

# A SUBCONTRACTOR'S GUIDE TO WORKING WITH BCIB ON COMMUNITY BENEFITS AGREEMENT PROJECTS

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Prepared by BC Infrastructure Benefits

### AN IMPORTANT NOTE ABOUT THIS GUIDE

Use this guide as a quick reference to support your understanding of how the CBA is being implemented by BC Infrastructure Benefits.

In case of a conflict between this document and any other document, always refer to the original source as the language in the original source document will prevail.

**This guide is provided to assist contractors in implementing their contracts with BCIB. This guide does not change such contracts in any way. Each contract in all circumstances is the exclusive document that sets out the parties' rights, responsibilities, obligations, and duties.**

**This guide is confidential information pursuant to the applicable contract. Any person using this guide expressly acknowledges the confidential nature of this guide and agrees to not disclose this guide, except in accordance with the applicable contract with BCIB.**

### DO YOU HAVE QUESTIONS ABOUT WORKING ON A CBA PROJECT?

#### GET IN TOUCH WITH US

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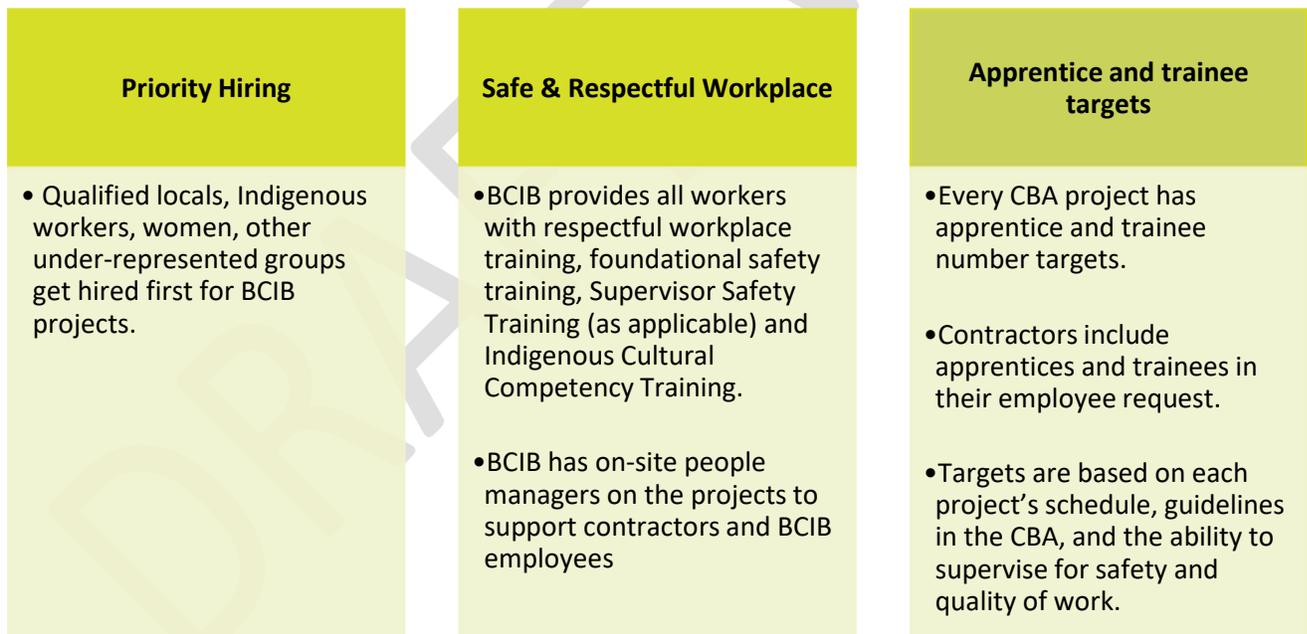
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## Introduction

- BC Infrastructure Benefits has created this guide to support subcontractors interested in working on public infrastructure projects under the Community Benefits Agreement (CBA).
- The CBA is a provincial initiative focused on mobilizing and growing a diverse, skilled trades workforce. BC Infrastructure Benefits (BCIB) is the Crown corporation responsible for implementing the CBA.
- This guide will walk subcontractors through the key language in the CBA to help them understand how the CBA works on jobsites.

