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nalcorenergy.com

May 13, 2021

VIA EMAIL

Attention: [REDACTED]

Dear [REDACTED]

**Re: Your request for access to information under Part II of the *Access to Information and Protection of Privacy Act, 2015* (File #: PB/431/2021)**

On April 29, 2021 Nalcor Energy received your request for access to the following records/information:

*The aggregate amount of yearly payments made to the following funds as outlined in the Muskrat Falls collective agreement:*

- IBEW 2330 Trade Improvement Fund.*
- IBEW 2330 Membership Development Fund.*
- IBEW 2330 Advancement Fund.*
- IBEW 2330 College Admin Fund.*

*Total hours worked by IBEW 2330 members, broken down by calendar year, related to work performed under the collective agreement for the Muskrat Falls project.*

Please see Appendix A, attached hereto, for an excerpt from the Collective Agreement between Muskrat Falls Employers' Association Inc. and Resource Development Trades Council of Newfoundland and Labrador (RDTC). The IBEW 2330 is one of the trade associations covered within this collective agreement. Section 3.0, pages 157-158, states that each contractor is responsible for making payments directly to the IBEW 2330. Given that the responsibility is with the contractors to make these payments, we do not have any responsive records relating to this component of your request.

With respect to the total hours worked by IBEW 2330 members, the Lower Churchill Management Corporation (LCMC) reports details on employment benefits generated from the Muskrat Falls Project. This information is reported monthly and is available in the Newsroom/Reports section of the muskratfalls.nalcorenergy.com website. As outlined in the Lower Churchill Construction Projects Benefits Strategy, LCMC reports hours by National Occupational Classification (NOC). Hours are reported by trade/job classification, not by individual trade associations. Due to this, we do not have any responsive records relating to this component of your request

In keeping with our standard practice, it is our intention to post this letter on the Nalcor Energy website.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act (*the Act*). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner. Your appeal should identify your concerns with the request and why you are submitting the appeal.

The appeal may be addressed to the Information and Privacy Commissioner as follows:

Office of the Information and Privacy Commissioner

2 Canada Drive

P. O. Box 13004, Stn. A

St. John's, NL. A1B 3V8

Telephone: (709) 729-6309

Toll-Free: 1-877-729-6309

Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court Trial Division within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act (a copy of this section of the Act has been enclosed for your reference).

If you have any further questions, please feel free to contact the undersigned by telephone at (709) 733-5346 or by e-mail at [granthiscock@nalcorenergy.com](mailto:granthiscock@nalcorenergy.com).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Grant Hiscock', is written over a faint, illegible printed name.

Grant Hiscock  
Access and Privacy Officer

### **Access or correction complaint**

42. (1) A person who makes a request under this Act for access to a record or for correction of personal information may file a complaint with the commissioner respecting a decision, act or failure to act of the head of the public body that relates to the request.

(2) A complaint under subsection (1) shall be filed in writing not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) A third party informed under section 19 of a decision of the head of a public body to grant access to a record or part of a record in response to a request may file a complaint with the commissioner respecting that decision.

(4) A complaint under subsection (3) shall be filed in writing not later than 15 business days after the third party is informed of the decision of the head of the public body.

(5) The commissioner may allow a longer time period for the filing of a complaint under this section.

(6) A person or third party who has appealed directly to the Trial Division under subsection 52(1) or 53(1) shall not file a complaint with the commissioner.

(7) The commissioner shall refuse to investigate a complaint where an appeal has been commenced in the Trial Division.

(8) A complaint shall not be filed under this section with respect to

(a) a request that is disregarded under section 21;

(b) a decision respecting an extension of time under section 23;

(c) a variation of a procedure under section 24; or

(d) an estimate of costs or a decision not to waive a cost under section 26.

(9) The commissioner shall provide a copy of the complaint to the head of the public body concerned.

