

EMPLOYER'S NAME

INTRODUCTION

While employers operate under a variety of names, each employer has one, and only one, proper legal name. Officers find out the employer's true legal name during their investigation. The other names employers use may be divisions, trade names, abbreviations, or names of particular institutions.

The Board's policy is to use only the employer's full legal name in the name section on the certificate. Do not put geographical references, division or institution names or operating names either as, or as part of, the employer's name. If such references are necessary to show which employees the certificate covers, put them in the bargaining unit description.

A unit description describes which employees of an employer a certificate covers. Employers may have several divisions, or several geographical locations. If the Board grants a certificate for only one division or location, say so in the unit description. Do not change the legal name to try to show the limited division or location. For examples of unit descriptions incorporating these types of references, see: [[Writing Unit Descriptions, Chapter 22\(g\)](#)].

Questions arise about the proper legal names of several types of enterprise. This policy discusses:

- hospitals and nursing homes;
- numbered companies;
- joint ventures;
- partnerships;
- two legal entities;
- school authorities;
- municipal government;
- independent municipal authorities;
- trade names and operating names; and
- contracting in-contracting out.

For information on how and where to check proper legal names, see: [[Investigation and Reports, Chapter 21\(d\)](#)].

HOSPITALS AND NURSING HOMES

If a hospital or nursing home is part of a regional health authority, the RHA is the employer and is named as such on the certificate. The certificate includes all employees of the RHA employed in the functional bargaining unit excluding employees not covered by a collective agreement. An example of a unit description for direct nursing employees employed by an RHA is: "All

employees employed in direct nursing or nursing instruction except ... (a description of the locations with employees not covered by a collective agreement).

If a hospital or nursing home is privately owned, use the employer's proper name. For example, Extendicare Health Services Inc. is the legal name of the employer operating a number of nursing homes. Put the name of the facility in the unit description: "All employees at Extendicare/Edmonton North when employed in direct nursing care or nursing instruction".

Similar considerations apply to certificates covering health units.

NUMBERED COMPANIES

Incorporating a numbered company like "123456 Alberta Ltd." is a common practice. This "number Ltd." type of name is the employer's proper name. Usually that company also has an operating name which you put in the unit description. For example, 123456 Alberta Ltd. may be the legal name of an employer operating a drug store. Show it as the name of the employer. The unit description should read: "All employees at Slick Eddy's Drug Mart except pharmacists." This rule is not normally applied in construction.

JOINT VENTURES

A joint venture is a legal entity that consists of two or more legal entities contractually bound together for a specific undertaking. For labour relations purposes, they are usually two companies forming a single entity for a particular construction project. Seldom does the venture last beyond the duration of the project. For example, show "234567 Alberta Ltd. and 345678 Alberta Ltd. operating as ABC Construction-A Joint Venture" as the employer's name. The unit description would be: "General Construction Labourers".

PARTNERSHIPS

A partnership is a legal entity. It can consist of individual partners or corporate partners or both. It can be a general partnership or a limited liability partnership. Use the partnership name as the legal name rather than listing the individual partners involved. The Province's Central Registry has a registry of partnership names. For example, show "ABC Manufacturing Partnership" as the employer's name rather than the partners, ABC Manufacturing Ltd. and ABC Industries Ltd. Put the trade name in the unit description: "All employees of Engineered Stuff in Calgary except service, office, clerical, sales and quality control personnel."

TWO LEGAL ENTITIES

For various reasons, separate limited companies may operate as one employer for labour relations purposes. For our purposes, they operate as one employer. Therefore we show both legal names on the certificate. This may occur when we first grant a certificate, or later, if we grant a common employer declaration under [Sections 47](#) or [192](#). For example, both ABC Sales Inc. and

ABC Beverages Ltd. would be named as the employer while the unit description would be “All employees except office and clerical personnel”.

SCHOOL AUTHORITIES

School Districts and School Divisions are the basic units of school government. A school division is an amalgamation of two or more school districts. Public and separate school districts may occupy the same geographical territory.

