



FACTS AT YOUR FINGER TIPS

“A Jurisdictional Dispute is not synonymous with a Grievance”

Jurisdictional disputes must therefore be resolved by an authority different than that recognized in the resolution of grievances.

Construction Labour Relations Association of B.C., together with the Building Trade Unions, formulated the "Jurisdictional Assignment Plan of the British Columbia Construction Industry" in 1978, after years of investigation, consultation, and negotiation. This Plan, based on the procedures and criteria used by the Impartial Jurisdictional Disputes Board in Washington, D.C., is unique in North America in that its purpose is both preventative and remedial. A ruling may be obtained from the Umpire of the Plan by either a contractor or a union prior to commencement of work, or a dispute which arises during the course of construction can be remedied by the Umpire.

As the Plan is recognized in our collective agreements, failure to comply with the decisions of the Umpire would constitute a violation of the collective agreement. The Umpire's decisions are subject to appeal through the "JAP Appeal Board", which is a locally appointed board comprised of six members plus two Chairmen appointed by CLR and the BCYT. Subsequently, jurisdictional disputes in British Columbia are speedily dealt with in an effective and consistent manner.

To properly utilize these jurisdictional dispute procedures, Construction Labour Relations Association of B.C. offers the following guidelines for the benefit of its contractor members.

Contractor's Responsibility

- (a) Notwithstanding a dispute occurring either before or after the commencement of the work, there should be no stoppage of work arising out of any jurisdictional dispute.
- (b) The contractor who is responsible for the performance and installation shall, **upon the request** of any local union, and without delay, make an intended assignment of the work.
- (c) If it is intended that the work for which an assignment is requested is to be subcontracted, then the union should be notified of such intention and the name of the subcontractor, if known.
- (d) Intended work assignments should be based on the following, which are compiled in the "Green Book" published by the Building and Construction Trades Department, AFL-CIO:
 - Decisions of Record
 - Agreements of Record
 - Other agreements (International or Local)and shall be made in accordance with the prevailing practice in the Province of British Columbia (defined in the Plan).
- (e) Should two or more unions claim jurisdiction over the work, the contractor may submit the assignment of such work to the Umpire for determination.

Contractors may request any union claiming specific work to submit arguments or facts supporting such claims. The contractor should make his intended assignment after careful examination of such submissions, and after consultation with any local association of contractors regarding the established practice.

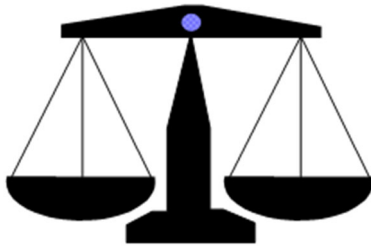
Recognizing that Construction Labour Relations Association of B.C. is a mixed trade association, representation before the Umpire on behalf of one contractor could be a disadvantage to another CLR contractor member. Accordingly, the Association will advise contractors on their rights and on the Plan procedures, but representations to the Umpire, when required, are the responsibility of the contractor.

The Umpire of the Jurisdictional Assignment Plan, upon reviewing the first ten years of operation, offered the following remarks.

"A Jurisdictional Dispute is not synonymous with a Grievance"

"The Plan has been through some difficult years, but it continues to enjoy the confidence of the majority of contractors and unions and it now has a record of significant achievement. That is why we see the Plan being examined by the industry in other regions with a view to its application to their jurisdictional problems.

"The Plan has made the correction of assignments much easier for unions and it has made the assignment of work much easier for contractors. In part that is due to the fact that decisions of the Umpire have removed so much of the uncertainty that used to permeate the assignment of work. But also, the consequence of union disagreement with an award is now a trip to the office of the Umpire, not the application of job site pressure. Jurisdictional work stoppages are just not the problem today that they once were.



"There is no Impartial Board now. It failed years ago. A new international plan for the settlement of jurisdictional disputes is now in place, but it seems to be handling almost no disputes at all. That is unfortunate, but it is of no great importance to contractors and unions in British Columbia. Union construction in this province has the Jurisdictional Assignment Plan. It is able to rely on the office of the Umpire, and now, the JAP Appeal Board. British Columbia has managed to establish its own authorities on craft union jurisdiction."

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