

#12 REGISTRATION IN THE CONSTRUCTION INDUSTRY

I. INTRODUCTION

The *Labour Relations Code* allows construction employers to form employers' organizations to bargain on their behalf with the construction trade unions. *See: Sections 166 to 179.*

An employers' organization can apply to the Labour Relations Board for a registration certificate. Registration gives the employers' organization authority to bargain collectively on behalf of the affected employers. Applicants must use a Board form when applying for registration.

This Bulletin describes the filing requirements and time limits for such applications. It also outlines the Board's policies and procedures for handling registration applications.

II. DEFINITION OF CONSTRUCTION

The *Labour Relations Code* defines construction in Section 1(g). This definition reads:

1(g) "construction" includes 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;*

III. PART OF THE CONSTRUCTION INDUSTRY

An employers' organization can apply for a registration certificate for a "part of the construction industry". There are four factors involved in a part of the industry. *See: Sections 166, 163(2)(b).*

Province-Wide Scope

Each part of the industry applied for must be province-wide. *See: Section 171(2).*

Sectors

The Code limits the part to a sector of the industry. A sector is a portion of the construction industry defined by the type of construction activity performed. The Lieutenant-Governor in Council establishes these sectors through regulations. There are currently four sectors:

- Pipeline Construction
- Roadbuilding and Heavy Construction
- General Construction
- Specialty Construction

See: Sections 163(2)(c), (3), 208(1); Construction Industry Labour Relations Regulation.

Trade Jurisdiction

A trade jurisdiction means a type of construction work, like plumbing or carpentry. Trade jurisdictions customarily reflect the types of categories used in the apprenticeship program. They also largely reflect the definitions used by the building trade unions to define which union has authority to represent which workers. *See: Sections 163(2)(d), 208(1); Construction Industry Labour Relations Regulation.*

Group of Trade Unions

While registrations are province-wide, trade unions are often regional. The *Labour Relations Code* allows more than one trade union to be grouped together for the purposes of one registration application or certificate. This group of trade unions will often consist of several locals of one building trade union. *See: Sections 163(2)(a), 172; Construction Industry Labour Relations Regulation.*

An example of how a registration certificate may read is,

“All employers in the province of Alberta engaged in plumbing and pipefitting work within the general construction sector of the construction industry.”

IV. THE APPLICATION

Timing of the Application

The Code sets out three circumstances that may impose time limits on employers' organizations applying for registration. These include filing of constitutional documents, existing collective bargaining relationships and seasonal factors.

a) Constitutional Filing

An employers' organization applying for registration must file its constitutional documents at least 60 days before it applies for registration. *See: Sections 164, 170(1).*

In special cases, the Board can reduce this period. However, the employers' organization must apply for this reduction before it applies for registration.

b) Existing Collective Bargaining Relationships

An employers' organization may apply for registration at any time except:

- when the majority of the employers affected by the application and the trade union or trade unions named in the application are bargaining collectively, or
- in the ten-month period preceding the end of the term of the collective agreement between the trade union(s) and the majority of employers affected by the application.

See: Section 170(2).

c) Seasonal Factors

An employers' organization should consider seasonal factors when applying to be a registered employers' organization. The Board may refuse an application if it considers the application untimely given how these factors affect the work related to the part of the construction industry. *See: Section 170(3).*

Form of the Application

An application for registration must include:

- the legal name, mailing address and telephone number of the applicant employers' organization,
- the name, mailing address and telephone number of the applicant's contact person,
- the full names, mailing addresses and telephone numbers of the trade unions the applicant seeks to have within the scope of the registration,
- a description of the part of the construction industry for which it seeks registration,
- a description of the trade jurisdiction applied for,
- evidence of 40% support of the employers engaged in that part of the industry it wishes to represent. These employers must have a bargaining relationship with one or more of the trade unions named in the application,
- the section of the Code relied upon, and
- a statement of the result desired (i.e., the granting of a registration certificate for part of the construction industry).
- a statement in the form prescribed by the Board confirming the application has been served on any parties known to be affected or subsequently added by the Board.

See: Rules of Procedure, Rules 5.1, 6.

V. PROCESSING OF THE APPLICATION

The Board processes the application according to the principles and procedures in Information Bulletin 2.

