

# GENERAL CONSTRUCTION

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## INTRODUCTION

General construction is one of the four construction industry sectors established by the [Construction Industry Transition Regulation](#). A sector is a portion of the construction industry defined by the type of construction activity performed. Section 1(c) of that Regulation defines general construction as “construction within the meaning of the [Code](#), excluding Pipeline Construction, Roadbuilding and Heavy Construction, and Specialty Construction.”

Section 1 of the [Code](#) defines construction as:

...construction, alteration, decoration, restoration or demolition of buildings, structures, roads, sewers, water or gas mains, pipelines, dams, tunnels, bridges, railways, canals or other works, but does not include

- (i) supplying, shipping or otherwise transporting supplies and materials or other products to or delivery at a construction project, or
- (ii) maintenance work.

This policy describes the trade or craft work jurisdictions in the general construction sector. All trades listed in [Information Bulletin #11](#) operate in this sector. Each trade is an appropriate bargaining unit in the general construction sector. There are registered employers’ organizations in most trade jurisdictions that engage in registration bargaining.

This policy outlines:

- the general construction sector;
- union versus non-union worksite issues; and
- trade jurisdictions.

## GENERAL CONSTRUCTION SECTOR

General construction includes industrial, institutional and commercial as well as residential construction work. It includes construction fabricating shops. It does not include roadbuilding and heavy construction, specialty construction (crane rental or non-destructive testing) or maintenance. See: [[Pipeline Construction, Chapter 25\(d\)](#); [Roadbuilding and Heavy Construction, Chapter 25\(e\)](#); [Specialty Construction, Chapter 25\(f\)](#); [Trade Bargaining Units Outside Construction, Chapter 25\(m\)](#)].

For more information on the historical development of the general construction sector and its relationship to the other sectors, see: [[Roadbuilding and Heavy Construction, Chapter 25\(e\)](#)].

## INDUSTRIAL CONSTRUCTION

Industrial construction projects include:

- electrical power generation plants;
- hydro or thermal power plants;
- development of mining and smelting properties;
- development of oil sands properties;
- oil refineries and all forms of hydrocarbon production, extraction or processing, development of chemical plants, processing plants for natural gas, liquid petroleum products and manufacturing gases;
- pulp or timber/wood mills;
- base/precious metal production plants;
- upgraders of any and all kinds; and
- pumping stations and compressor stations.

Industrial projects normally employ large numbers of tradespersons (e.g., Nova's Joffre site or Shell's Scotford site). More than one trade is usually working at any particular stage of the project. These employees usually work in crews comprising single, same-trade workers. The trade may be on site to complete a single part of the project, or may be on site more than once to complete different parts of the work at different stages of the construction.

The stages of construction and the trades involved include:

- **Site Preparation:** Operating engineers and teamsters. The camp caterers will also be on the site, setting up camp. There may be an overlap with roadbuilding or heavy construction in the site preparation. See: [[Roadbuilding and Heavy Construction, Chapter 25\(e\)](#)].
- **Underground utilities:** Operating engineers, pipefitters, electricians.
- **Footings:** Operating engineers, carpenters, reinforcing ironworkers.
- **Building foundations:** Operating engineers, carpenters, labourers, structural ironworkers, bricklayers, cement masons, teamsters, elevator constructors, other trades depending on project.
- **Structural envelope:** Operating engineers, carpenters, labourers, bricklayers, cement masons, roofers, elevator constructors, electricians, refrigeration mechanics, glassworkers, insulators, painters, plasterers, roofers, sprinkler fitters, tilesetters, sheet metal workers.
- **Mechanical construction:** Pipefitters, electricians, millwrights, boilermakers, operating engineers.
- **Interior finishing:** Carpenters, electricians, lather/interior systems mechanics, painters, plasterers, insulators, tilesetters, drywall tapers.
- **Final grading:** Operating engineers.

