

**BRITISH COLUMBIA LABOUR RELATIONS BOARD**

FORTISBC ENERGY INC.

(the "Employer")

-and-

CANADIAN OFFICE AND PROFESSIONAL EMPLOYEES  
UNION, LOCAL 378

("COPE")

-and-

LOCAL 213 OF THE INTERNATIONAL BROTHERHOOD  
OF ELECTRICAL WORKERS

("IBEW")

PANEL: Ken Saunders, Vice-Chair and Registrar

APPEARANCES: C.G. Harrison, for the Employer  
James L. Quail, for COPE  
John MacTavish, for IBEW

CASE NO.: 68424

DATE OF HEARING: May 4, 2015

DATE OF DECISION: May 5, 2015

**DECISION OF THE BOARD**

1           The Labour Relations Board, (the "Board") is concerned in this proceeding with a  
directive by the Minister of Labour, pursuant to Section 72 of the *Labour Relations Code*  
(the "Code"), to designate essential services.

2           The following designations are made pursuant to the Parties' agreement and are  
without prejudice or precedent to any future disputes involving any of the Parties:

1. The Board hereby designates the following facilities, productions and services as  
necessary or essential to prevent immediate and serious danger to the health,  
safety or welfare of the residents of British Columbia:

a. the continued safe supply of natural gas to the residents of British  
Columbia serviced or supplied by the Employer as provided under  
Schedule A and B, and including:

i. Emergency Response

To make safe any failures or damage to the natural gas system  
components to protect the public, emergency personnel, employees  
and the environment.

1. Emergent calls are for:

- a. gas leaks,
- b. fire, explosion and asphyxiation reports,
- c. restoration of service where loss of gas could be a  
hazard to health, safety, welfare or property of the  
occupant(s),
- d. damage to, or malfunctions of, any equipment which  
may pose a potential threat to the health, safety or  
welfare of the public, and
- e. any use of LNG equipment which may be required in  
the interests of the health, safety or welfare of the  
public and in accordance with the foregoing  
conditions.

ii. The maintenance or restoration of all facilities, productions,  
services and auxiliary departments for the continued operation of  
the natural gas system necessary to prevent immediate and serious  
danger to the health, safety or welfare of the residents of British  
Columbia.

2. To ensure that the facilities and services designated as necessary or essential are supplied, provided or maintained by the parties in full measure, the Board makes the following Orders:
  - a. The Employer shall utilize the services of its management and excluded personnel who are qualified to the best extent possible. Management and excluded personnel utilized to perform essential service work pursuant to this Order shall work a minimum of 60 hours total per week to the extent essential service work is available or unless otherwise agreed by the parties locally or otherwise ordered by the Board on application. Those management and excluded personnel qualified to perform work normally subject to call-out, shall be subject to call-out 24 hours a day, 7 days per week. The Employer shall, if requested by the Unions, record the daily number of hours and locations worked by each manager and excluded employee and forward a written record of the hours and locations worked to the Unions every 7 days.
  - b. Section 68 of the Code shall apply except where the Employer's management and excluded employees are performing essential work.
  - c. In addition to the requirements for service of strike notice under the Code, where any form of strike action may lead to the requirement that management or excluded personnel perform essential service duties, the striking union shall provide to the Employer 24 hours written notice of the particulars of that strike action including the location, date and time, duration and nature of the strike action and the numbers and classifications of employees within the striking union's bargaining unit whose performance of their duties may be affected.
  - d. The Employer shall schedule employees according to Schedules A and/or B subject to the right of either Union to give notice to take over the scheduling of its members in designated essential service positions.
    - i. Such notice shall be provided 48 hours in advance and shall specify the range of designated essential positions to be scheduled by that Union.
    - ii. The Union shall provide the schedule to the Employer at least 24 hours in advance of the employees' shifts.
    - iii. Where a shift is designated, that shift shall not be split between employees unless otherwise agreed to by the Parties.

