

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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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.

Priority Hiring	Safe & Respectful Workplace	Apprentice and trainee targets
<ul style="list-style-type: none">• Qualified locals, Indigenous workers, women, other under-represented groups get hired first for BCIB projects.	<ul style="list-style-type: none">• BCIB provides all workforce Employees with respectful workplace training, foundational safety training, Supervisor Safety Training (as applicable) and Indigenous Cultural Competency Training.• BCIB has Site Representatives on the projects to support contractors and BCIB employees.	<ul style="list-style-type: none">• Every CBA project has apprentice and trainee number targets.• Contractors include apprentices and trainees in their employee request.• Targets are based on each project's schedule, guidelines in the CBA, and the ability to supervise for safety and quality of work.

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 companies.
- 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. 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. 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 Site Representatives 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 Site Representatives will also be supporting the workforce in answering questions around payroll and employment questions.

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.

CBA project wage tables	
Project	Wage table
Pattullo Bridge Replacement Project	Consult the wage tables identified within the project specific appendix, established under CBA Erratum #3.
Broadway Subway Project	Consult the wage tables identified within the project specific appendix, established under CBA Erratum #3.
Kicking Horse Canyon Phase 4	Consult with proponent teams for wage tables specific to this project .
Highway 1 projects (other than KHCP4)	Consult the Interior Road Build Addendum in the CBA and Erratum #2 for updated trade section wage scales.

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.

Employee invoices

- The following table provides a breakdown of the CBA employee invoice.

CBA employee invoice breakdown	
Cost	Description
Employee earnings	Wages as per the CBA (regular earnings & overtime)
Other earnings	Travel expenses, Living Out Allowances and premiums
Vacation pay	8% or 10% of earnings, as per the CBA
Benefits	Pension, Health & Welfare, other
Employer taxes	CPP, EI, EHT (Employer Health Tax: 1.95%)
CBA funds	Per section 13.200 of the CBA

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 that include the appropriate allocation for trainees and apprentices.

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 BC¹.
 3. BCIB's Outreach and Engagement - BCIB has an outreach team recruiting near the project sites. 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

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.

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.

¹ Please note some of the AIRCC members also have international affiliations

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 total. 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 employee supervisors, must complete:
 1. Comprehensive fundamental safety training before starting work. BCIB accepts BCCSA's SiteReadyBC, Roadbuilders Safety Training System (RSTS), or Construction Safety Training System (CSTS-09). BCIB provides licences to employees who do not yet have one of these required training courses.
 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. 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

Overview

- Both the client firms (prime and/or subcontractors) and the labour supply firm (BCIB) have health and safety obligations with respect to supplied employees. In general, BCIB has the responsibility to ensure that an employee is qualified for what they are being dispatched. BCIB will ensure each employee has completed an approved foundational safety training course, and, as applicable, an approved supervisor safety training course.
- The client firms are responsible for the site-specific safety matters including supervision, site, and task specific training. The client firm must ensure the health and safety of the supplied employees to the same extent that is required of its own workers.
- BCIB's Health and Safety Policy and Program and accompanying guidance documentation have been created to assist the client firm's understanding of their roles and where responsibilities are shared between BCIB and the respective contractor. How BCIB is to be integrated into the client firm's health and safety program is detailed within those documents.

Safety System Assessments

- The Safety System Assessment (SSA) is the systematic mechanism through which BCIB will maintain ongoing oversight of the health and safety of BCIB employees working on construction projects under the Community Benefits Agreement (CBA).
- The implementation of the Project Prime Contractors' and Subcontractors' specific safety management systems (SMS), policies, practices, procedures will be accomplished via project site visits/inspections, documentation review and BCIB employee interviews.

Incident reporting and investigations

- It is BCIB's expectation that all safety incidents will be reported to the Prime Contractor in a timely manner. BCIB will work with the Prime Contractor to develop a mutually acceptable incident communication protocol.
- BCIB may choose to collaborate in a joint investigation or initiate an independent investigation depending on the nature of the incident.
- BCIB will lead the investigation with respect to reports of discrimination, bullying and harassment, whistleblowing and drug or alcohol impairment matters.

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

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

Link to the Community Benefits Agreement
<https://www.bcib.ca/home-2/resources/>

Link to BCIB's Contractor and Subcontractor Q&A document
<https://www.bcib.ca/wp-content/uploads/2020/06/BCIB-Contractor-QAA-June-8-2020.pdf>