

**Labour Relations Board
Saskatchewan**

INTERNATIONAL UNION OF OPERATING ENGINEERS HOISTING & PORTABLE & STATIONARY, LOCAL 870, Applicant v. COOPERS CRANE RENTAL LIMITED, Respondent

LRB File No. 004-06; February 22, 2006

Chairperson, James Seibel; Members Bruce McDonald and Ken Ahl

For the Applicant: Jim Chisholm

For the Respondent: No one appearing.

Bargaining unit – Appropriate bargaining unit - Construction industry – Standard construction unit – Board amends standard construction unit for operating engineer trade to include operating engineer apprentices due to development and evolution of apprenticeship program since standard construction units devised by Board.

The Trade Union Act, ss. 2(a), 5(a), 5(b) and 5(c).

REASONS FOR DECISION

Background:

[1] On January 24, 2006, International Union of Operating Engineers Hoisting & Portable & Stationary, Local 870 (the "Union"), filed an application to be designated as the certified bargaining agent for a unit of employees of Coopers Crane Rental Limited (the "Employer") pursuant to ss. 5(a), (b) and (c) of *The Trade Union Act*, R.S.S. 1978, c. T-17, as amended (the "Act"). The proposed bargaining unit was described as follows:

all operating engineers, operating engineer foremen and apprentices, employed in the Province of Saskatchewan.

[2] In its application, the Union estimated that there were four employees in the proposed bargaining unit.

[3] Although the Employer failed to file a reply, a statement of employment or to respond at all to the application, it was scheduled for a *viva voce* hearing because the proposed bargaining unit was a “non-standard” unit. The standard bargaining unit description for the operating engineer trade in the construction industry as described in *International Erectors & Riggers (a Division of Newbery Energy)*, [1979] Sept. Sask. Labour Rep. 37, LRB File No. 114-79 is “all operating engineers and operating engineer foremen.” That is, the standard bargaining unit description does not include “operating engineer apprentices.”

[4] At the time of the decision in *Newbery, supra*, there was no apprenticeship program for operating engineers. However, there is now provision for commercial training and on-the-job apprenticeship and recognition of crane and hoist operators as a designated trade in the construction sector pursuant *The Apprenticeship and Trade Certification Act, 1999*, S.S. 1999, c. A-22.2 and *The Apprenticeship and Trade Certification Regulations, 2003*, S.R. 2003, c. A-22.2, Reg 3. The Union now seeks to represent such apprentices.

Decision:

[5] With the development and evolution of the apprenticeship program for operating engineers since *Newbery, supra*, was decided, it is necessary for the standard unit description in the construction industry to change as well.

[6] The Union filed evidence of majority support for the application for certification. Accordingly, an Order has been issued designating the Union as the bargaining agent for “operating engineers, operating engineer apprentices and operating engineer foremen” employed by the Employer in Saskatchewan.

DATED at Regina, Saskatchewan, this **22nd** day of **February, 2006**.

LABOUR RELATIONS BOARD

James Seibel,
Chairperson