

UNIT DESCRIPTION CONSIDERATIONS FOR SPECIFIC INDUSTRIES

INTRODUCTION

Many applications for certification fall outside the industries or sectors for which the Board has established standard bargaining units. See: [[Standard Bargaining Unit Policies, Chapter 22\(c\)](#)].

The Board has wide discretion in reviewing bargaining units but does so based on policy, experience and labour relations considerations. See: [[Appropriate Bargaining Units, Chapter 22\(b\)](#); [Writing Unit Descriptions, Chapter 22\(g\)](#)].

This policy outlines some general considerations related to bargaining units for the following specific industries.

- education;
- food production and manufacturing;
- medical and health laboratories;
- mining;
- printing industry;
- public sector;
- pulp and lumber, forest products;
- retail and wholesale trade;
- security guard services;
- transportation and storage; and
- utilities.

EDUCATION

Most of these employers have two types of employees: teaching personnel and non-teaching personnel. Usually, the Board finds “**All teachers**” and “**All employees except teachers**” are appropriate units. Teaching personnel covers qualified professional teaching staff. Qualified usually means a teaching certificate or university degree. This includes guidance counsellors and professional teacher-librarians who have teaching qualifications. The Board considers principals and assistant or vice-principals as teachers, because the [Teaching Profession Act](#) refers to them as that. See: [[Teachers, Chapter 31\(e\)](#)].

There are several groups of non-teaching personnel. These groups include persons providing administrative or general support functions. This covers custodial service, clerical support, audio-

visual personnel, library personnel, maintenance, lunch-room supervisors, dietary personnel and tradespersons. Treat teacher's aides as non-teaching personnel. Consider librarians (without teaching qualifications) and library technicians non-teaching personnel.

Some employers also have personnel involved in transportation such as bus drivers and mechanics. The unit "**All employees except teachers**" encompasses all of these people. Include bus drivers and mechanics in this unit if they are school board employees. In most cases the employer is the school board. In some cases, the employer can be the Municipal District. See: [[Employer's Name, Chapter 22\(e\)](#)].

When looking at an appropriate bargaining unit, consider the factors outlined in the section so titled. The Board certifies teaching personnel separately from non-teaching personnel. The Board looks at each situation on its own merits. It examines the size and scope of the work unit, interchangeability of employees and the nature of the employer's operations.

FOOD PRODUCTION & MANUFACTURING

An appropriate unit is usually "**All employees except office, clerical and sales personnel.**" This unit description includes all persons involved in the manufacturing or production process. Persons associated with such units include shipping and receiving, cleaning personnel, maintenance, service and production personnel. Include quality control and safety personnel if they do routine testing and do not have disciplinary powers. Exclude quality control, safety and security personnel from the bargaining unit if a potential for conflict of interest exists.

The term, "office and clerical" refers to "white-collar" kinds of work. Such units cover secretaries, clerical workers, certain professional personnel and technical personnel (such as draftspersons and laboratory technicians) involved in an office or administrative setting. Traditionally white collar groups have been excluded from blue-collar plant units but their inclusion may be warranted if they express support for the unit or would leave a tag-end.

Sales personnel usually do not have a similar community of interest with the operations personnel, therefore, exclude them. The only exception is when the union can show support from these employees. There is a difference between inside and outside sales personnel. Consider "counter", "parts department" or "inside sales" personnel normally part of the "office and clerical" unit. One important factor is the method of payment or remuneration of these persons. Consider employees paid on a commission basis as sales personnel, and excluded from the unit. If paid on a wage or salary basis, then consider them part of the office and clerical unit.

MEDICAL AND HEALTH LABORATORIES

Usually the appropriate unit is "**All employees.**" Normally, this includes all laboratory personnel. The unit would encompass all paramedical technical personnel. Included are medical radiation

technologists, medical laboratory technologists, laboratory assistants and aides, and certified combined technicians.