The affected trade unions and the general contractor for the project agree, before the work begins, about the assignment of work among the trades. This is done at pre-job meetings. At the pre-job meeting, the unions and general contractor review the blue prints for the project. They assign the work, at each stage, to a trade jurisdiction. After the pre-job meetings, the unions can dispute work assignments, but must present their objections within certain time frames. The respective collective agreements outline the procedures for settling trade jurisdictional disputes that arise after the pre-job meetings.

Wage rates for the trades are usually higher in industrial construction than institutional or commercial construction. Refer to collective agreements for information on wage rates according to the type of project.

## **INSTITUTIONAL AND COMMERCIAL CONSTRUCTION**

Institutional and commercial construction projects include:

- breweries and distilleries;
- food processing plants;
- major manufacturing plants;
- major sewage treatment plants, water treatment plants, and related pumping stations and compressor stations;
- hospitals;
- schools;
- office buildings and high-rise apartments; and
- shopping centres.

The number of employees on these projects is usually smaller than in industrial construction. Employees often work in single, same-trade crews, as in industrial construction. Depending on the size of the job, and the contractor doing the work, the contractor may hire composite work crews. A composite crew is one in which workers from different trades work together as one crew, often in an agreed upon ratio.

The stages of construction mirror those of industrial projects. Again, the union and the general contractor decide the assignment of the work to the trade jurisdictions by pre-job meetings.

## **RESIDENTIAL CONSTRUCTION**

Residential work includes single detached family housing, duplexes, walk-up apartments, and similar condominiums. The Board has not been called upon to decide whether residential work is included in the general construction sector. Many contractors and unions believe it is.

## CONSTRUCTION FABRICATING SHOPS

In the past, there has been discussion about whether or not certain types of fabricating shops fall within the statutory definition of construction. The Board decided the question in *UA 496 v. Stearns Rogers Limited* [1982] Alta.L.R.B. 82-012. In that case, the Board distinguished between construction fabricating shops and commercial fabrication shops. Those distinctions remain valid today. The Board described three types of construction fabricating shops:

1. An on-site shop, set up by a construction contractor or sub-contractor engaged in building the project, to build modules for incorporation into the project.
2. A shop set up off-site, by a construction contractor or subcontractor engaged in building the project, to build modules for transportation to the site for incorporation into the project.
3. A shop set up off-site, by an employer other than the contractor or subcontractors engaged in building the project, to build modules for the owner, contractor, or subcontractor, for transportation to the site and incorporation into the project.

The Board found these three types of shops to be a part of the construction industry. Therefore, any relevant registration collective agreements applied to them. The Board's bargaining unit policy for construction employees would also apply. For information about commercial fabricating shops, see: [[Trades Bargaining Units Outside Construction, Chapter 25\(m\)](#)].

## UNION vs NON-UNION WORKSITE ISSUES

### ***Union Worksites Within Registration Bargaining***

On union worksites, the employees usually belong to one of the building trades craft locals, such as the carpenters, labourers, pipefitters, or boilermakers. Their work functions correspond to the trade jurisdiction of the craft. The presumption is that each craft's jurisdiction is mutually exclusive of the other.

Most construction employees who choose trade union representation select the building trade union appropriate to their craft. Unionized construction employees tend to maintain strong allegiance to their craft unions. This is partly due to the hiring halls, the health, welfare and pension benefits and social facilities these unions offer.

It is the Board's policy to certify construction employees on a trade-by-trade basis. This is consistent with registration bargaining. It is also because trade unions and many employers operate along craft lines. Employees within a craft share a community of interest. They have skills, working conditions, training and union benefit provisions in common.

The training construction employees receive parallels the jurisdictional lines of the craft unions. This reinforces trade-based allegiances and creates a strong community of interest among employees in the various crafts. The Board also certifies construction employees on a sector-by-sector basis (e.g., general construction, pipeline construction, etc.). This facilitates separate bargaining within each sector.

Each bargaining unit description includes foremen, apprentices and helpers related to each trade. The term “foreman” means all non-managerial supervisory persons, male and female, working within the trade. This includes anyone called foreman, lead hand or working supervisor. For example, the Operating Engineers bargaining unit includes heavy duty mechanics, heavy duty mechanic foremen and heavy duty mechanic apprentices.