- iv. Either Union may provide 48 hours' notice reverting responsibility to schedule to the Employer.
  - e. Members of the IBEW and/or COPE scheduled to work at a work operation within a struck or locked out location shall be the only members of their bargaining unit who will work at that work operation within the struck or locked out location.
  - f. The Employer shall direct those scheduled employees to perform the duties of their employment that it considers to be necessary or essential to comply with this Order.
  - g. Each Union shall instruct its members to perform the work as directed above.
  - h. Every employee shall perform the duties of his employment as directed above.
  - i. The schedules, directions and instructions above shall be governed by the terms and conditions of the applicable collective agreement last in force between the Employer and the Unions, except as altered by this Order.
  - j. Each employee scheduled to work regular hours shall also be subject to any standby or callout in accordance with the existing practice.
3. The Unions are ordered to provide unrestricted access and egress for those persons covered by this Order, and any other person or delivery required for the continued operation of the facilities and services designated by this Order.
4. The Unions may select one person to be present to observe the loading and unloading of any delivery vehicle randomly selected once per day at the loading/unloading point at any facility where deliveries are made. The observer shall not interfere with, or impede the loading or unloading process and shall not turn back any delivery. Observers may record these observations and if any activity contrary to this Order is observed, the Unions may apply to the Board for relief.
5. Employees will be available in the event of an emergency or disaster situation. In the event of a dispute between the Employer and the Unions as to whether an emergency or disaster situation exists, the employees will perform the work in question. If such dispute arises the Employer shall provide the Unions documentation and/or information in a reasonable period of time.

6. In the event of any disagreement between the parties regarding the interpretation or operation of any provision of this Order, any party may apply to the Registrar of the Board or his designate for final and binding expedited determination of the matters in dispute.
7. The Board retains the jurisdiction to monitor the operation of the facilities and services of the Employer during the dispute, and, on its own motion or application by any party, may make such change to this Order as may be necessary for the continued supply, provision or maintenance of the facilities, productions and services which are necessary or essential to prevent immediate or serious danger to the health, safety or welfare of the residents of British Columbia.

LABOUR RELATIONS BOARD

***“KEN SAUNDERS”***

KEN SAUNDERS  
VICE-CHAIR AND REGISTRAR

## Schedule A – COPE 378 Essential Staffing Levels

Department & Region	UNION	No. Required	Classification	Hours of Works
<b>Lower Mainland West - Zone 1</b>				
Burnaby	COPE	0	Dispatcher (emergency dispatch only)	Regular Hours
<b>Lower Mainland East - Zone 3</b>				
Surrey	COPE	0	Dispatcher (emergency dispatch only)	Regular Hours
<b>Northern Interior - Zone 4</b>				
Kamloops	COPE	0	Dispatcher (emergency dispatch only)	Regular Hours
Prince George	COPE	0	Dispatcher (emergency dispatch only)	Regular Hours
<b>Okanagan / Kootenay - Zone 5</b>				
Kelowna	COPE	0	Dispatcher (emergency dispatch only)	Regular Hours
Cranbrook	COPE	0	Dispatcher (emergency dispatch only)	Regular Hours
<b>Transmission</b>				
Lower Mainland - Pipeline Operations	COPE	4	Pipeline and ROW Inspectors	Regular Hours - emergent calls
Interior - Pipeline Operations	COPE	2	Pipeline and ROW Inspectors	Regular Hours - emergent calls
Gas Control (Surrey)	COPE	2	Gas Controller (Fully Qualified)	2 person per 12 hr shift dayshift, 1 at night, 24/7 coverage.
Gas Control (Surrey)	COPE	1	SCADA Support Technologist	Regular Hours - emergent calls
ICS & Data Acquisition (Lower Mainland)	COPE	1	Instrumentation & Communications Technologist	Regular Hours - emergent calls
Gas Lab	COPE	1	Laboratory Technologist	Regular Hours - emergent calls
<b>Operations Centre</b>				
Emergency Operations Centre	COPE	2*	Emergency Operations Representative (Fully Qualified)	*As per current schedule - full coverage 24/7
Underground location services	COPE	0	OSR3, OSR2, OSR W/L	Regular Hours
<b>Operations Engineering</b>				
Surrey / Kelowna	COPE	2	Integrity Analyst	As required to complete pig run in Interior / Coastal
Various Locations (per CP system failure)	COPE	As required	Corrosion Technologist	Available for call-out only

## Schedule B – IBEW 213 Essential Staffing Levels

The following schedule is without prejudice or precedent to any future dispute between the parties.

