Saskatchewan
Labour Relations Board

TEAMSTERS LOCAL UNION, NO. 395, Applicant v GFL ENVIRONMENTAL SFS INC. Respondent

LRB File No. 073-25; December 12, 2025
Chairperson, Kyle McCreary; Board Members: Lori Sali and Al Parenteau
Citation: *Teamsters v GFL*, 2025 SKLRB 57

Counsel for the Applicant, Teamsters Local Union, No. 395: Heather Robertson

Counsel for the GFL Environmental SFS Inc.: Christopher Lane, K.C.

Certification – Board has supervisory jurisdiction – Agreement of parties does not relieve Board of its duty to determine appropriate bargaining unit – Proposed unit found to be appropriate for collective bargaining

REASONS FOR DECISION

Background:

[1] **Kyle McCreary, Chairperson:** This bargaining unit was decertified in LRB File No. 170-24, the objection to which was dismissed in *Jureskin v UNIFOR*, 2025 SKLRB 8 (CanLII). On April 17, 2025, Teamsters, Local 395 ("Teamsters") applied to certify the same unit with GFS Environmental SFS Inc. ("the Employer") as had been decertified. This is an all employees unit North of the 51st parallel. Teamsters already represents an all employees unit south of the 51st parallel with the Employer. The Employer initially objected to the applied for unit and sought to have the southern unit amended to include its operations in Yorkton.

[2] At the time of application, the Employer operated solid waste disposal operations out of locations in Saskatoon, Prince Albert, Yorkton, and Regina. The Saskatoon, Prince Albert, and Yorkton operations fall within the proposed bargaining unit. Other entities using the GFL brand name operate liquid waste disposal businesses in the province. These entities are legally distinct entities from the Employer.

[3] The Board heard three days of evidence related to the within certification application. The matter was adjourned to the following week for argument. An hour prior to argument, the parties advised the Board that they had reached a settlement and vacated the hearing date. This included the Employer withdrawing its amendment application.

[4] The Board subsequently proceeded to count the vote in the certification. The vote was in in favour of Teamsters. The matter was referred to this panel for *in camera* consideration. On reviewing the proposed unit, the Board had questions about its appropriateness and requested submissions from the parties.

[5] The Board reviewed the parties' submissions and issued a certification order with reasons to follow. These are those reasons.

Relevant Statutory Provisions:

[6] This application is pursuant to Section 6-9 of the Act, which reads:

> ***Acquisition of bargaining rights***
> ***6-9****(1) A union may, at any time, apply to the board to be certified as bargaining agent for a unit of employees appropriate for collective bargaining if a certification order has not been issued for all or a portion of that unit.*
>
> *(2) When applying pursuant to subsection (1), a union shall:*
>
> > *(a) establish that 45% or more of the employees in the unit have within the 90 days preceding the date of the application indicated that the applicant union is their choice of bargaining agent; and*
> >
> > *(b) file with the board evidence of each employee's support that meets the prescribed requirements.*

[7] The Board's authority to determine whether an applied for unit is appropriate for collective bargaining is pursuant to s. 6-11, which reads:

> ***Determination of bargaining unit***
> ***6-11****(1) If a union applies for certification as the bargaining agent for a unit or a portion of a bargaining unit or to move a portion of one bargaining unit to another bargaining unit, including a bargaining unit comprised of supervisory employees, as defined in clause 6-1(1)(o) of this Act as that clause read before the coming into force of The Saskatchewan Employment Amendment Act, 2021, the board shall determine:*
>
> > *(a) if the unit of employees is appropriate for collective bargaining; or*
> >
> > *(b) in the case of an application to move a portion of one bargaining unit to another bargaining unit, if the portion of the unit should be moved.*
>
> *(2) In making the determination required pursuant to subsection (1), the board may include or exclude persons in the unit proposed by the union.*
>
> *…*
>
> *(7) In making the determination required by subsection (1) as it relates to the construction industry within the meaning of Division 13, the board shall:*

> *(a) make no presumption that a craft unit is the more suitable unit appropriate for collective bargaining; and*
>
> *(b) determine the bargaining unit by reference to whatever factors the board considers relevant to the application, including:*
>
> *(i) the geographical jurisdiction of the union making the application; and*
>
> *(ii) whether the certification order should be confined to a particular project.*

Analysis and Decision:

Supervisory Jurisdiction of the Board

[8] The parties have taken the position that the Board should not review an agreed to bargaining unit prior to issuing a certification. The Board disagrees. The Act does not permit or require the Board to accept voluntary recognitions as a sufficient pre-condition to certification. The Board must always determine whether an applied for unit is an appropriate unit, regardless of the agreement of the parties.