The **territorial jurisdiction** of a trade union local is determined by the charter issued by its parent body. It may cover all or a defined portion of the province. A trade union local’s territorial jurisdiction is frequently referred to or described in the scope clause of the relevant collective agreement.

In certification applications, therefore, include all of the construction employees in the trade employed at the contractor’s worksites within the applicant union’s territorial jurisdiction. The Board does not normally certify construction units for a specific job site or location. The exception may be a major construction project such as Syncrude, covered by a separate site agreement.

### ***Union Worksites Outside Registration Bargaining***

There are some unions that are not part of the construction industry registration scheme. These unions have broader jurisdictions and can represent any trade employee. However, when these unions seek certification, the Board certifies using the craft-based construction bargaining units. The officer must investigate to determine which employees perform work, within the trade jurisdiction, of the bargaining unit sought. Because they are not bound by registration, these unions bargain individual collective agreements with the employers. Examples of these unions include: the Christian Labour Association of Canada (CLAC) and the Canadian Iron, Steel and Industrial Workers Union.

### ***Non-Union Worksites***

The non-union construction employee may do the same work as a building trades craft employee on a union worksite. However, non-union employers in general construction do not always recognize the historical building trades craft breakdown of duties. Some contractors classify their workers as Construction Worker I, II and III. Others call all or most of their workers labourers. They assign job duties according to ability, qualifications, training and availability of work at various parts of the project. These contractors may hire or train employees to be multi-skilled and cross-

crafted. They also use composite crews with employees being encouraged to train in all facets of the work.

An officer conducting an investigation must understand the nature of the work performed and determine the appropriate bargaining unit for each employee. Use the “prime function” test when a question arises about the bargaining unit in which an employee should be included. See: [*Brauns Construction Ltd.* [1992] Alta. L.R.B.R. 10; *Ram Steel Corporation Ltd.* [1982] Alta.L.R.B. 82-038]. The bargaining units formulated by the Board are aligned to the functions of the traditional building trade locals. See: [[Appropriate Bargaining Units, Chapter 22\(b\)](#); [Standard Bargaining Units, Chapter 22\(c\)](#); [Unit Considerations For Specific Industries, Chapter 22\(d\)](#)].

It is not unusual for a non-union employee to do the work of more than one trade, during a day, week or month. The officer’s task is to identify prime function. Job titles may not always be very helpful. Consider the nature of the employer’s operation. Look at the predominant work being performed. Then determine whether the work falls into the unit sought. Factors to consider to determine the prime function of an employee include:

- employer and employee classification of a position;
- rates of pay;
- job duties;
- work performed;
- circumstances of employee’s hiring;
- predominant job function; and
- what work the employee performs for a majority of the time on or around the date of any application.

## **TRADE JURISDICTION**

Trade jurisdiction means a type of construction work claimed by an established craft, like plumbing or carpentry. Trade jurisdictions customarily reflect the occupational categories used in the apprenticeship programs. They also largely reflect the definitions used by the building trade unions to establish which union has authority to represent which workers.

The unions use their internal jurisdictional disputes mechanism at the international union level to resolve these issues. The jurisdictions are set out in collective agreements and the constitutions of the unions. The Jurisdictional Handbook, Issues I and II, shows the historical resolution of trades jurisdictional disputes, settled at the international level.

Trade jurisdictions are not intended to overlap but any of the trades can apply to represent any workers. Questions usually arise during a certification application when an officer is determining

inclusions or exclusions from a bargaining unit or when an application is made for the Board to determine the type of work an employer is involved in. When investigating this type of application, look at:

- the unit applied for (examine the trade jurisdiction sought);
- the nature of the employer's business (what does the contracted work cover? what is the employer's usual business?); and
- the prime function of each employee:
  - what skills does the employee use?
  - what tools does the employee use?
  - what materials does the employee use?
  - does the employee do the work or assist?
  - what percentage of time does this work involve of the employee's total duties?

Compare all of these to the unit sought to determine whether an employee is in or out of the unit or whether the union can properly claim the work in question.

The following is a general guideline of the type of work included in each trade jurisdiction and some situations where there is an overlap of work.