Department & Region	UNION	No. Required	Classification	Hours of Works
<b>Lower Mainland West - Zone 1</b>				
West Pod (Vancouver - Richmond - UBC)	IBEW	3	Construction Crew = (1) Crew Leader + (1) DM + (1) EO	Regular Hours - emergent calls / one crew on standby after hours per zone.
Central Pod (Vancouver - N / W Vancouver)	IBEW	3	Construction Crew = (1) Crew Leader + (1) DM + (1) EO	Regular Hours - emergent calls / one crew on standby after hours per zone.
East Pod (Burnaby - New West - Tri Cities)	IBEW	3	Construction Crew = (1) Crew Leader + (1) DM + (1) EO	Regular Hours - emergent calls / one crew on standby after hours per zone.
West Pod (Vancouver - Richmond - UBC)	IBEW	3	CST	(2) Regular Hours - emergent calls / after hours standby; (1) Standby only
Central Pod (Vancouver - N / W Vancouver)	IBEW	3	CST	(2) Regular Hours - emergent calls / after hours standby; (1) Standby only
East Pod (Burnaby - New West - Tri Cities)	IBEW	3	CST	(2) Regular Hours - emergent calls / after hours standby; (1) Standby only
Squamish / Whistler	IBEW	1	CST	Regular Hours - emergent calls / after hours
Lower Mainland West	IBEW	2	SOT (Choose based on skills)	(1) Regular Hours - emergent calls / after hours standby; (1) Standby only
<b>Lower Mainland East - Zone 3</b>				
West Pod (Delta - White Rock - Surrey)	IBEW	3	Construction Crew = (1) Crew Leader + (1) DM + (1) EO	Regular Hours - emergent calls / one crew on standby after hours per zone.
Central Pod (Maple Ridge - P. Meadows - Langley - Surrey)	IBEW	3	Construction Crew = (1) Crew Leader + (1) DM + (1) EO	Regular Hours - emergent calls / one crew on standby after hours per zone.
East Pod (Aldergrove to Hope inc M. Ridge - Mission)	IBEW	3	Construction Crew = (1) Crew Leader + (1) DM + (1) EO	Regular Hours - emergent calls / one crew on standby after hours per zone.
West Pod (Delta - White Rock - Surrey)	IBEW	3	CST	Regular Hours - emergent calls / after hours standby; (1) Standby only
Central Pod (Maple Ridge - P. Meadows - Langley - Surrey)	IBEW	2	CST	Regular Hours - emergent calls / after hours standby; (1) Standby only
East Pod (Aldergrove to Hope inc M. Ridge - Mission)	IBEW	2	CST	Regular Hours - emergent calls / after hours standby; (1) Standby only
Lower Mainland East	IBEW	2	SOT (Choose based on skills)	Regular Hours - emergent calls / after hours standby; (1) Standby only

Northern Interior - Zone 4				
Kamloops	IBEW	3	Construction Crew = (1) Crew Leader / Arc + (1) EO/DM + DM	Regular Hours - emergent calls / after hours standby; (1) Standby only
Prince George	IBEW	3	Construction Crew = (1) Crew Leader / Arc + (1) EO/DM + DM	Regular Hours - emergent calls / after hours standby; (1) Standby only
Salmon Arm	IBEW	2	Construction Crew = (3) CST, one must be qualified to operate a backhoe	Regular Hours - emergent calls / after hours standby; (1) Standby only
100 Mile House	IBEW	1	Construction Crew = (1) CST	Regular Hours - emergent calls / after hours
Merritt	IBEW	1	Construction Crew = (1) CST	Regular Hours - emergent calls / after hours
Fort Nelson	IBEW	1	Construction Crew = (1) CST	Regular Hours - emergent calls / after hours
Quesnel	IBEW	1	Construction Crew = (1) CST	Regular Hours - emergent calls / after hours
Williams Lake	IBEW	1	Construction Crew = (1) CST	Regular Hours - emergent calls / after hours

