

Labour Relations at work

APPLICATION PROTOCOL SPECIAL PROJECT ORDERS

Introduction

A **Special Project** is an undertaking of construction works designed to develop a natural resource or establish a primary industry that satisfies the legislative requirements of the *Labour Relations Act (Act)*.

A **Special Project Order (SPO)** is issued pursuant to section 70 of the *Act* and is intended to provide labour relations stability. It establishes a labour relations regime that is uniquely tailored to the specific requirements of the project. The collective agreement, which is in effect for the duration of the project, prohibits strikes and lockouts. The legislation can be found at <http://assembly.nl.ca/Legislation/sr/statutes/101.htm>.

Criteria

In order to qualify for a special project designation a construction project must meet the following criteria:

- 1) A construction of works that develops a natural resource or establishes a primary industry;
- 2) A construction period that exceeds two years; and
- 3) Includes all ancillary work, services and catering relating to the undertaking or project.

Or

- 1) A construction or fabrication of works that occurs at the Bull Arm site; and
- 2) Includes all ancillary work, services and catering.

Types of SPOs

An SPO can be prescribed based on geographic site or scope of work.

Applications for an SPO based on scope of work and/or which overlap with another SPO must demonstrate that appropriate safeguards exist to ensure labour relations stability under the proposed arrangement.

Bull Arm

The *Act* provides for alternate tenants at the Bull Arm site by permitting the issuance of multiple SPOs which overlap in time and/or geography. This allows multiple construction projects to operate side-by-side, and potentially share common services so as to fully utilize available infrastructure and construction sites.

Construction Labour Relations Association

In 1976, the Construction Labour Relations Association (CLRA) became the accredited bargaining agent for all unionized contractors operating in the industrial and commercial sector of the construction industry. In recognition of its history and knowledge of the construction industry within the province, SPO proponents are encouraged to engage the CLRA at an early stage in project planning to discuss opportunities for a meaningful role in the collective bargaining process. <http://www.clranl.com>.

Application Process

Preliminary Process

1. When an SPO is being contemplated, project proponents will contact the Chief Executive Officer of the Labour Relations Agency to provide information on: the project owner, employer, employers, employers' organization, union, trade unions or council of trade unions, project description (nature of the work, location, anticipated duration and proposed phases), type of SPO sought (geography/scope of work) and rationale for designation.
2. A preliminary meeting between the Labour Relations Agency and the proponents will be arranged to discuss the legislative requirements relating to the issuance of an SPO.

Formal Process

1. The parties to the collective agreement must submit a joint written request to the Minister responsible for the Labour Relations Agency seeking the issuance of an SPO. This request shall include:
 - a description of the project including location, anticipated duration and proposed phases;
 - contact information for the parties;
 - a copy of the signed collective agreement duly ratified by the parties;
 - a copy of relevant constitutions.
2. Upon review and subsequent approval, the Lieutenant-Governor in Council will authorize the introduction of SPO as a regulation to the *Act*.

Note: The process for review of an SPO application involves detailed consultation with numerous government departments and agencies. Therefore, it is recommended that the application be submitted well in advance of the anticipated start date for the project in order to ensure sufficient time for full consideration.

Considerations/Requirements

An SPO application will be reviewed in consideration of a number of factors, including, but not limited to, the following:

- whether the project meets the definition of special project;
- whether the constitution of the employers' organization and the council of trade unions are compliant with the *Act*;
- whether the collective agreement is ratified;
- for SPOs based on scope of work, the presence and adequacy of a dispute resolution mechanism which provides for final, binding and expeditious resolution of disputes relating to whether or not work falls within the SPO scope of work, without stoppage of work;
- where two or more SPOs overlap in geography and/or timing, the presence and adequacy of a dispute resolution mechanism providing for final binding and expeditious resolution of a disputes relating to which SPO applies, without stoppage of work;
- whether requirements arising from a benefits agreement or other relevant governing factors associated with the construction project are finalized.

Content of SPOs

The Lieutenant Governor in Council may and generally do prescribe the following in a SPO:

- geographic site or scope of work to which the declaration relates;
- that a geographic site or scope of work be excluded from a special project order;
- the employers, employers' organizations, trade unions and councils of trade unions that may be involved in collective bargaining relating to employment on the special project;
- bargaining unit for the purpose of the special project;
- that a collective agreement is the agreement for the purpose of the special project;
- conditions and qualifications with respect to the special project that the Lieutenant-Governor in Council considers necessary or desirable.

Current SPOs

[Vale Inco Long Harbour Processing Plant Special Project Order](#)

[Hebron Development Project Special Project Order](#)

[Lower Churchill Hydroelectric Generation Project Special Project Order](#)

[Lower Churchill Project Transmission Construction Special Project Order](#)

[Lower Churchill Reservoir Clearing Special Project Order](#)

[Maritime Link Transmission Construction Special Project Order](#)

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