- **Boilermakers:** Build, erect, rig, fabricate, repair, test and maintain all types of boilers, tanks and pressure vessels. They also unload, assemble, dismantle, and demolish pressure vessels. They do structural and plate work on dust, air, gas, steam, oil, water and other liquid-tight pressure vessels in shops or on construction sites. There may be an overlap of work between boilermakers and pipefitters. For example, if a pressure vessel is built and installed, the boilermaker would do this work including cutting openings for pipe and typing in the pipe. In other cases, the pipefitter cuts openings for pipe and ties in the pipe.
- **Bricklayers, Masonry:** Prepare and lay brick and other masonry units to construct and repair walls, partitions, patios, arches, fireplaces, chimneys and other masonry structures. They may work with materials such as concrete blocks, some types of stones, structural tile or precast panels. Overlap may be found with the labourers. Generally the labourers are involved in hauling the mud for the bricklayers as well as cleanup on site.
- **Bricklayers, Refractory:** Install fire brick or castable materials in commercial and industrial furnaces and incinerators.
- **Culinary Workers [Camp Caterers]:** Operate the live-in camp once a construction job has started. This includes the maintenance of the lodgings, and food services provided for the entire camp. Camp caterers include: chefs, cooks, mess hall attendants, kitchen attendants, camp attendants, commissary, etc.

- **Carpenters:** Construct, erect and repair structures and fixtures made of wood or wood substitutes. They build, assemble, place, and dismantle concrete forms. They cut, fit and install doors, door frames, window frames, and staircases. They finish exteriors and interiors with wood or wood substitutes. On construction jobs they may build concrete forms, scaffolding, wooden bridges, trestles, tunnel supports and temporary shelters. On applications involving scaffolding, the officer has to decide whether the workers are in a carpenter or labourer bargaining unit. Many of the trades put up their own scaffolding. Again it depends on the work being completed, what the employees are doing and where the employees are spending the majority of their time. If the employees erect scaffolding and work more than 15 feet from the ground they would be carpenters. If the work is under 15 feet, it could be done by labourers, ironworkers or boilermakers. See: [*Stuart Olson* [2000] Alta.L.R.B. 674; *Access Scaffold & Ladder Co. Ltd.* [1990] Alta.L.R.B.R. 531].
- **Cement Masons:** Place and finish all concrete construction such as floors, walls, sidewalks, curbs and gutters, bridge decks and other cement structures. They cure concrete surfaces using water and patented curing methods. They apply decorative finishes on architectural concrete and waterproof or restore concrete. They may also finish and expose aggregate in precast or architectural concrete. Cement-mason work can overlap with labourer work. The cement mason does the placing, grouting and finishing work; the labourer does the cleanup and any jackhammer work needed. See: [[Roadbuilding and Heavy Construction, Chapter 25\(e\)](#)].
- **Drywall Tapers:** Apply joint cement, joint tape, and caulking compounds and sand it. They finish joints and internal and external corners. They spot nails in drywall. They apply moulding, corner bead and flex bead. They also apply textured and stipple ceilings and acrylic finishes. The Board recognizes drywall tapers as a separate bargaining unit. See: [*CLRa v. Various Carpenter Locals et al* [1992] Alta. L.R.B. 16].
- **Electricians:** Handle, erect, install, operate, maintain, and repair electrical wiring and electrical equipment used in all construction. They work with a wide variety of electronic systems, switches, pumps, gauges, and other instruments. During the construction of a new plant or a plant addition, electricians (instrument mechanics or technicians) install and calibrate instrumentation. Overlap may occur with pipefitters when involved in instrumentation. See: [*IBEW 424 et al. v. JNJ Instruments Ltd.* [1995] Alta.L.R.B.R. 452]. Electricians and structural ironworkers may overlap in support materials. Overlap with rebar ironworkers occurs when doing duct bank work. Overlap with millwrights arises when working on electrical motors or guards to motors.
- **Elevator Constructors:** Assemble, install, modify and remove electrical and hydraulic elevators, moving walkways, stagelifts, escalators and related elevator equipment. To install elevators, journeymen elevator constructors and their helpers (called improvers) do the preparatory construction work (including steel work, wiring and piping), install doors and frames, set machinery, and adjust the elevators.