## Key strategies of the CBA

The CBA includes three key strategies that BCIB applies to grow and diversify British Columbia's skilled construction trades.



## CBA overview for contractors and subcontractors

- Any contractor and subcontractor can bid and work on a CBA project. Project procurements are open to union and non-union builders.
- Contractors and subcontractors are not selected by BCIB. Procurement processes outline how project teams are developed and established.
- The Primary Contractor working on a CBA project will enter into a BCIB-Contractor Agreement (BCA) with BCIB. Subcontractors working on a CBA project will enter into a BCIB-Subcontractor Agreement (BSA) with BCIB. These agreements are legal contracts that outline how BCIB will work with the contractor and the subcontractor. The contract also includes the management rights and responsibilities delegated to the contractor and subcontractor.
- The workforce on CBA projects is employed and paid by BCIB. Wages are listed in the CBA, which is available on BCIB's website.
- BCIB manages employee payroll, onboarding, training and the relationship with the unions. BCIB is also responsible for management rights of hiring, discipline and termination.
- The contractor and subcontractor also have delegated management rights through the BCIB-Contractor Agreement and BCIB-Subcontractor Agreement to be able to direct, supervise and operate the workforce in the way required to complete the project.
- One way for a subcontractor to engage with their existing workers on CBA projects is to invite them to register for work at [www.bcib.ca](http://www.bcib.ca). Their employees will receive Priority Hiring with the CBA if they are local, Indigenous, women, or from another group that is underrepresented in the trades. Another way subcontractors can work with members of their existing crew is through the Name Hire process which is explained later in this document.
- BCIB worksites are unionized. Workers on CBA projects are required to join one of the 19 unions affiliated with the Allied Infrastructure and Related Construction Council (AIRCC) within 30 days of starting work. This includes craft supervisors. A list of the unions is available in Appendix A and at [www.bcib.ca](http://www.bcib.ca). The CBA supersedes any existing union agreement a company may already have in place.

## Current CBA projects

- Current projects to be delivered under the CBA, through BCIB, include:
  - Highway 1 Four-Laning Projects between Kamloops and the Alberta Border, including:
    - The Illecillewaet Project (near Revelstoke)
    - Kicking Horse Canyon Project Phase Four
    - Highway 1 - Chase Creek Road to Chase West
    - Highway 1 – Salmon Arm West 1st Avenue SW to 10th Avenue SW
  - The Pattullo Bridge Replacement Project
  - The Broadway Subway Project

## Working with BCIB on the jobsite

- BCIB will have a presence on the worksite with its people managers and will be available to support contractors and subcontractors in all components of working with BCIB, such as submitting a request for employees, handling hiring, discipline and termination, applying for permits and liaising with the unions on the project.
- BCIB's on-site people managers will also be supporting the workforce in answering questions around payroll and employment questions.

## Payroll and timesheets

- BCIB pays its employees every two weeks.
- Payroll is calculated on the basis of the timesheets filled out and submitted daily to BCIB by contractors and sub-contractors.
- BCIB sends contractors and subcontractors an invoice. The invoice is only to recover payroll costs. BCIB's operating costs are recovered from the project owner.

## Apprentices and trainees

- BCIB establishes apprenticeship and training targets for each project. Targets are primarily based on trade sections within the CBA but set by BCIB on a project-by-project basis.
- Contractors are required to submit employee requests with the appropriate allocation for trainees and apprentices.

## Wages on CBA projects

- Workers get, within trade and job classifications, transparent and reliable wages on CBA projects. Wages are listed in the CBA.
- Contractors and subcontractors with permits have to pay CBA wages and benefits.

## Where BCIB gets workers

- Workers on CBA projects come from three sources:
  1. A contractor or subcontractor's own workforce - these workers typically make up about half of the workforce.
  2. The 19 AIRCC unions with membership across BC<sup>1</sup>.
  3. BCIB's Outreach and Engagement - BCIB has an outreach team recruiting near the project site. We work with Indigenous communities, industry partners, training institutes, job fairs, social media and job centres locally and across the province.
- Anyone can apply for work on BCIB's website, [www.BCIB.ca](http://www.BCIB.ca)

## Worker supply forecasts

- BCIB has developed a comprehensive worker supply forecast model to plan for project skilled workforce requirements and enhance targeted recruitment efforts.
- BCIB receives updates on workforce availability from the 19 AIRCC unions and also from many other sources across the province.
- BCIB is working to access workforce databases in communities and regional districts, Indigenous communities, training institutions and other networks. With this information, BCIB is able to have a view of worker availability beyond the unions.

