

# STANDARD BARGAINING UNITS

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## INTRODUCTION

Standard bargaining units have been established by both legislation and Board policy in several industries. See: [[Information Bulletin #10, Bargaining Units for Hospitals and Nursing Homes](#); [Information Bulletin #11, Bargaining Units for the Building Trades](#)]. If applicants propose to deviate from standard units established by Board policy, they must convince the Board there are compelling labour relations reasons for doing so. The Board has no authority to deviate from legislated bargaining units.

This policy describes specific standard bargaining units and special considerations related to those units for:

- hospitals and nursing homes; and
- firefighters.

For information about standard bargaining units in the construction industry, see: [[Bargaining Units in Construction, Chapter 25\(h\)](#)].

For information on bargaining units in the maintenance, repair and service industries, fabricating shops, plants, and for single trade sub-contractors and labour brokers, see: [[Trade Bargaining Units Outside Construction, Chapter 25\(m\)](#)].

## HOSPITALS AND NURSING HOMES

### Standard Units for RHA Employers

Where the Employer is a Regional Health Authority, the [Labour Relations \(Regional Health Authorities Restructuring\) Amendment Act, 2003](#) and related Regulations establish four region-wide bargaining units:

- direct nursing care or nursing instruction,
- auxiliary nursing care,
- paramedical professional or technical services, and
- general support services.

The basis of these unit descriptions is job function. The Board's assignment of an employee to a bargaining unit depends upon the person's actual function, not occupational title.

The standard unit descriptions the Board uses for RHA operations appear below. The quotation contains the standard unit description. A brief description of the categories of employees commonly found in the unit follows.

### **Boundaries of the Unit**

The Regulation requires all units to be region-wide. The only exception is the preservation of non-unionized groups of employees as named exclusions on Board certificates.

#### *Direct Nursing Care or Nursing Instruction*

"All employees when employed in direct nursing care or nursing instruction."

This unit includes all those employees for whom nursing training is a prerequisite. It applies to those employed in nursing care or instruction in nursing care. The unit could contain graduate and registered nurses, psychiatric nurses and nursing instructors when instructing.

#### *Auxiliary Nursing Care*

"All employees when employed in auxiliary nursing care."

This unit includes all those employees providing nursing care but not to the level of registered or graduate nurses. Persons employed as licensed practical nurses, registered nursing assistants, nursing assistants, and nursing aides are normally within this unit. It also includes people working in such categories as nursing orderlies.

#### *Paramedical Professional or Technical Services*

"All employees when employed in a paramedical professional or technical capacity."

This unit includes all employees providing professional paramedical services. Persons working as dietitians, pharmacists, social workers, physiotherapists, occupational therapists, laboratory scientists, and psychologists would normally fall within this unit. This unit also includes all employees directly related to or engaged in providing qualified technical services. Persons working as health record technicians, certified combined technicians, dietary technicians, cardiology technicians, glaucoma technicians, and pharmacy technicians are within this unit. Administrative employees such as health record administrators and medical photographers are also included. This unit also includes technologist categories. Some of these are medical radiation technologists, medical laboratory technologists, respiratory technologists and EEG technologists. Remedial gymnasts are also part of this bargaining unit.

#### *General Support Services*

"All employees when employed in general support services."

This unit includes all employees whose prime function is general support activities. Persons employed in activities such as clerical, office administration, trades, food services, housekeeping, laundry and custodial services are normally in this unit.

Non-unionized groups of employees remain as named exclusions on Board certificates. Subsequent certification applications must be made on a region-wide basis. The only exception

allowed is where a trade union already represents some of the employees in the region. In such a case, the Board will accept applications for certification for any (or all) of the remaining non-union sites. Revocation applications must be for the entire unit.

### Standard Units for Non-RHA Employers

Where the employer is not a Regional Health Authority, the Board has established five standard units in hospitals and nursing homes. [\*Information Bulletin #10\*](#) sets out who falls within each of these units. These units include:

- **Direct nursing care:** This unit includes all those employees for whom nursing training is a prerequisite. It applies to those employed in nursing care or instruction in nursing care. The unit could contain graduate and registered nurses, psychiatric nurses, and nursing instructors when instructing.
- **Paramedical professional:** This unit includes all employees providing professional paramedical services. Persons working as dietitians, pharmacists, social workers, physiotherapists, occupational therapists, laboratory scientists and psychologists would normally fall within this unit.
- **Paramedical technical:** This unit includes all employees directly related to or engaged in providing qualified technical services. Persons working as health record technicians, certified combined technicians, dietary technicians, cardiology technicians, glaucoma technicians, and pharmacy technicians are within this unit. Administrative employees such as health record administrators and medical stenographers are also included. This unit also includes technologist categories. Some of these are medical radiation technologists, medical laboratory technologists, respiratory technologists and EEG technologists. Remedial gymnasts are also part of this bargaining unit.
- **Auxiliary nursing care:** This unit includes all those employees providing nursing care but not to the level of registered or graduate nurses. Person employed as licensed practical nurses, registered nursing assistants, nursing assistants, and nursing aides are normally within the unit. It also includes people working in such categories as nursing orderlies.
- **General support services:** This unit includes employees whose prime function is general support services, Persons employed in activities such as clerical, office administration, trades, food services, housekeeping, laundry and custodial activities are normally within this unit.

The Board establishes these bargaining units based on the functional role played by employees rather than just professional titles or designations. It also considers the employment and occupational structures prevailing in the industry. The application of these units will be constant. When justified, the Board may vary the units somewhat. Historical factors, the size of the institution, and the range of occupational classifications used by an employer may justify a variation from these standard units.

These standard units for non-RHA employers apply not only to privately owned operations (both for profit and not for profit), but also to several quasi-public employers such as Carewest, Caritas Health Group and Capital Care Group Inc.

In the hospital and nursing home industry there are many situations where the employer may operate more than one site. Unions base their applications or certification in these institutions on support in a standard bargaining unit within a site or combination of sites that make sense to group together.

In a successorship or reconsideration matter affecting the continued appropriateness of the bargaining unit, the Board begins with the presumption that the unit continues to remain appropriate until it is satisfied that the unit is no longer appropriate. While it may determine that a unit remains appropriate, the Board may amend the unit description to reflect the new circumstances.

Senior citizens lodges, group homes and group shelters do not fall under the hospital and nursing homes category. The normal unit for these types of employers is "All employees".

## **FIREFIGHTERS**

[Section 35\(2\)](#) stipulates that there be only one firefighter bargaining unit for each employer. Firefighters with managerial responsibilities (e.g., Chiefs and Deputy Chiefs) as well as firefighters performing confidential labour relations functions are normally excluded from the bargaining unit according to the provisions of the [Managerial Exclusion Act](#). The standard firefighter bargaining unit description is: "All firefighters."

The bargaining unit only covers employees whose job functions are dedicated to the activities of a fire department. Mechanics and tradespersons are in the unit. Ambulance workers, such as paramedics and emergency medical technicians, are in the unit if the ambulance service is directly linked to the fire department. Support staff (e.g., secretaries and office clerks) are not included in the unit. Volunteer firefighters are excluded from the unit because they are not employees. See: [[City of Spruce Grove v. Firefighters 3021 \[1988\] Alta.L.R.B.R. 365](#)]. Sometimes the use of the word volunteer in conjunction with firefighter can be misleading.