



**GOVERNMENT OF PRINCE EDWARD ISLAND
LABOUR RELATIONS BOARD**

M. Lynn Murray, B.B.A., LL.B.
Chairman

Roy J. Doucette
Chief Executive Officer

DEPARTMENT OF LABOUR
P.O. BOX 2000
CHARLOTTETOWN
PRINCE EDWARD ISLAND
C1A 7N8

RE: JURISDICTIONAL DISPUTE COMPLAINT

BETWEEN: SCHURMAN CONSTRUCTION, A DIVISION OF SCHURMAN ENTERPRISES LTD.

COMPLAINANT

AND: SHEET METAL WORKERS INTERNATIONAL ASSOCIATION LOCAL 437

RESPONDENT

AND: CONSTRUCTION ASSOCIATION OF P.E.I.; UNITED BROTHERHOOD OF CARPENTERS AND JOINERS, LOCAL 1338; CONSTRUCTION AND GENERAL LABOURERS UNION LOCAL1079A

INTERESTED PARTIES

INTERIM ORDER

1. A Jurisdictional Dispute Complaint was filed with the Board on September 15, 1989. The Complaint alleges that the installation of metal cladding, sheet metal siding, liner panel, Zgirt and insulation is in dispute between the Respondent Union (Sheetmetal Workers) on the one hand and the United Brotherhood of Carpenters and Joiners Local 1338, and the Construction and General Labourers Union, Local 1079A on the other hand.

2. The Complainant, Schurman Construction, alleges that a work stoppage was threatened. The Board is satisfied that a stoppage of work is likely to occur if this dispute is not resolved.

3. Section 37(4) of the Labour Act, R.S.P.E.I. 1974, Cap. L-1 states:

"If the board is satisfied that a stoppage of work is likely to occur as a result of a jurisdictional dispute, the board may issue an interim order directing the assignment of work to persons skilled in or belonging to a specific trade or craft or belonging to a specific trade union."

4. As the Board has satisfied itself that a work stoppage is likely to occur, the issue then becomes which union should be assigned the work in question.

5. The Complainant wishes the Board to order that the work be assigned to the Carpenters, Labourers and a working experienced installer of sheet metal on a one-one ratio. The Complainant bases its position and request on past practice; specifically, a prior contract involving the same subcontractor (Vic West Steel Inc.), and previous projects wherein the Complainant was the General Contractor..

6. The investigation by the Board has revealed that although there appear to be situations where composite crews were used to perform the work in dispute, there also are situations where the sheetmetal workers have been the sole installers of the sheet metal.

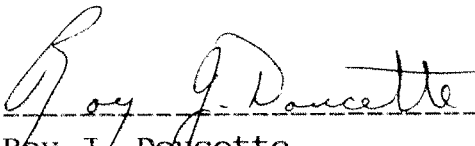
7. After receiving all documentation submitted, the nature of the work and the skills involved, the Board is unanimously of the opinion that the work in dispute is normally characterized as work done by Sheetmetal Workers, rather than a combination of Sheetmetal Workers, Labourers or Carpenters.

8. The Board therefore directs that the work involved in the installation of metal cladding, sheet metal siding, liner panel, Zgirt and insulation be assigned to the Sheet Metal Workers International Association, Local 437.

9. This Interim Order of the Board is made pursuant to Section 37 (4) of the Labour Act supra. Pursuant to Section 28 (2) of the Regulations, this Order is to be served on the Complainant, the Respondent and the Interested Parties.

10. Pursuant to Section 37 (5) of the Labour Act, and Section 28 (3) of the Regulations, an application may be made to the Board for review of this Interim Order.

THIS DECISION made by the Labour Relations Board and issued under the hand of its Chief Executive Officer this 20th day of September AD 1989.



Roy J. Doucette
Chief Executive Officer

PANEL: M. Lynn Murray, Chairman
Ted Crockett, Member
James McTague, Member