When the Board receives an application, the Director of Settlement may appoint an Officer to investigate. The Officer begins by reviewing the status of the employers' organization and the timeliness of the application. *See: Sections 16(4)(a), 13; Rules of Procedure, Rule 22(1)(g); Bulletins 2, 3.*

Employees may receive notice of the application by a Notice to Employers and Employees posted at the work sites. The Officer directs the employer or union or other person to post the notice. The notice tells employers and employees about the procedures and time limits for filing objections. *See: Section 13(1)(e); Rules of Procedure, Rule 14; Voting Rules, Rule 8(c).*

Trade Union(s) Response

The Officer seeks information from the trade union(s) named by the applicant for registration about:

- their legal name, local number, mailing address, and telephone number,
- a contact person and telephone number,
- which employers in the part of the industry for which registration is being sought the trade union has a collective bargaining relationship with, whether by certification or by voluntary recognition. *See: Section 169(3); Voting Rules, Rule 8(h).*

Individual Employer Response

The Officer seeks information from the employers who might be affected by the registration application, about:

- their legal name, mailing address, and telephone number,
- a contact person and telephone number,
- the trade union(s) with which the employer has a collective bargaining relationship, whether by certification or by voluntary recognition, and whether or not the employer operates in the part of the industry claimed by the applicant. *See: Voting Rules, Rule 8(h).*

The Officer's Report

The Officer, employers' organization and unions discuss which employers are in or out of the scope of the proposed registration certificate. They review the method and times suitable for voting should a vote be needed.

At the end of the investigation, the Officer completes a report and gives it to the parties. *See: Bulletin 3.*

The report includes:

- a recommendation about the status of the employers' organization,
- a summary of employer support,
- a list of employers in the part of the industry,
- a recommendation about the appropriate part of the construction industry for registration,
- a recommendation about the appropriateness of grouping the trade unions under one registration certificate for collective bargaining, and
- a recommendation on which employers are included or excluded from the part of the industry, if such a determination might affect the 40% support.

The Officer communicates the contents of the report by written notice to all the parties.

If not previously scheduled, the Director of Settlement may schedule a hearing.

Objections to the Report

An objecting party should communicate its objections to all parties, including the Board, before the hearing.

The Board requires that objections be clear, specific and detailed. General objections are not normally acceptable.

If the Board receives no objections, it processes the application relying on the Officer's report. It confirms the date of the representation vote if there is 40% support of employers.

On the hearing date, the Board hears any objections. The Board will normally rely upon the facts set out in the officer's report unless an objecting party introduces further evidence. *See: Rules of Procedure, Rule 26.*

The Hearing

At the hearing, the Board decides:

- if the applicant is an employers' organization under the Code,
- the appropriate part of the industry for collective bargaining purposes,
- which employers come within or are excluded from the part of the construction industry,
- if there is evidence of 40% support,
- the appropriate trade jurisdiction,
- the appropriateness of grouping the individual trade unions in the registration certificate, with regard to the province-wide nature of bargaining, trade union affiliation, and the ability of the trade unions to bargain and administer a collective agreement as a group.
- the date, place and times of the representation vote, and
- if there are any prohibitions to the registration under section 174.

See: Section 168.

If the Board is satisfied, after a hearing, that the applicant has 40% support of employers in the part of the industry applied for, it conducts a representation vote.

The Vote

The Officer gives the employers notice of the vote.

The Board has both Voting Rules and procedures for representation votes which apply to this process. *See: Voting Rules, Part II.*

The Returning Officer counts the vote and advises the Board.

If there are no disputed ballots, the Returning Officer directly advises the parties of the results.

The Board notifies all parties of the success or failure of the application.

The Registration Certificate

The Board issues the certificates to the employers' organization and trade unions. Each trade union and the employers' organization receive original copies. The Board retains a copy. *See: Section 175.*

The information on the certificate includes:

- the legal name of the employers' organization,

- the name of the trade union(s) with which the registered employers' organization may bargain collectively,
- the part of the industry, and
- the date of registration.

Sections 176 and 178 of the *Labour Relations Code* set out the effect of registration.