Include office and clerical staff such as receptionists, file clerks and typists in this unit. For large laboratories, it may be desirable to carve out the office and clerical employees. In these cases, the appropriate unit is usually **“All employees except office and clerical personnel.”**

MINING

“All employees except office and clerical personnel” is normally an appropriate bargaining unit. It includes all mining operations personnel. Include equipment operators, time-keepers, security personnel, maintenance and service personnel, drivers, janitors, shipping and receiving personnel. Exclude security personnel if they admonish employees and are in a conflict of interest position. If they are simply “watchmen”, include them. In the past, the Board occasionally certified a specific craft unit such as “operating engineers.” The Board now avoids such craft units.

PRINTING INDUSTRY

In the past, the Board issued certificates on a craft basis for this industry. This usually meant fragmentation of the unit. For example, the Board certified typesetters and pressmen as a unit. This is no longer the case as technological change has rendered such craft units almost obsolete.

Usually, follow the Board’s policy of certifying an “all employee” unit. See: [[Print Media Union 36 v. Lethbridge Herald \[1988\] Alta.L.R.B.R. 200](#)]. Normally, **“All employees except office, clerical and sales personnel”** is the standard unit. Include drivers or delivery personnel, all printing personnel, bindery personnel, composing personnel and typesetting personnel in this unit. This unit normally excludes office, clerical and sales personnel. Unless these employees support the union, exclude them from the unit based upon their separate community of interest.

PUBLIC SECTOR

There are various types of public-sector employers. For instance, there are cities, towns, counties, villages, and improvement districts. For more information see: [[Employer’s Name, Chapter 22\(e\)](#)]. The nature and size of the employer’s work force will often dictate the proper bargaining unit.

In the past, the Board certified units on a departmental basis (e.g., electric and transit units). This is particularly true for major municipalities. Nevertheless, the Board has been moving away from departmental units whenever possible. The appropriate bargaining units are usually “white-collar” (inside workers) and “blue-collar” (outside workers) units. For instance, the unit **“All office, clerical and technical employees”** covers all inside workers. **“All employees except office, clerical and technical employees”** would apply to all outside employees.

If the municipal government directly employs police officers and firefighters, exclude them from the unit descriptions. The Board treats these employees as separate units.

The term “outside employees” usually includes public works employees, garbage employees, by-law enforcement officers, parks and recreation employees. Also included are utility (sewer, water, gas, electric) employees, heavy equipment operators, drivers and labourers. Electrical utility employees within a city are customarily separated into a craft type of unit. That may be true of some other city utilities.

In some cases, an “all employee” unit is appropriate. This would be true if the employer has a small number of employees (e.g., fewer than 10) and most of the employees in the unit want union representation. A local Board may manage certain functions and be the legal employer. For example, there may be a Library Board or Parks and Recreation Board set up by a City or Town. In such cases, an “all employee” unit is appropriate.

PULP AND LUMBER, FOREST PRODUCTS

“**All employees except office and clerical personnel**” is usually the appropriate bargaining unit. This unit includes all operating or production personnel and sawmill personnel. Include truck drivers as well as shipping and receiving, yard, maintenance and service, cleaning and security personnel. Salespersons, if employed, usually have little community of interest with the operations staff, therefore, exclude them.

“Woodlands” employees are tree-harvesting personnel (e.g., lumberjacks). They do not work in the plant or in the shop. They work in the forest harvesting the trees for use in the plant. Such seasonal employees usually have little community of interest with plant personnel. Therefore, the Board normally excludes them. In most cases, exclude other seasonal personnel such as seasonal truck drivers (logging), and foresters and scalers.

RETAIL AND WHOLESALE TRADE

Usually “**All employees**” is the appropriate unit. An employer can have several similar stores in a specific geographic location, such as a city or town. This unit covers all of the various locations within a city. The Board normally refers to the specific city or town in the unit description. It does not normally certify a specific site location such as a specific address. See: [[Writing Unit Descriptions, Chapter 22\(g\)](#)]. Exclude office and clerical employees if there is no community of interest or employee support.