Kamloops	IBEW	2	CST	Regular Hours - emergent calls / after hours standby; (1) Standby only
Prince George	IBEW	2	CST	Regular Hours - emergent calls / after hours standby; (1) Standby only
Fort Nelson	IBEW	1	CST	Regular Hours - emergent calls / after hours standby
Chetwynd	IBEW	1	CST	Regular Hours - emergent calls / after hours
Mackenzie	IBEW	1	CST	Regular Hours - emergent calls / after hours
Quesnel	IBEW	1	CST	Regular Hours - emergent calls / after hours
Williams Lake	IBEW	1	CST	Regular Hours - emergent calls / after hours
100 Mile House	IBEW	1	CST	Regular Hours - emergent calls / after hours
Ashcroft / Clinton / Cache Creek	IBEW	1	CST	Regular Hours - emergent calls / after hours
Merritt	IBEW	1	CST	Regular Hours - emergent calls / after hours
Revelstoke	IBEW	1	CST	Regular Hours - emergent calls / after hours
Salmon Arm	IBEW	1	CST	Regular Hours - emergent calls / after hours

Kamloops	IBEW	1	SOT	Regular Hours - emergent calls / after hours
Prince George	IBEW	1	SOT	Regular Hours - emergent calls / after hours

Kamloops	IBEW	1	Operations Technician	Regular Hours - emergent calls / after hours
Prince George	IBEW	1	Operations Technician	Regular Hours - emergent calls / after hours

Prince George	IBEW	1	Measurement and Controls Technician	Regular Hours - emergent calls / after hours
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Okanagan / Kootenay - Zone 5				
Kelowna	IBEW	3	Construction Crew = (1) Crew Leader / Arc + (1) EO/DM + DM	Regular Hours - emergent calls / after hours standby
Vernon	IBEW	3	Construction Crew = (1) Crew Leader / Arc + (1) EO/DM + DM	Regular Hours - emergent calls / after hours standby
Trail	IBEW	3	Construction Crew = (1) Crew Leader / Arc + (1) EO/DM + DM	Regular Hours - emergent calls / after hours standby
Penticton	IBEW	3	Construction Crew = (1) Crew Leader / Arc + (1) EO/DM + DM	Regular Hours - emergent calls / after hours standby
Cranbrook / Kimberly	IBEW	3	Construction Crew = (1) Crew Leader / Arc + (1) DM with Mini + DM	Regular Hours - emergent calls / after hours standby

Kelowna	IBEW	2	CST	(1) Regular Hours - emergent calls / after hours standby; (1) Standby only
Vernon	IBEW	1	CST	Regular Hours - emergent calls / after hours
Penticton	IBEW	1	CST	Regular Hours - emergent calls / after hours
Osoyoos / Oliver	IBEW	1	CST	Regular Hours - emergent calls / after hours
Princeton	IBEW	1	CST	Regular Hours - emergent calls / after hours
Cranbrook / Kimberly	IBEW	1	CST	Regular Hours - emergent calls / after hours
Sparwood / Fernie / Elkford	IBEW	1	CST	Regular Hours - emergent calls / after hours
Trail / Castlegar	IBEW	1	CST	Regular Hours - emergent calls / after hours
Nelson	IBEW	1	CST	Regular Hours - emergent calls / after hours
Grand Forks	IBEW	1	CST	Regular Hours - emergent calls / after hours
Creston	IBEW	1	CST	Regular Hours - emergent calls / after hours

Kelowna	IBEW	2	SOT (Rotate through Okanagan)	Regular Hours - emergent calls / after hours (1) standby only
Trail	IBEW	1	SOT	Regular Hours - emergent calls / after hours
Cranbrook / Kimberly	IBEW	1	SOT	Regular Hours - emergent calls / after hours

Vancouver Island - Zone 6				
CRD / Victoria	IBEW	3	Construction Crew = (1) Crew Leader/DSA + (1) EO/DM + (1) DM	Regular Hours - emergent calls / after hours standby
Victoria (Dispatch)	IBEW	1	Dispatcher/OSR	Regular Hours - emergent calls / after hours
Nanaimo	IBEW	3	Construction Crew = (1) Crew Leader + (1) CST + (1) DM with Mini	Regular Hours - emergent calls / after hours standby
Nanaimo (Dispatch)	IBEW	1	Dispatcher/OSR	Regular Hours - emergent calls / after hours
Courtenay	IBEW	3	Construction Crew = (3) DSA / CST + Mini	Regular Hours - emergent calls / after hours
All Zone 6	IBEW	1	Welder	Regular Hours - emergent calls / after hours