- **Glassworkers [Glaziers]:** Set, cut, prepare, handle, or remove a variety of types of glass, glass sealants and cements. They install all types of insulating glass units, all plastics, asbestos or other similar materials used in place of glass. They install plate glass and structural glass including shower doors and store fronts. Overlap occurs with ironworkers when installing frames for doors and windows. The glazier does all the glasswork but the ironworker installs the frames.
- **Insulators:** Insulate piping, boilers and other industrial and commercial equipment and buildings. They are not involved in residential work, insulating ceilings, walls and floors. There may be overlap of work with the sheetmetal worker, if the job involves wrapping a vessel. This is determined by the thickness of the material used for insulating. The labourers do some insulation work and the carpenters do scaffolding as well as the insulator.
- **Ironworkers, Reinforcing:** Erect the steel framework of buildings, bridges, power transmission towers, and scaffolding. They do ornamental ironwork; assemble steel reinforcing rods for reinforced concrete (rebar); and install tension and grout post tensioning cables. They also erect and install construction cranes, derricks and other hoisting equipment.
- **Ironworkers, Structural:** Erect, install, weld, demolish, sort, cut, bend, move, hoist, place, tie, repair and dismantle reinforcing, structural and miscellaneous steel. They will unload, move and completely install all the steel when working with precast, prestressed, or reinforced concrete structures. Examples of these structures include: columns, beams or girders used in the construction of buildings and bridges.
- **Labourers:** Work on the foundation of a building, including the moving of dirt, concrete work, and demolition. The labourer is involved in general cleanup. They mix, handle and convey materials used by other trades. They act as traffic control persons on site. They assist with explosive work. The labourers generally assist other crafts and are often part of composite crews. Labourers work overlaps with several of the other trades. for example, the labourers operate forklifts and bobcats while operating engineers operate larger equipment. Their work may overlap with teamsters, who also load trucks and warehouse materials. The labourer puts up scaffolding and there can be overlap with the carpenter. If the scaffolding is greater than 15 feet or 3 storeys, the work is generally that of the carpenter. Any of the work on the ground, like moving scaffolding and cleanup is generally completed by a labourer. See: [*Access Scaffolding & Ladder Co.* [1990] Alta. L.R.B.R. 369].
- **Lather/Interior Systems Mechanics:** Assemble and install the frameworks for gypsum materials in buildings. They cut, shape, bend and sometimes weld components to build supporting bases for plaster, cement, fireproofing or acoustical materials. These frameworks include walls, partitions, ceiling systems, and ornamental shapes for interiors and exteriors. Lathers also apply gypsum lath, metal lath, and stucco wire. They install metal door and window frames, access doors, wall insulation, computer floors, and demountable partitions (used in commercial office space). They install the backing for articles such as handrails and cupboards attached to finished walls or ceilings.