A Board of Trustees called a School Board governs a district or division. The Board of Trustees is the employer of school employees. Labour Board convention, however, is to name the school district or division as the employer. This simply implies the Board of Trustees in the employer name. For example, use “Exshaw School District No. 1699” not “The Board of Trustees, Exshaw School District No. 1699” and “Drayton Valley Roman Catholic Separate School District No. 111” not “The Board of Trustees, Drayton Valley Roman Catholic Separate School District No. 111”

MUNICIPAL GOVERNMENT

The units of urban municipal government are **cities**, **towns** and **villages**. The basic unit of rural municipal government is the **municipal district**. A Municipal Council governs each of these bodies. Some municipal districts are called counties. Prior to 1995, a **county** was a municipal district integrated with one or more school districts and governed by a common council. The amalgamation of school boards eliminated this form of municipal government although some municipal districts were allowed to keep the name “county” (e.g., County of Strathcona). Treat them as municipal districts.

An **Improvement District** is an unincorporated area administered directly by the Minister of Municipal Affairs with input from a local advisory council. A **Special Area** is an Improvement District in Alberta's drylands area that is subject to special provincial regulation of agricultural practices. Employees of an Improvement District or Special Area are employees of the provincial government. They are covered by the [*Public Service Employee Relations Act*](#).

Urban municipalities, municipal districts and counties are, by statute, corporations. When naming a municipality as an employer, however, do not refer to its corporate status or its governing body. For example, use “The City of Calgary” as the employer, not “The Corporation of the City of Calgary” and “The M.D. of Sturgeon No. 90”, not “The Council of the M.D. of Sturgeon No. 90”.

The Board names local government employers in the following ways:

- **Cities:** “The City of Edmonton”;
- **Towns:** “The Town of High River”;
- **Villages:** “The Village of Onoway”;
- **Municipal Districts:** “The Municipal District of Sturgeon No. 90”; and
- **Counties:** “The County of Grande Prairie No. 1”.

An **Irrigation District** is a local authority that governs water distribution and use in irrigated areas of the Province. Each Irrigation District has a Board of Directors. The [Irrigation Act](#) makes these Boards of Directors corporations. Name the Board as the employer of irrigation district employees. For example, "The Board of Directors of the Eastern Irrigation District".

INDEPENDENT MUNICIPAL AUTHORITIES

The [Municipal Government Act](#) gives a municipality the power to create separate authorities. The municipality can delegate responsibility for certain municipal services to these authorities. A municipality may also contract with other local governments or institutions, setting up joint or regional authorities to deliver municipal services on a common basis.

Many of these local authorities exercising delegated powers exist. Common examples are library boards, recreation boards, agricultural service boards, exhibition authorities, ambulance authorities, and economic development authorities. Typically, but not always, these authorities are autonomous; they receive municipal funding but are free to allocate and spend their allotted funds as they see fit. Name the autonomous authority as the employer if it meets the normal tests of employer status (e.g., control, flow of wages).

These autonomous municipal authorities are different from advisory bodies set up by a municipality to advise or to formulate policy, without any spending power. Though these advisory bodies may have a paper existence, they do not have their own money to spend. They discharge their duties through personnel employed and paid directly by the municipality.

It is a question of fact in each case whether the employer is the municipality itself or an independent municipal authority. An officer facing this issue should investigate in depth the relationship between the municipality and its authority. Important sources include the bylaw(s) creating the authority and any agreement that sets up a joint authority.

TRADE NAMES AND OPERATING NAMES

Often the public never knows the legal name of the business with whom it is dealing. All they see is the operating name. The Board investigates the proper legal name. For example, Swedish Chalet may be the operating or trade name. The actual legal employer may be Foodwhiz. Ltd. The unit description should be "All employees at the Swedish Chalet at (location) except office and clerical personnel."

Do not use the trade name as the employer's name on the certificate. Do record it in the database. Enter such trade names in the common usage name section. This allows you to search the database, if you only know the employer's legal name or the trade name.

CONTRACTING IN - CONTRACTING OUT

Employees working at a particular location may work for different employers. Sometimes the employer chooses to contract out work. For example, caretakers frequently work for an outside janitorial firm, not the owner of the location they clean. In that case, the janitorial firm will probably be the true employer. This is also common in hospitals, where firms like VS Services often provide food services.

Other cases involve “contracting in”. Here, an outside agency supplies employees to work as part of the institution’s work force providing specific employee services. This may include security guards, nursing or paramedical staff or similar employees. In a similar way, labour brokers supply tradesmen to construction contractors or managers. In such cases the Board decides which entity is the true employer and certifies under that employer’s legal name. See: [[True Employer, Chapter 24\(f\)\(ii\)](#)].