CRD/Victoria	IBEW	3	CST or DSA (Based on skills)	(1) Regular Hours - emergent calls / after hours standby; (2) Standby only
Duncan & Area	IBEW	1	CST or DSA (Based on skills)	Regular Hours - emergent calls / after hours
Nanaimo (including Ladysmith - Parksville - Qualicum)	IBEW	2	CST or DSA (Based on skills)	Regular Hours - emergent calls / after hours standby; (1) Standby only
Port Alberni	IBEW	1	CST or DSA (Based on skills)	Regular Hours - emergent calls / after hours
Campbell River	IBEW	1	CST or DSA (Based on skills)	Regular Hours - emergent calls / after hours
Courtenay	IBEW	1	CST or DSA (Based on skills)	Regular Hours - emergent calls / after hours
Sechelt	IBEW	1	CST or DSA (Based on skills)	Regular Hours - emergent calls / after hours
Powell River	IBEW	1	CST or DSA (Based on skills)	Regular Hours - emergent calls / after hours

<b>Transmission</b>				
Lower Mainland - Pipeline Operations	IBEW	2	Pipeline Technician 1 or Pipeline Technician	Regular Hours - emergent calls / after hours
Interior - Pipeline Operations	IBEW	2	Pipeline Technician 1 or Pipeline Technician	Regular Hours - emergent calls / after hours
Interior - Pipeline Operations	IBEW	1	Pipeline Technician Equipment Operator	Regular Hours - emergent calls / after hours
Interior - Pipeline Operations	IBEW	1	Pipeline Technician Welder	Regular Hours - emergent calls / after hours
Vancouver Island - Pipeline Operations	IBEW	2	Sr. Pipeline Technician or Pipeline	Regular Hours - emergent calls / after hours
Vancouver Island - Measurement Operations	IBEW	3	MCT	(3) Regular Hours - emergent calls / after hours standby for north and south; (1) Standby Only* for central
LNG Plant - Tilbury Island	IBEW	2	Plant Operator (Fully Qualified)	2 persons per 12 hour dayshift, 1 person per 12 hour night shift, 24/7 coverage. During sendout and liquifaction, add 1 person per each 12 hour
LNG Plant - Mount Hayes	IBEW	1	Plant Operator (Fully Qualified)	1 person per 12 hr shift, 24/7 coverage, during sendout and liquefaction 2 persons per 12 hour shift
LNG Plant - Mount Hayes	IBEW	1	PMCT	Regular Hours - emergent calls / after hours
Compression - Interior	IBEW	4	Compression & Controls Technicians	Regular Hours - emergent calls / after hours standby; (1) Kingsvale, (1) Hedley, (1) Kitchener and (1) Warfield
Compression - Sunshine Coast	IBEW	1	Compression & Controls Technician	Regular Hours - emergent calls / after hours
Shops (Lower Mainland)	IBEW	2	Field Arc Welder (1) Metro & (1) Fraser	Standby Only
Shops (Lower Mainland)	IBEW	2	Shop Mechanic	Standby Only
Shops (Lower Mainland)	IBEW	1	CCST	Standby Only
Store/Supply Chain (Lower Mainland)	IBEW	1	Material Truck Driver	Standby Only
<b>Operations Engineering</b>				
	IBEW	6	Transmission Personnel (Coastal)	As required to complete pig run
	IBEW	6	Transmission Personnel (Interior)	As required to complete pig run
	IBEW	4	Transmission Personnel (Vancouver Island)	As required to complete pig run
<b>Facilities</b>				
Operations Centre (Surrey)	IBEW	1	Electrician	Standby and as required to complete monthly life safety system testing
Operations Centre (Surrey)	IBEW	1	Facilities Technician	Regular workday; weekend & evening callout coverage.