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<sup>1</sup> Please note some of the AIRCC members also have international affiliations

## Local workers

- Locals receive priority when being considered for work on CBA projects.
- The CBA defines a local as someone living within a 100 km radius of the project site.

## Local subcontractors on small jobs

- Local companies doing work with a labour component of less than \$35,000 can pick all their employees for their crew, so long as they are local.
- These individuals still become employees of BCIB and must join an affiliated union of the Allied Infrastructure and Related Construction Council (AIRCC), however it enables the contractor to work with its own crew and helps local companies get work on CBA projects.
- CBA Article 8.604 has more details.

## Permits

- In specific situations, permits allow companies and crews to work on a CBA project without entering into a BCIB Contractor Agreement or a BCIB Subcontractor Agreement.
- CBA Article 8.400, Permitting, has more information.

### **Important notes:**

- Permitted subcontractors are required to pay wages and benefits as per the CBA.
- The Council fee for each permit request is \$100 per day to a maximum of \$500. BCIB will invoice the contractor for the Council Fee and provide the payment to the AIRCC.
- Permits are only valid for the time agreed to when issued. Permits can be renewed if required.
- Indigenous subcontractors or individuals working under an agreement with the Province will receive a permit. A Council fee is not required for these permits.

## Accommodation

- Contractors and subcontractors pay for worker accommodation, where it applies. For example, a contractor would be directly and solely responsible for paying for a hotel room for a worker.

- BCIB pays Room and Board, or Living Out Allowance, to its employees who live more than 100 kilometres driving distance from project sites. Contractors and subcontractors are required to reimburse BCIB for these amounts.
- If no room and board is provided, the employee can choose either:
  1. A lump sum Living Out Allowance, or
  2. A single room plus meal allowance
- More details are available in the CBA Article 17 – Board and Lodging.

### Onboarding and orientation

- BCIB organizes a two-part onboarding and orientation for its employees.
- Onboarding and orientation will be scheduled when an employee is dispatched.
- Onboarding and orientation take place on the first day of employment at the beginning of an employee's shift.
- Onboarding and orientation will take about three hours total.

### Training

- All workers on BCIB projects, including supervisors, must complete:
  1. Comprehensive fundamental safety training before starting work (Roadbuilders Safety Training System (RSTS) or Construction Safety Training System (CSTS-09)
  2. Indigenous Cultural Competency Training
  3. Gender and equity training – Be More Than a Bystander
  4. Respectful workplace (bullying and harassment) training
  5. In addition, all BCIB workforce Supervisors must complete a two-day Supervisor Training course, coordinated through BCIB
- BCIB will work with the contractor and subcontractors to set a mutually agreeable training schedule approximately 14 days in advance of the first training.
- Contractors and subcontractors can provide additional training above and beyond what is delivered by BCIB.
- Returning workers, or workers employed previously on another BCIB project, do not need to repeat the BCIB training listed above.

## TOTAL HOURS FOR TRAINING, BCIB ONBOARDING AND ORIENTATION

Contractors and subcontractors can expect BCIB orientation, onboarding and training to take between 10-12 hours for workers to complete in total. The training hours will be scheduled with the contractors and subcontractors and is intended to be in the first few weeks of a worker's time on the job. The contractor and subcontractors are responsible for paying for the hourly wages during the training for employees assigned to them.

## Union membership

- BCIB's worksites are unionized. Workers are required to join one of the 19 affiliated unions within 30 days of starting work on a CBA project. This includes supervisors.
- A list of the unions is available at [www.bcib.ca](http://www.bcib.ca). The CBA supersedes any existing union agreement a company may already have in place.
- Article 5 of the CBA prevents unions from using a BCIB employee's union membership on a CBA project as part of a future application for certification under the Labour Relations Code.