- **Millwrights:** Erect, maintain, and dismantle machinery and mechanical equipment in factories, production plants, and on construction sites. They must be familiar with a variety of complex plant or industrial machinery. They also construct or supervise the construction of foundations for machines, and properly install machines on foundations. They test equipment once it is assembled and make necessary adjustments.
- **Operating Engineers:** Operate, service, maintain, assemble and dismantle all hoisting and portable machines, boilers and engines used for construction purposes. This unit includes surveyors. However, the Board considers surveyors' helpers, including chainpersons, rodpersons and stakepersons, part of the labourers construction unit. Use of surveyor's instruments within a specific trade falls within that trade's jurisdiction. The Board recognizes that considerable surveying work on projects falls outside the definition of construction. This work involves engineering, architectural, procurement, quality control and quantity surveying done for owners or contractors. See: [*Dilcon Constructors Ltd. v. Operating Engineers*, [1991] Alta.L.R.B.R. 619; [Roadbuilding and Heavy Construction, Chapter 25\(e\)](#)].
- **Painters:** Apply paint, wallcoverings, and other finishes to interior and exterior surfaces. They apply liquid coatings such as paint, stain or varnish to surfaces of wood, metal, brick, concrete, plaster, stucco, or stone. They also apply wallcoverings of paper or natural and synthetic fabrics, fireproofing and fire retardant coatings. They remove asbestos.
- **Plasterers:** Select, mix and apply plaster and stucco to interior walls and ceilings, and exterior surfaces of the buildings. Plasterers apply different coats of plaster depending on the surface being covered. They work with a plaster material that is applied in a single coat over interior masonry surfaces. They apply industrial fireproofing. For exterior work, they usually apply stucco or plastic coating. Plasterers sometimes do drywall taping.
- **Plumbers and Pipefitters:** Install all plumbing and pipefitting systems and all component parts. They handle, fabricate, assemble, rig and erect all pipe, metallic or non-metallic, in all process piping, above or below ground. They install heat treating and stress relieving of pipe, connected with the process piping. Pipefitters install, maintain and repair piping systems. The piping systems may be for water supply, drainage, waste and venting, or hot liquid heating. There may be an overlap of work between boilermakers and pipefitters. For example, if a pressure vessel is built and installed, the boilermaker would do this work including cutting openings for pipe and tying in the pipe. The pipefitter cuts openings for pipe and ties in the pipe in other cases.
- **Refrigeration Mechanics:** Assemble, install, calibrate, and test industrial and commercial refrigeration and air conditioning systems. This includes component parts such as compressors, condensers, evaporators, expansion valves, and electrical or pneumatic controls. They also service, repair, and overhaul heating, refrigeration and air conditioning systems.
- **Roofers:** Prepare and apply protective coverings to flat and pitched roof surfaces. Most flat roofs are covered with several layers of materials such as asphalt, felt, tar, gravel or metal.

Most pitched roofs are covered with shingles made of asphalt, fibreglass, tile, slate or wood. Roofers working on the flat roofs of commercial and industrial buildings under construction, first put a layer of vapour barrier and a layer of insulation on the roof deck, then mop a coat of hot bitumen (tar like substance) over it. They may also apply single membrane roofing materials when required. Sheeters, deckers and cladders also do roofing. If the roof is made of metal or involves metal decking and flashing, the work is that of the sheeters, deckers and cladders. If tar and gravel, shingles or single membrane materials are being applied to the roof, a roofer does this.

- **Sheet Metal Workers:** Fabricate, install and repair a variety of sheet metal products and equipment. These products include ducts for heating, ventilating, air conditioning, exhaust, and dust collecting systems as well as flashing, coping, troughing, and roof drainage systems. They also do the metal cladding of insulated piping and equipment on industrial sites.
- **Sheeters, Deckers and Cladders:** Assemble, erect and install, dismantle, recondition, adjust, alter and repair all sheet metal work in the sheeting, decking and cladding field. They are also involved in the fabrication and installation of flashing and associated work. Roofers work can overlap with sheeters, deckers and cladders, depending on the type of roof installed.
- **Sprinkler Fitters:** Installation, maintenance, and repair of sprinkler piping systems. Sprinkler fitters work on equipment and piping for fire suppression systems. They install, maintain and repair piping, fixtures and controls including hydrants, pump and sprinkler head connections in industrial operations, department stores, office buildings, hotels, schools, hospitals and residences.
- **Teamsters:** Drive all licensed vehicles hauling workers, materials, or equipment. They operate trucks of all sizes, hauling aggregates, gravel, sand, fill and concrete at construction sites.
- **Tilesetters:** Decorate and repair exterior and interior walls, floors and other surfaces of buildings. They apply materials such as marble, slate and stone, ceramic tile and quarry tile. They also mix, lay and polish terrazzo surfaces and install mosaic floors and murals. Tilesetters grind, polish and install terrazzo tile. Labourers might help, but the work is specialized and is all included in the tilesetters unit. See: [*Tile Terrazzo & Marble Association of Alberta v Bricklayers 4 & Labourers*. 92 [1993] Alta.L.R.B.R. 196].