



Order No.: 11909-U

IN THE MATTER OF THE

Canada Labour Code

- and -

International Brotherhood of Teamsters,
Chauffeurs, Warehousemen, Helpers and
Miscellaneous Workers, Local 927,

applicant,

- and -

Purolator Inc.,
Mississauga, Ontario,

employer.

WHEREAS the Canada Industrial Relations Board (the Board) has received an application for certification pursuant to section 24(1) of the *Canada Labour Code* (the *Code*) from the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, Helpers and Miscellaneous Workers, Local 927 (the applicant) seeking certification as bargaining agent for a unit of employees of Purolator Inc. (the employer) comprising:

all clerical and retail employees of Purolator Inc. located at 1855 Champlain Street, Moncton, New Brunswick, **excluding** supervisors and persons above the rank of supervisors, human resources staff, loss prevention staff, non-retail sales staff, technical employees, casual employees and employees covered by a subsisting collective agreement.

AND WHEREAS the employer did not agree with the applicant's proposed bargaining unit description, stating that the position of operations administrative assistant should also be excluded from the bargaining unit;

AND WHEREAS the applicant objected to the exclusion of the position of operations administrative assistant but did not object to excluding the employee currently

occupying that position on the basis that the individual in question fall within the exceptions already noted in the bargaining unit description;

AND WHEREAS the parties agreed that the individual occupying the position of operations administrative assistant should be excluded from the bargaining unit because he is employed in a confidential capacity in matters relating to industrial relations;

AND WHEREAS, upon a review of the parties' submissions, the job description for the position of operations administrative assistant, the fact that the parties agreed that the incumbent in the said position is employed in a confidential capacity relating to industrial relations, for clarity and so as to avoid a conflict of interest for employees occupying this position, the Board has found that the position of operations administrative assistant should be explicitly excluded from the bargaining unit;

AND WHEREAS, following investigation of the application and consideration of the submissions of the parties concerned, the Board has found the applicant to be a trade union within the meaning of the *Code*, has determined the unit described hereunder to be appropriate for collective bargaining and is satisfied that a majority of the employees of the employer in the unit wish to have the applicant trade union represent them as their bargaining agent.

NOW, THEREFORE, it is ordered by the Canada Industrial Relations Board that the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, Helpers and Miscellaneous Workers, Local 927 be, and it is hereby certified to be, the bargaining agent for a unit comprising:

all clerical and retail employees of Purolator Inc. located at 1855 Champlain Street, Moncton, New Brunswick, **excluding** supervisors and persons above the rank of supervisors, human resources staff, loss prevention staff, non-retail sales staff, operations administrative assistants, technical employees, casual employees, employees covered by a subsisting collective agreement and persons employed in a confidential capacity in matters relating to industrial relations.

ISSUED at Ottawa, this 27th day of March, 2024, by the Canada Industrial Relations Board.

Sylvie M.D. Guilbert
Vice-Chairperson

Reference: File No. 037421-C