For large employers such as Safeway, the Board has granted certificates primarily based on a trade or craft. For example, the Board recognizes the Meat and Bakery Department employees as separate appropriate units. “**All employees employed in the Meat, Delicatessen and Fish Departments in ...(name of city)**” is the standard unit for meat department employees. For bakery employees, “**All Bakery Department employees in ...(name of city)**” is the standard unit. These units encompass all employees in the respective departments. These include butchers or bakers, apprentices, helpers, wrappers and counter personnel. The unit includes the Bakery Manager or Meat Manager if they are not managerial personnel.

If the Board certifies these departmental units, there is one remaining unit. **“All employees except those employed in the Meat, Delicatessen, Fish and Bakery Departments ...(name of city)”** (as applicable) would be the remaining unit description. This normally includes stocking personnel, cashiers, bagging personnel as well as courtesy, produce and grocery clerks. Include First Assistant Managers if they do not exercise managerial authority.

SECURITY GUARD SERVICES

An employer can employ security guards directly. The employer can also contract with a security guard agency to provide this service. If an employer employs security guards directly, they are normally included in the “all employee” unit, unless specifically excluded. If security guards are of the “watchman” variety, include them in the bargaining unit. If the security guards have real authority to monitor and admonish employees, exclude them from the bargaining unit. For instance, if they conduct searches of employees, tool boxes, lunch boxes and lockers, exclude them. The reason for their exclusion is the conflict of interest between them and other employees in the unit. The Board can certify this group as a separate bargaining unit.

The Board does not consider security guards working on a construction site an established construction bargaining unit. If security or watchman duties are part of a regular construction tradesperson’s duties, consider that person a tradesperson. The Board does not consider persons employed full-time as security persons part of the construction industry.

Where the employer is a security guard agency, several units may be appropriate. The most appropriate unit would depend on various factors. See: [[Appropriate Bargaining Units, Chapter 22\(b\)](#)]. Area units such as **“All security guards in the Calgary area”** and **“All employees in Calgary except office, clerical and sales personnel and private investigators”** would usually be appropriate units. See: [[Steel Workers 5885 and Canadian Protection Services Limited \[1991\] Alta.L.R.B.R. 89](#)]. A site-specific unit is appropriate under special circumstances. For instance, a site specific unit may be appropriate for a static unit with no interchange of employees and no community of interest with other similar employees (e.g., a remote construction job site).

TRANSPORTATION AND STORAGE

Normally, **“All employees except office and clerical personnel”** is the standard unit. This unit generally includes warehouse, shipping and receiving, and maintenance personnel, as well as mechanics, dock workers, drivers, swampers or drivers helpers. Also, this unit includes dispatchers (assuming they are not managerial or part of the office unit) and cleaning staff.

The Board usually includes all drivers operating in or out of a geographic location. (Employees temporarily absent from Alberta are still normally under provincial jurisdiction). The only exceptions are drivers operating interprovincially who are under federal legislation. The Board sometimes certifies “truck drivers” units after weighing concerns about the impact of carving out such a unit.

UTILITIES

Normally the Board certifies the operating unit apart from the office and clerical unit. The unit description is usually “**All employees except office and clerical personnel**”. This unit description would cover all employees employed in various locations in Alberta. The operating unit includes plant operators, and other operations personnel engaged in the facility. Operating personnel includes steam plant or operating engineers, shift engineers, and apprentice operators. This also includes maintenance trades such as electricians, apprentices, labourers, laboratory personnel, and instrumentation personnel.

The Board can certify an employer in this industry for a specific site or plant location. The usual unit description is “**All employees at the ... site except office and clerical personnel**”. In the past the Board issued certificates for individual plants located in various parts of the province. Now the Board’s preference is for an “all employee” unit, provided that it is appropriate for collective bargaining. If each operating location has little or no contact with other locations, for example, the Board would not likely find an all employee unit appropriate. The Board can, however, certify for individual locations when satisfied there are good reasons for doing so.

The Board does not usually certify small office and clerical units for individual plants. Normally, the Board certifies them on a regional or provincial basis. The unit description usually is “**All office and clerical personnel**”. This unit normally includes office workers, data processing personnel, finance and administration personnel, secretaries and receptionists.