## BCIB worksites and safety

- On a CBA project employee safety is a shared responsibility between BCIB, contractors, and subcontractors. The Prime Contractor is responsible for the safety systems and the coordination of safety on the project site.
- BCIB has a responsibility to ensure that adequate safety systems are in place on the worksite. BCIB will ensure those safety systems are updated and maintained at all times that BCIB Employees are on the site.
- BCIB creates Health and Safety Programs for each project. These set minimum standards for project safety systems. The Prime Contractor's health and safety program is reviewed in advance of the deployment of workers to ensure that the required safety standards are in place. Throughout the life of the project BCIB conducts periodic safety system assessments to ensure that safety standards are maintained.
- BCIB staff will be on the worksite to support our employees resolve any safety concerns. We will also support the needs of contractors. As a unionized worksite, BCIB's on-site staff will also benefit from support from the 19 affiliated unions.
- The contractor maintains responsibility for Workers Compensation Board claims for the BCIB employees deployed to them. That means contractors keep their experience rating and continue to report payroll, including payroll amounts for the BCIB employees deployed to them. Contractors remit assessed premiums directly to WorkSafeBC.

## COVID-19

- Both BCIB and the Prime Contractor are currently required to have COVID-19 Exposure Control Plans. The BCIB safety system assessment process includes the review of these additional safety measures.
- BCIB expects the Prime Contractor to consult advice from the BC Centre for Disease Control, World Health Organization, CDC Canada, WorkSafeBC and others.
- BCIB expects the Prime Contractor to have developed processes and procedures to minimize and mitigate safety concerns. BCIB will perform safety system assessments to ensure that the plan is being carried out and that measures put in place reflect timely and reliable advice from accepted sources.
- The CBA states that contractors are responsible for supplying personal protective equipment (PPE) to CBA employees. To the extent masks, face shields or other protective equipment is required, it is the responsibility of the Contractor to ensure that such measures are in place on the job site.

## How hiring works

### Employee requests and dispatch

- Contractors and subcontractors complete the Contractor Employee Request form.
- Include specific requirements/certifications/skills for the requested position(s) to be filled. Be as specific as possible when making an Employee request.
- Include apprentices and trainees in the request. Consult the CBA Trade Sections for ratio guidelines.

#### **Important note:**

- BCIB will not assign any employees who are not qualified for the job.

### Employee request timeline

#### **30 days before dispatch**

- The subcontractor is required to formally request employees using the Contractor Employee Request form 30 days before dispatch is requested.

#### **21 days before dispatch**

- 21 days out, BCIB will know if there will be workforce recruitment challenges.

21 days is enough time for BCIB to broaden its recruitment and go outside the region, or province, if need be.

- By 21 days out, if BCIB requests support from subcontractors in seeking craft workers, subcontractors can provide names to BCIB and BCIB will provide these individuals as Name Hires.

### Short notice Employee requests

- BCIB will deploy employees with a minimum of 72 hours of notice.
- The 30 days process described above is intended to get ahead of short notice workforce needs, while recognizing they are sometimes necessary. This process creates greater certainty around the workforce supply for BCIB and for subcontractors.

### The hiring process

- The process for selecting and dispatching Employees is described in CBA Article 8.600.
- Step 1: The contractor's/subcontractor's supervisors or non-working forepersons are hired by BCIB.
- Step 2: The contractor/subcontractor names members of its regular crew. They are hired by BCIB. This number of Name Hires depends on the size of the crew and the number of trades.
- Step 3: The next employee is dispatched from the AIRCC unions.
- Step 4: The contractor/subcontractor requests a worker by name from the AIRCC union lists. They are hired by BCIB.
- Step 5: The contractor/subcontractor names a member of its regular crew. They are hired by BCIB and provided to the contractor/subcontractor.
- Step 6: Hiring steps three through five repeat. Employees are added one at a time from a dispatch by BCIB/AIRCC, a name request from the AIRCC lists, and a name hire from the contractor/subcontractor's regular crew. These steps repeat until the crew numbers are met.
- Step 7: When additional employees are required, the hiring cycle continues **from the last hiring turn** (Dispatch, Name Request, or Name Hire). The BCIB On-Site Representative will keep track of the hiring turns.

