



BOILERMAKER CONTRACTORS' ASSOCIATION OF CANADA

August 2, 2019

VIA EMAIL

Mr. Rob Kappel
Assistant Business Manager
Boilermakers Lodge 359
5510 – 268th Street
Langley, BC V4W 3X4

Re: Article 26.00 Enabling Request

Thank you for your letter of July 31, 2019. In response to the second paragraph of your letter, the BCA disagrees with your assertion that the BCA's request does not apply under the enabling clause. Clearly what I have highlighted and underscored is contrary to your position.

ARTICLE 26 - ENABLING CLAUSE

26.01

Where a particular Article or Articles of this Collective Agreement is or are found to work a hardship for a particular project or specific geographical area, the terms and conditions of this agreement for that project or specific geographical area, may be modified by the mutual consent of the Union and the Boilermaker Contractors' Association of B.C. when they deem it prudent. It is understood and agreed that where mutual agreement for such change cannot be achieved, the request shall not be subject to either grievance or arbitration.

Your notice to bargain is not a valid notice to bargain, and the BCA does not accept it as such. The current collective agreement has a term of May 4, 2014 to April 30, 2020. Timelines for notice to bargain are set out in s. 46 of the *Code*:

- 46 (1) Either party to a collective agreement, whether entered into before or after the coming into force of this Code, may at any time within 4 months immediately preceding the expiry of the agreement, by written notice require the other party to commence collective bargaining.
- (2) A copy of the notice given under section 45 and the notice with the endorsement referred to in this section must be sent by registered mail to the associate chair of the Mediation Division within 3 days after notice is given under subsection (1) of this section.
- (3) The endorsement must state where, when and to whom the original notice was given.
- (4) If a notice is not given under subsection (1) by either party 90 days or more before the expiry of the agreement, both parties are deemed to have given notice under this section 90 days before the expiry.

The earliest date the Boilermakers may serve notice to bargain is therefore December 30, 2019. Your notice to bargain is approximately 5 months' premature.

The BCA of BC remains prepared to discuss the issues raised in its July 30, 2019, letter on mutually agreed upon dates.

We understand that prior to Local Lodge 359 issuing its "notice to bargain", CIMS Limited Partnership ("CIMS") served notice on Local Lodge 359 that CIMS will cease to be a member of the BCA on the earlier of April 30, 2020, or the date of valid notice to bargain. The BCA received and accepted similar notice, and all discussions must proceed on that basis.

Yours truly,

A handwritten signature in cursive script, appearing to read "M. S. Albright".

Marty Albright
Director of Labour Relations

cc: Sara Scott, Executive Director
BCA of BC Board of Directors
Jordan Streng, Business Manager/Secretary-Treasurer
Arnie Stadnick, International Vice President