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NEWFOUNDLAND AND LABRADOR REGULATION 69/13

*Lower Churchill Reservoir Clearing
Special Project Order
under the
Labour Relations Act
(O.C. 2013-190)*

(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

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Short title

1. This Order may be cited as the *Lower Churchill Reservoir Clearing Special Project Order* .

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Definition

2. In this Order

- (a) "agreement" means the collective agreement dated April 2, 2013 and entered into between the Lower Churchill Reservoir Clearing Employers' Association Inc. and the Labourers' International Union of North America and Construction and General Labourers' Union, Rock and Tunnel Workers Local 1208; 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.

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Special project declared

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

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Geographic site

4. The geographic site governed by this Order is delineated in Schedule A.1 and described in Schedule A.2 of the agreement.

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Exclusions

5. The geographic site under this Order does not include the geographic site under the *Lower Churchill Hydroelectric Generation Project Special Project Order* or the *Lower Churchill Project Transmission Construction Special Project Order*.

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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 Lower Churchill Reservoir Clearing 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 Labourers' International Union of North America and Construction and General Labourers' Union, Rock and Tunnel Workers Local 1208, as the union acting for and on behalf of employees employed on the special project.

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Collective agreement

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

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Dispute resolution

8. 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 Hydroelectric Generation Project Special Project Order* or the *Lower Churchill Project Transmission Construction Special Project Order*.

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Gender equity and diversity program

9. 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.

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Hiring priority

10. 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.

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Labour Relations Agency liaison

11. 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 project.

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Duration of order

12. 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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