

CASE NO.

VOL. NO.

Cite as: International Brotherhood of Teamsters, Chauffeurs,
Warehousemen & Helpers, Local 927 v. International Union of Operating Engineers,
Local 721, 2000 NSSC 81

BETWEEN:

**INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN &
HELPERS, LOCAL 927**

Applicant

-and-

**INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 721, LABOURERS
INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 615 and BFC MARINE**

Respondents

Justice Robert W. Wright

Halifax, Nova Scotia

File No. S.H. No. 157617

LIBRARY HEADING

HEARD: Before the Honourable Justice Robert W. Wright in Halifax, Nova Scotia
on March 23, 2000.

**WRITTEN
RELEASE OF**

DECISION: July 28, 2000

SUBJECT: Judicial review of a decision of the Construction Industry Panel of the
Nova Scotia Labour Relations Board resolving a jurisdictional dispute between the
applicant and respondent unions.

SUMMARY: A jurisdictional dispute arose between the Engineers' and Labourers'
unions, on the one hand, and the Teamsters' union on the other, over the driving of
trucks in connection with the gas pipeline construction between Goldboro, Nova Scotia

and the Canada-US border. The Teamsters claimed the work on the basis of a National Collective Agreement with the Pipeline Contractors' Association pertaining to the pipeline industry of which the employer BFC Marine was a member. The Engineers' and Labourers' unions claimed the work on the basis of a well-established past practice in the Nova Scotia construction industry whereby the driving of trucks on construction projects had historically been assigned to them.

After weighing all the relevant factors identified in its earlier decision in *Smithers Concrete* and *Atlantic Concrete* (1973), and applied consistently ever since, the Construction Industry Panel assigned the work in dispute in favour of the Engineers' and Labourers' unions. Although the Teamsters accepted the Panel's findings of fact, it challenged the decision of the Panel as being patently unreasonable in light of the legislative framework under the Nova Scotia Trade Union Act.

RESULT: Held, the Panel's decision was not patently unreasonable in any respect. It has the clear legislative authority to resolve jurisdictional disputes in the construction industry when the threat of a work stoppage exists. The Panel exercised its authority here in a manner that was consistent with its earlier jurisprudence and that was not inconsistent with the provisions of the *Trade Union Act*. The application for judicial review was accordingly dismissed with costs.

**THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THE COVER SHEET.**