## HIRING AND DISPATCH COMMON TERMS

**Employee:** A member of the project workforce, hired and employed by BCIB. Must apply to join the applicable affiliated union within 30 days.

**Supervisor:** Craft worker up to non-working foreperson who has supervisory duties. Supervisors are BCIB employees and become union members.

**Name Hire:** Contractor's or subcontractor's choice.

**Name Request:** Someone the contractor or subcontractor requests who is a member of an AIRCC union.

**Dispatch:** An employee from BCIB and/or the AIRCC's database.

## Priority Hiring

- The CBA gives hiring priority to people underrepresented in British Columbia's construction industry.
- Priority Hiring applies to, but isn't limited to, local, Indigenous peoples, women, people with disabilities and other underrepresented groups in the trades.
- Priority Hiring is applied to a portion of an Employee Request by BCIB and the AIRCC.
- Priority Hiring is applied to a portion of an Employee Request by BCIB and the AIRCC. Priority Hiring also applies to any apprentices and trainees requested by the contractor or subcontractor.
- Priority Hiring does not apply to a contractor or subcontractor's Name Hires. It does apply to employees who come from BCIB or the AIRCC unions.

### Important note:

- Priority hires must be qualified for the role they are hired for.

## Rehiring employees

- Recall rights apply to workers laid off from BCIB in the last year. Notwithstanding hiring process and hiring priorities, any employee laid off in the last year may be rehired.
- Subcontractors can indicate a rehired employee on their Contractor Employee Request form.

**EXAMPLE: CONTRACTOR AND SUBCONTRACTOR REQUIRING 10 EMPLOYEES (CBA ARTICLE 8.601A)**

1. Name Hire all supervisors up to and including non-working forepersons
2. Name hire any four employees (employees one through four)
3. Six remaining employees hired using the repeating process:  
Dispatch, Name Request, Name Hire:

Dispatch	Name Request	Name Hire
		Employee 1
		Employee 2
		Employee 3
		Employee 4
Employee 5	Employee 6	Employee 7
Employee 8	Employee 9	Employee 10

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## Appendix A – AIRCC affiliated unions

The AIRCC represents the following affiliated unions. BCIB works directly with the unions.

1. British Columbia Regional Council of Carpenters
2. Construction Maintenance and Allied Workers Council
3. International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers Local Union 97
4. International Association of Heat & Frost Insulators & Asbestos Workers Local Union 118
5. International Association of Sheet Metal, Air, Rail and Transportation Workers Local Union 280, Local Union 276
6. International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers Lodge 359
7. International Brotherhood of Electrical Workers Local Union 213, Local Union 993, Local Union 1003, Local Union 230
8. International Brotherhood of Teamsters Local Union 213
9. International Union of Bricklayers & Allied Craftworkers Local Union 2
10. International Union of Operating Engineers Local Union 115
11. International Union of Painters and Allied Trades District Council 38 Painters 138, Glaziers 1527, Drywall Finishers 2009
12. Labourers International Union of North America Construction and Specialized Workers Union Local 1611
13. Move Up – A Movement of United Professionals Local 378
14. Operative Plasterers' and Cement Masons' International Association of the United States and Canada Local Union 919
15. United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada Local Union 170, Local Union 516, Local 324
16. United Brotherhood of Carpenters and Joiners of America Floorlayers Local Union 1541
17. United Brotherhood of Carpenters and Joiners of America Millwrights, Machine Erectors and Maintenance 2736
18. United Brotherhood of Carpenters and Joiners of America Piledrivers Local Union 2404
19. UNITE-HERE Local 40

## Appendix B - contractor resources

Link to BCIB's Contractor Information Pages

[www.bcib.ca/contractors](http://www.bcib.ca/contractors)

Link to the Community Benefits Agreement

<https://www.bcib.ca/home-2/contractors/contractor-resources/>

Link to BCIB's Contractor and Subcontractor Q&A document

[https://www.bcib.ca/wp-content/uploads/2020/02/BCIB\\_QandA.pdf](https://www.bcib.ca/wp-content/uploads/2020/02/BCIB_QandA.pdf)

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