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[Table of Regulations](#)

[Main Site](#)

[How current is this regulation?](#)

NEWFOUNDLAND AND LABRADOR REGULATION 67/13

*Lower Churchill Hydroelectric Generation Project
Special Project Order
under the
Labour Relations Act
(O.C. 2013-189)*

(Filed June 17, 2013)

Under the authority of section 70 of the *Labour Relations Act*, the Lieutenant-Governor in Council makes the following Order.

Dated at St. Johns , June 17, 2013.

Robert Thompson
Clerk of the Executive Council

REGULATIONS

Analysis

- [1. Short title](#)
- [2. Definition](#)
- [3. Special project declared](#)
- [4. Scope of work and geographic site](#)
- [5. Exclusions](#)
- [6. Parties who may bargain collectively](#)
- [7. Collective agreement](#)
- [8. Single bargaining unit](#)
- [9. Dispute resolution](#)
- [10. Gender equity and diversity program](#)

[11. Hiring priority](#)

[12. Labour Relations Agency liaison](#)

[13. Duration of order](#)

Short title

1. This Order may be cited as the *Lower Churchill Hydroelectric Generation Project Special Project Order*.

[Back to Top](#)

Definition

2. In this Order

- (a) "agreement" means the collective agreement dated March 14, 2013 and entered into between the Muskrat Falls Employers' Association Inc. and the Resource Development Trades Council of Newfoundland and Labrador ; and
- (b) "memorandum of agreement" means the agreement entitled "Memorandum of Agreement to Resolve Disputes as to Overlaps of Scopes of Work in Collective Agreements Designated in Special Project Orders Enacted under Section 70 of the *Labour Relations Act* " dated April 15, 2013 and entered into between the following parties:
 - (i) the Muskrat Falls Employers' Association Inc.,
 - (ii) the Resource Development Trades Council of Newfoundland and Labrador ,
 - (iii) the Lower Churchill Transmission Construction Employers' Association Inc.,
 - (iv) the International Brotherhood of Electrical Workers, IBEW Local Union 1620,
 - (v) the Lower Churchill Reservoir Clearing Employers' Association Inc., and
 - (vi) the Labourers' International Union of North America and the Construction and General Labourers' Union, Rock and Tunnels Workers, Local 1208.

[Back to Top](#)

Special project declared

3. It is declared that the undertaking with respect to construction of hydroelectric generating installations and related facilities at Muskrat Falls , more particularly described in Schedule A of the agreement, is a special project.

[Back to Top](#)

Scope of work and geographic site

4. (1) The scope of work governed by this Order is described in Schedule A.2 of the agreement.

(2) The geographic site governed by this Order is delineated in Schedule A.1 of the agreement.

[Back to Top](#)

Exclusions

5. (1) The scope of construction work under this Order does not include the construction activities performed under the *Lower Churchill Project Transmission Construction Special Project Order* .

(2) The geographic site under this Order does not include the geographic site under the *Lower Churchill Project Transmission Construction Special Project Order* or the *Lower Churchill Reservoir Clearing Special Project Order* .

[Back to Top](#)

Parties who may bargain collectively

6. The parties that may be involved in collective bargaining in relation to employment on the special project are the Muskrat Falls Employers' Association Inc., as the employers' organization acting for and on behalf of all contractors and subcontractors carrying out work on the special project, and the Resource Development Trades Council of Newfoundland and Labrador, as the council of trade unions acting for and on behalf of all affiliated unions which represent employees employed on the special project.

[Back to Top](#)

Collective

agreement

7. The agreement is the collective agreement for the purpose of the special project.

[Back to Top](#)

Single bargaining unit

8. For the purposes of the special project, all employees employed on the special project under the agreement are considered to be members of a single bargaining unit.

[Back to Top](#)

Dispute resolution

9. The memorandum of agreement is the mechanism for resolving disputes regarding whether a specific geographic site or scope of work is governed by this Order, the *Lower Churchill Project Transmission Construction Special Project Order* or the *Lower Churchill Reservoir Clearing Special Project Order* .

[Back to Top](#)

Gender equity and diversity program

10. This Order acknowledges the commitment contained in Article 5.1 of the Lower Churchill Construction Projects Benefits Strategy with respect to the development and implementation of a Gender Equity and Diversity Program which includes a women's employment plan to satisfy the condition attached to the provincial release from environmental assessment referred to in paragraph 4(j) of the *Lower Churchill Hydroelectric Generation Project Undertaking Order* , Newfoundland and Labrador Regulations 18/12.

[Back to Top](#)

Hiring priority

11. This Order acknowledges that the commitments respecting hiring priority contained in the Lower Churchill Innu Impacts and Benefits Agreement and the Lower Churchill Construction Projects Benefits Strategy have application to the special project.

[Back to Top](#)

Labour Relations Agency liaison

12. This Order acknowledges the commitment of the parties to the agreement to liaise with a representative of the Labour Relations Agency to exchange information on labour relations matters relating to the special project.

[Back to Top](#)

Duration of order

13. This order remains in effect for the duration of the work, including mobilization and demobilization by the contractors, or as otherwise provided in the agreement.

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