Section 176 of the Code reads:

176(1) On the issuance of a registration certificate the employers' organization named in it becomes a registered employers' organization and has exclusive authority to bargain collectively with the group of trade unions named in the registration certification on behalf of

(a) all employers actually or customarily engaged in the part of the construction industry set out in the registration certificate with whom any of the trade unions in the group of trade unions has established or subsequently establishes, the right of collective bargaining, and

(b) any other employer actually or customarily engaged in the part of the construction industry who is party to an agreement, notwithstanding anything in that agreement, that provides that the employer shall comply with any of the terms of a collective agreement entered into by any of the trade unions in the group of trade unions in respect of work in the part of the construction industry set out in the registration certificate, but only while that agreement to comply remains in force.

(2) Subsection (1) applies to employers only to the extent of their collective bargaining obligations with a trade union.

Section 178 reads:

178 When a registered employers' organization and a group of trade unions enter into a collective agreement, the collective agreement is binding on

(a) the employers referred to in section 176,

(b) the employees of the employers referred to in clause (a),

(c) the registered employers' organization insofar as the terms and conditions of the collective agreement apply to it, and

(d) the group of trade unions and each trade union within the group

These sections provide that a registered employers' organization has authority to bargain for affected employers. Affected employers are those who have a bargaining relationship with one or more of the trade unions grouped together for the purposes of the registration certificate. Any collective agreement between the registered employers' organization and the trade union binds the employer to the extent of its bargaining relationships with the trade unions concerned.



CONSOLIDATION ORDER FOR 2021-2023
ROUND OF CONSTRUCTION BARGAINING

PART ONE

IN THE MATTER OF THE LABOUR RELATIONS CODE and the Consolidation Order, under Section 184 affecting the Registered Employers' Organizations and groups of Trade Unions affected by Registration Certificates in the Pipeline Construction Sector and the Specialty Construction Sector

	Trade Jurisdiction	Registered Employers' Organization	Trade Unions Affected
1) All registrations in the Pipeline Construction Sector are consolidated.			
Cert. #1	Teamsters	Pipe Line Contractors Association of Canada	General Teamsters, Local 362
Cert. #2	Operating Engineers	Pipe Line Contractors Association of Canada	International Union of Operating Engineers, Local 955
Cert. #4	Plumbers	Pipe Line Contractors Association of Canada	United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 488
Cert. #68	Labourers	Pipe Line Contractors Association of Canada	Construction and General Workers' Union, Local No. 92
2) The following registration in the Specialty Construction Sector is consolidated.			
Cert. #70-2021	Non Destructive Testing Workers	Non-Destructive Testing Management (Canada) Association	International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, Lodge 146; and United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, Local 488 and Local 496 Operating as the Quality Control Council of Canada

3) The following registration in the Specialty Construction Sector is consolidated.

Cert. #46	Crane Rental	Alberta Crane Owners' Association	International Union of Operating Engineers, Local 955
-----------	--------------	--------------------------------------	----------------------------------------------------------

ISSUED and DATED at the City of Edmonton in the Province of Alberta this 25th day of March, 2021
by the Labour Relations Board and signed by its Vice Chair.

William J. Johnson, Q.C., Vice Chair



CONSOLIDATION ORDER FOR 2021-2023
ROUND OF CONSTRUCTION BARGAINING

PART TWO

IN THE MATTER OF THE LABOUR RELATIONS CODE and the Consolidation Order, under Section 184 affecting the Registered Employers' Organizations and groups of Trade Unions affected by Registration Certificates in the General Construction Sector

On the basis that no bargaining in the 2021-2023 round of construction bargaining in the General Construction Sector will take place to which this consolidation order would apply, no registrations are consolidated in the General Construction Sector for the 2021-2023 round of construction bargaining.

ISSUED and DATED at the City of Edmonton in the Province of Alberta this 12th day of May, 2021 by the Labour Relations Board and signed by its Vice Chair.

Jeremy D. Schick, Vice Chair

See also:

Information Bulletins 1, 3, 4, 7, 13 and 14

Rules of Procedure

Voting Rules

For further information or answers to any questions regarding this or any other Information Bulletin please contact:

Director of Settlement
Labour Relations Board
640, 10155 102 Street NW
Edmonton AB T5J 4G8
Telephone: (780) 422-5926

Manager of Settlement
Labour Relations Board
308, 1212 31 Avenue NE
Calgary, Alberta T2E 7S8
Telephone: (403) 297-4334

Email: alrb.info@gov.ab.ca

Website: alrb.gov.ab.ca