

DECISION OF THE UMPIRE

PROTEST OF FINAL WORK ASSIGNMENT
DRYWALL & TAPING

NOVA - SCLAIR ADMINISTRATION BUILDING
JOFFRE SITE- ALBERTA

CONTRACT BIRD CONSTRUCTION COMPANY

Disputing Trades

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

United Brotherhood of Carpenters and Joiners of America, Local 2103 Calgary, and
Local 1325 Edmonton

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**Protest of Work Assignment - Drywall, & Taping
Nova Joffre - Sclair Administration Building**

Description of The Work

The description of the disputed work was provided by Bird Construction in a letter to the JAPlan Administrator dated September 28, 1998.

1. Drywall & Taping - This work is made-up of the application of ½ and 5/8 drywall jointed with normal tape and joint compound. The areas will receive either paint finish or vinyl wall covering (office area only).

Nature of the protest

The work assignment by Bird Construction of drywall & taping to the Carpenters Local 2105 and Labours Local 1111, joint crew June 25, 1998.

The above assignment is objected to by the Painters and Allied Trades Local Union 177.

The Painters request a decision from the Umpire regarding drywall and taping.

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 Painters and the response submitted by the Carpenters.

Painters Submission

The Painters did not further describe the nature of their protest. but went straight to evidence to make their case. Their protest also mentioned painting work, but as this work was clearly assigned to them in the mark-up, I believe it was included in error and therefore does not form part of this Consideration.

Carpenters Submission

The Carpenters position is that the Contractor made proper- assignments of the work

EVIDENCE

Painters Evidence

The Painters submitted several pages from the Jurisdictional Handbook containing Agreements and Memoranda of Understanding.

Pages 166 and 167 assigns ceiling system work between the carpenters the lathers. It says that "the installation of gypsum wallboard..... fastened directly to the ceiling joists shall be performed by carpenters", but it points out that this decision does not affect the jurisdiction or work assignment of any other trade.

Pages 168 and 169 describes a dispute between Painters and Plasters over pointing and taping of drywall surfaces. It says "All pointing and taping, regardless of materials used.

is painters work, provided the drywall surfaces are not to receive plaster, acoustical or imitation acoustical finishes. As in the previous decision, it points out that this decision does not affect the jurisdiction or work assignment of any other trade

Pages 152 and 153 assigns pointing and filling of wallboard to plasterers when plaster material is used and to painters when adhesive material is used.

Pages 182 and 183 describe two rulings of the Board concerning disputes between painters and carpenters on projects in Edmonton. In both cases the painting and taping work was assigned to painters, based on the Decision of Record dated May 19, 1947. Another decision by the Board concerning interior caulking work was in favour of the painters

Finally a Board decision in a dispute painters and plasters over painting, taping and texturing of drywall surfaces, repeats the decision reached on pages 168 and 169.

Carpenter Evidence

The carpenters also include in their evidence pages 152, 153, 159 and 169 (noted above), taken from the Jurisdictional Handbook-

Other Rulings

A 1995 decision by the Alberta Labour Relations Board on whether or not the Board will grant bargaining rights based on a trade union's geographic jurisdiction (Painters), when to do so would improve on pre-existing bargaining rights (Plasterers/Carpenters). The Board's view was that a limitation protecting the bargaining rights of Local 372 (Plasterers) and Local 1325 (Carpenters) should be applied.

Summary

For the most part the evidence presented deals with the pointing and taping of drywall surfaces. There was no evidence presented dealing with the handling or erection of drywall, except for the Jurisdiction Board decision in favour of the carpenters in a dispute with the plasterers and this decision does not affect the jurisdictional work assignment of the painters.

Concerning the pointing and taping of drywall, two important decision from the Jurisdictional Handbook assign the pointing and taping of the drywall surfaces to the

painters. These are Decisions of Record on Alberta projects involving the painters and Carpenters Unions, and therefore must be given weight.

The Alberta Labour Board decision deals with bargaining rights and the displacing of existing bargaining rights, but the conclusion is clear, the painters do not have the exclusive right to represent drywall tapers in Alberta.

Ruling

In view of the above, the handling and erection of drywall shall remain with the Carpenters and Labourers., joint crew. The pointing and taping of drywall surfaces shall be assigned to the Painters.

G.R. Beatson, Umpire
JAPlan/Alberta Construction Industry