliers brochures which formed a part of the evidence. This indicates that the term is not commonly used to describe the material illustrated in the brochures. In addition, there is no reference to this Decision as a basis for assignment in any of the projects submitted as evidence.

For the above reasons, I do not consider that the authors of the May 26, 1923 Decision intended to assign all cladding / lagging work to the Sheet Metal Workers. I do not consider the Decision applicable to this dispute.

I am persuaded however that the Sheet Metal Workers have the training and ability to undertake cladding / lagging work. The twenty plus assignments of cladding and insulation work submitted by the Sheet Metal Workers attest to this. However prevailing practice is in favour of the Insulators.

I am also persuaded that it would be inefficient to have a second trade doing part of the insulation and cladding work when these two items of work are done in conjunction.

In the absence of an applicable Decision or Agreement of Record, or Agreement between the disputing Unions, prevailing practice and efficiency must be considered the basis on which to assign this work.

Ruling.

Tracer Canada's assignment is upheld.

The Umpire's costs are to be paid by the Sheet Metal Workers.

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