

5.00 Accommodation Policy When Transferring TFWs

1.0 PURPOSE

- 1.1 To establish the principle that an entitled Temporary Foreign Worker (“TFW”) is provided appropriate accommodations or accommodation allowance when being transferred from one employer stakeholder in ACTIMS to another (on the same ACTIMS owner site or to another ACTIMS owner site):
 - 1.1.1 To establish a standard practice, under the ACTIMS umbrella that will ensure that all entitled TFWs who experience periods of unemployment when waiting to be transferred will be provided the same accommodation or accommodation allowance that the TFW would have received had the TFW continued to be employed.

2.0 DEFINITIONS

- 2.1 ACTIMS: The Alberta Council of Turnaround Industry Maintenance Stakeholders.
- 2.2 Participating Owner Projects: Applies to major turnaround work at the Shell Scotford/Albian, Suncor and Syncrude projects.
- 2.3 Participating Employer: A contractor who employs TFWs and is a member of the ACTIMS GoE and participates in major turnaround work at the Shell Scotford/Albian, Suncor and Syncrude projects.
- 2.4 Group of Employers (“GoE”): Contractors who are members of ACTIMS and have been approved and recognized as a ‘Group’ by the federal government under the ACTIMS “Human Resources Plan”.
- 2.5 Transfer: When TFWs are laid off from one participating employer under ACTIMS and are moved to another participating employer.
- 2.6 ACTIMS Administrator: The individual responsible for managing the day-to-day affairs of the ACTIMS organization and is recognized as such by the federal government under the ACTIMS “Human Resources Plan”.



3.0 RESPONSIBILITIES

- 3.1** The ACTIMS Administrator is responsible to ensure that this policy is administered fairly and equitably.
- 3.2** The ACTIMS Administrator is responsible to ensure that there is close and ongoing interaction with the respective Building Trades local unions, applicable contractors and owners to ensure that all parties are aware of the TFW layoff or transfer.
- 3.3** The participating contractor, once instructed by the owner or his authorized designate to reduce the workforce must ensure that the applicable union and the ACTIMS Administrator are provided adequate written notice, a minimum of three (3) working days, of a TFW who is to be laid off.
- 3.4** The ACTIMS Administrator is responsible for the coordination of the placement of a TFW who is to be laid off, with another member of the GoE.

4.0 STANDARD PROCEDURE

- 4.1** The owner advises the participating employer to reduce the craft workforce.
- 4.2** The participating employer reviews the qualifications and skills of the craft employees and identifies the individuals that it plans to layoff.
- 4.3** If there are TFWs to be laid off the employer/contractor advises the ACTIMS Administrator by phone followed up immediately thereafter by electronic mail with the proper legal name(s) and birthdates of those TFW(s) that it plans to layoff.
- 4.4** The written notice shall provide the proper legal first and last name(s) and birthdates of the individual(s) to be laid off, the camp operator's name and phone number where the individual(s) reside or whether the individual(s) are provided an accommodation allowance.
- 4.5** The ACTIMS Administrator upon receipt of the notification of layoff will review all outstanding craft manpower orders and/or near term requirements and should no vacancies or near term requirements exist with the other GoE's, will advise the laying off employer to proceed with the layoff(s).
- 4.6** If additional craft workers are required by another member of the GoE, and if the worker or workers are not required for up to seven (7) calendar days from when the layoff is to take effect, the ACTIMS Administrator will advise the laying off employer and the applicable union in writing that the worker or workers need to be transferred.



- 4.7** The written notice referenced in 4.6, from the ACTIMS Administrator, shall provide the worker(s) correct legal name, union affiliation, laying off and receiving employer and owner's name, effective date of transfer, when, where and who to report to.
- 4.8** The employer laying off the worker(s) shall advise the affected TFW(s) that they will be transferred. The employer will also notify the applicable union and the owner of the project regarding the upcoming layoff and the possibility of transferring the affected TFW(s) to another employer. The receiving employer shall make the necessary arrangements with the receiving owner and the camp operator to ensure that the TFW's accommodation is provided.
- 4.9** The receiving contractor shall advise the ACTIMS Administrator whether the worker can remain in the same camp or needs to be moved to an alternate camp recognized by the receiving owner.
- 4.10** If the laid off worker has been approved to remain in camp, for a period not to exceed seven (7) calendar days prior to his/her transfer is to take effect, the camp operator shall invoice the new owner (*if such is the case and the owner has established this business relationship*) from the time that the individual was laid off from his/her previous employer until such time that the individual commences his/her employment with the new employer.
- 4.11** In the event that the receiving owner's schedule changes, requiring a reduction of the workforce whilst the TFW in camp is waiting to be transferred and if the TFW is no longer required, the receiving owner will advise the affected employer, who in turn will immediately notify the ACTIMS Administrator in writing of such a change.
- 4.12** The receiving employer will notify the prospective TFW in writing that his/her services are no longer required and will ensure that the worker is provided return transportation to the destination point from where the worker arrived.
- 4.13** In the event a dispute occurs and/or interpretation is required regarding this procedure, the ACTIMS Administrator will review such dispute or provide the applicable interpretation, in a timely manner, the Administrator's decision will be final.