

STEELWORKERS CERTIFIED FOR UNIT OF BANK EMPLOYEES

United Steelworkers of America and TD Canada Trust in the City of Greater Sudbury, Ontario
(Canada Industrial Relations Board, March 29, 2005, Decision No. 316)

In a recent decision, the Canada Industrial Relations Board certified the United Steelworkers of America as bargaining agent for a unit of bank employees at eight (8) branches of TD Canada Trust in the Greater Sudbury area. TD argued that a bargaining unit which was comprised of a “cluster” of branches was not appropriate because of differences between branches in terms of business volume, type of business, staff size, hours of operation and operational structure, and the fact that the eight branches were only one component of the bank’s “Northern Lights District”. TD asserted that the Board should not create one bargaining unit comprising employees at all eight branches, but that six separate units would be more appropriate. It was also argued that the wishes of employees at the disparate branches could be significantly different and that there was, therefore, no community of interest among the employees in the unit for which the Steelworkers had applied.

The Board rejected TD’s arguments. The Board determined that it need only consider whether the unit for which the union applied was an appropriate bargaining unit. The focus of the Board’s attention was on the structure of working conditions within the organization; differences between the branches on an operational level were found to have little if any relevance to the question of whether the eight branches could comprise an appropriate bargaining unit. The Board found that the branches were geographically proximate to one another and that the terms and conditions of employees were standardized, as were operating procedures and levels of service. The jobs performed and salaries received were similar, if not identical, regardless of the branch. Accordingly, the Board concluded that a single bargaining unit including all non-managerial employees at the eight branches was appropriate for collective bargaining.

TD had also filed an unfair labour practice complaint in relation to the Steelworkers’ conduct in obtaining membership cards. The bank argued that employees had been coerced or intimidated into signing cards. An Investigating Officer of the Board conducted an investigation of these allegations. The Board considered the Investigating Officer’s report and letters of concern from a number of employees, and found that no coercion or intimidation had been practiced by the union in the course of its organizing campaign. Further, the Board observed that concerns about the conduct of the union would have been more properly brought to the Board’s attention by the employees themselves.

In the result, the Board ordered certification on the basis of the membership evidence tendered by the Steelworkers, without considering it necessary to conduct a vote. The Board was satisfied, based on the investigation of its Officer, that the membership cards filed by the union reflected the support of the majority of employees within the bargaining unit.

As noted by the Board, this is the first time that the issue of whether a “cluster” or geographical unit of employees is appropriate for collective bargaining since a number of cases arose in the 1980’s. Now, as then, the Board has favoured allowing these larger units without looking at the level of support within each individual branch. With this decision, organizing activity in the banking sector can be expected to increase.