**Direct appeal to Trial Division by an applicant**

52. (1) Where an applicant has made a request to a public body for access to a record or correction of personal information and has not filed a complaint with the commissioner under section 42, the applicant may appeal the decision, act or failure to act of the head of the public body that relates to the request directly to the Trial Division.

(2) An appeal shall be commenced under subsection (1) not later than 15 business days

(a) after the applicant is notified of the decision of the head of the public body, or the date of the act or failure to act; or

(b) after the date the head of the public body is considered to have refused the request under subsection 16(2).

(3) Where an applicant has filed a complaint with the commissioner under section 42 and the commissioner has refused to investigate the complaint, the applicant may commence an appeal in the Trial Division of the decision, act or failure to act of the head of the public body that relates to the request for access to a record or for correction of personal information.

(4) An appeal shall be commenced under subsection (3) not later than 15 business days after the applicant is notified of the commissioner's refusal under subsection 45(2).

## Appendix A

From the Collective Agreement between Muskrat Falls Employers' Association Inc. and Resource Development Trades Council of Newfoundland and Labrador (RDTC)

### 3.0 BENEFIT FUNDS

3.01 Each Contractor shall contribute the amounts stated in the attached Wage and Benefit Schedule for each hour earned. Payments shall be made no later than the 15th of the month following the month in which the hours were earned. Income Tax to be deducted weekly as part of gross earnings.

3.02 Vacation Pay and Holiday Pay shall be deducted weekly and shall be paid to the union office once a month to the following address:

Address: IBEW Local 2330  
1082 Thorburn Road  
Portugal Cove  
St. Phillip's, NL A1M 1V8

Cheque Payable to: IBEW 2330 Vacation and Holiday Pay Fund

3.03 Each payment shall be accompanied by a statement setting out the names of the employees in respect of whom such payment is made, the amount paid in respect of each employee, and the hours worked by each employee during the calendar month for which payment is being made.

3.04 Payments shall be made as follows:

(a) Health and Welfare Fund

Address: Benefit Plan Administrators  
7001 Mumford Road  
Suite 216, Tower 1  
Halifax, NS B3L 4N9

Cheque payable to: IBEW 2330 Health and Welfare Fund

(b) Pension Fund

Address: Benefit Plan Administrators  
7001 Mumford Road  
Suite 216, Tower 1  
Halifax, NS B3L 4N9

Cheque payable to: IBEW 2330 Pension Benefit Fund

(c) Trade Improvement Fund

Address: IBEW Local 2330  
1082 Thorburn Road  
Portugal Cove  
St. Phillip's, NL A1M 1V8

Cheque Payable to: IBEW 2330 Trade Improvement Fund

(d) Membership Development Fund

Address: IBEW Local 2330  
1082 Thorburn Road  
Portugal Cove  
St. Phillip's, NL A1M 1V8

Cheque Payable to: IBEW 2330 Membership Development Fund

(e) Advancement Fund

Address: IBEW Local 2330  
1082 Thorburn Road  
Portugal Cove  
St. Phillip's, NL A1M 1V8

Cheque Payable to: IBEW 2330 Advancement Fund

(f) College Admin Fund

Address: IBEW Local 2330  
1082 Thorburn Road  
Portugal Cove  
St. Phillip's, NL A1M 1V8

Cheque Payable to: IBEW 2330 College Admin Fund

(g) Industry Fund (RDTC)

Address: Resource Development Trades Council of Newfoundland and  
Labrador  
78 Brookfield Road  
St. John's, NL A1E 3T9

Cheque Payable to: Resource Development Trades Council Industry Fund

(h) Canadian Building Trades Fund

Address: Resource Development Trades Council of Newfoundland and  
Labrador  
78 Brookfield Road  
St. John's, NL A1E 3T9

Cheque Payable to: Canadian Building Trades Fund

(i) MFAP

Address: Resource Development Trades Council of  
Newfoundland and Labrador  
78 Brookfield Road  
St. John's, NL A1E 3T9

Cheque Payable to: RDTC-MFAP