[9] Pursuant to s. 6-11, the Board has supervisory jurisdiction to determine whether an applied for bargaining unit is appropriate for collective bargaining. The Act requires the Board to make this determination through the use of the phrasing "the board shall determine." This imposes a statutory duty on the Board to consider whether any applied for unit is appropriate and to decide that a unit is appropriate prior to issuing a certification order.

[10] To accept an agreed to bargaining unit when the Board has concerns about its appropriateness without further inquiry would not be in compliance with this duty. It would also arguably equate voluntary recognition with statutory certification and as discussed in decisions such as *United Food and Commercial Workers, Local 1400 v. Saskatoon Credit Union Limited*, 2009 CanLII 21216 (SK LRB), and *Canadian Union of Public Employees, Local 1486 v The Students' Union of the University of Regina Student Inc.*, 2017 CanLII 44004 (SK LRB), voluntary recognition has a different status under Saskatchewan labour legislation than a certification order.

[11] The Board had concerns about appropriateness of the proposed bargaining unit that it wished for the parties to address and gave the parties an opportunity to do so. There is nothing improper in the Board proceeding in this manner. It is fulfilment of the Board's statutory duty, and it is procedurally fair to ask the parties to respond to the Board's concerns.

Test for Appropriate Bargaining Unit

[12] The Board has set out the test for an appropriate bargaining unit in various cases including: *North Battleford Community Safety Officers Police Association, v. City of North Battleford*, 2017 CanLII 68783 (SK LRB); *Canadian Union of Public Employees v Phoenix Residential Society*, 2023 CanLII 72599 (SK LRB); *Canadian Union of Public Employees v Town of Preeceville*, 2024 CanLII 121019 (SK LRB); *United Brotherhood of Carpenters & Joiners of America, Local 1985 v CLAC Local 151*, 2025 SKLRB 48 (CanLII). Generally, when the question is the certification of unrepresented employees, the Board is only looking to determine that a unit is appropriate, not that it is the most appropriate.

[13] In determining whether a proposed bargaining unit is appropriate, the Board considers the size of a unit, with a general preference for larger more inclusive units. The Board also considers whether the proposed unit will be able to bargaining effectively; the community of interest shared by the employees in the proposed unit; organizational difficulties in particular industries; the promotion of industrial stability; the agreement of the parties; the organizational structure of the employer; the effect that the proposed unit will have upon the employer's operations; and the historical patterns of organization in the industry.

[14] In this case, the Board has concerns that the two bargaining unit structure is potentially inappropriate as there was previous jurisdictional conflict related to this configuration: *Waste Management of Canada Corp. and TC, Local 395* (Collective Bargaining Agreement), 2013 CarswellSask 508, [2013] S.L.A.A. No. 11, 115 C.L.A.S. 260, 233 L.A.C. (4th) 401. The evidence in the hearing established that the Employer's operations often involve employees crossing the 51st parallel as part of their work, which could lead to further jurisdictional conflict.

[15] However, given the history of the bargaining structure, and in particular, that years of collective bargaining was completed based on this structure demonstrating that this is a viable unit with an established community of interest. As it relates to the industrial stability concerns, the agreement of the parties considers this concern and evidences an intention to address it. Further, while there is ongoing tension as it relates to the Arbitration Decision, the Employer has been able to operate its Yorkton office in the northern unit and have the Yorkton office perform work both north and south of the 51st parallel for multiple years without further formal adjudication.

[16] The Board finds that while the agreement of the parties is not determinative, considering the history of this unit and the long history of viable collective bargaining, the community of interest

of the employees in the northern unit who all perform similar work, and that the agreement of the parties potentially addresses the industrial conflict, the Board finds the proposed unit is appropriate for collective bargaining.

[17] As a result, the Board ordered the certification of the applied for unit.

[18] The Board thanks the parties for the helpful submissions they provided, all of which were reviewed and considered in making a determination in this matter.

DATED at Regina, Saskatchewan, this **12th** day of **December, 2025.**

LABOUR RELATIONS BOARD

Kyle McCreary
Chairperson