

Geoff Higginson

From: Derrill Thompson <dthompson@labourlawyer.ca>
Sent: July-18-19 9:44 AM
To: Chris Mydske
Cc: Geoff Higginson
Subject: Re: Howe Sound Camp

Good morning Chris, I wrote to you on July 16th seeking your confirmation that CLR agreed the steps in the grievance process have been exhausted such that the matter can be referred to arbitration. Please advise.

Derrill Thompson -- Lawyer
Main Street Law Group
#501 - 2050 Scotia Street
Vancouver BC V5T 4T1

T: 604-626-1504 F: 604-648-8788

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Thank you.

Main Street Law Group

On Tue, Jul 16, 2019 at 4:22 PM Derrill Thompson <dthompson@labourlawyer.ca> wrote:

Thanks for the reply Chris. Given your denial of the grievance, can you please confirm that the grievance process has therefore been exhausted and the matter can thus be referred to arbitration.

Derrill Thompson,

On Tue, Jul 16, 2019 at 4:06 PM Chris Mydske <chrism@clra-bc.com> wrote:

Hi Derrill, we strongly disagree with your position on this matter. Please be advised that the grievance below is denied. Thanks.

Chris Mydske | Director, Labour Relations

Construction Labour Relations Association of BC

[97 Sixth Street, New Westminster, BC V3L 5H8](#)



BC CONSTRUCTION
EMPLOYERS
BUILDING
RELATIONSHIPS

D 604-636-4901 | **O** 604-524-4911

C 604-506-9676 | **F** 604-524-3925

E chrism@clra-bc.com | **W** www.clra-bc.com

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From: Derrill Thompson <dthompson@labourlawyer.ca>

Sent: July 16, 2019 11:02 AM

To: Chris Mydske <chrism@clra-bc.com>

Cc: Geoff Higginson <ghigginson@yahoo.com>

Subject: Howe Sound Camp

Good morning Mr. Mydske,

I am counsel to IUBAC Local 2 and have been instructed to write to you in follow-up to your email of July 11, 2019, in which you make the incorrect assertion that because Howe Sound Camp falls under Article 4.01 of the *BC Construction Camp Rules and Regulations* (the "Camp Rules") as a pre-existing camp, that somehow there is not a requirement for an inspection before every project.

Article 2.02 of the Camp Rules states, in part, that certificates of approval shall be issued for a camp for a particular project only. Article 4.01 states that there may be camps, "**which, if upon inspection, continue to meet the Council's generally accepted Camp standards...will continue to be used.**" There is no suggestion that these older camps are somehow exempt from inspections prior to each project, while newer camps require inspection prior to each project. Such a position, if that is truly CLR's position, is asinine and not supportable by the clear language of the Camp Rules.

Unless and until the Howe Sound Camp passes an inspection for this current project, as opposed to a project in 2018, then it cannot be considered a "camp accommodation" as set out in Article 12.202 of the Bricklayers Industrial Collective Agreement. It is my client's position that only when a Camp has passed inspection does an employer have the option of declaring the job a camp job, thereby allowing an employer to not pay LOA. Your suggestion that the right to refuse to stay in accommodations that do not meet the Camp Rules standards lies only with the employee is also misguided. Such an individual right exists only after an employer has met the pre-condition in Clause 12.202(a), namely passed an inspection prior to the job, ie if standards slip after an inspection.

Your suggestion that you will either file a grievance and/or a ULP against the Union if it discourages its employees from staying in camp, for what it's worth, is noted.

By way of this email, the Union is initiating a policy grievance against CIMS for its failure to provide LOA to all Union members currently working on the Howe Sound Project. As remedy, the Union demands LOA for all of its members working on this project, whether they stayed in camp or not. Parenthetically, as you have replied to the Union's initial email to CIMS, I assume providing you with this grievance rather than CIMS, is appropriate.

I look forward to your reply to this grievance.

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