

## **SCHEDULE “A”**

1. This is an application for accreditation made by the Greater Toronto Electrical Contractors Association (**GTECA**) to act as the accredited employers’ organization for all employers in contractual relations with the International Brotherhood of Electrical Workers (**IBEW**), Local 303 (**Local 303**) in the residential sector of the construction industry in the Regional Municipality of Niagara and Haldimand County (Ontario Labour Relations Board (**Board**) Area 5).

2. GTECA is an employers’ organization within the meaning of section 126 of the Ontario *Labour Relations Act, 1995* (the **Act**). The Responding Party, Local 303, is a trade union within the meaning of section 126 of the Act.

### **GTECA’s Accreditation and Bargaining History**

3. GTECA used to be called the Electrical Contractors Association of Toronto (the **ECAT**). On January 9, 1975 the Board accredited the ECAT as the employers’ organization for employers in contractual relations with the IBEW, Local 353 (**Local 353**) engaged in work in the residential and the industrial, commercial and institutional (**ICI**) sectors in Board Area 8 pursuant to subsection 136(1) of the Act (Board File No. 1469-71-R) (**ECAT Accreditation Certificate re Local 353, Tab 1**).

4. GTECA and Local 353 negotiate a collective agreement applicable to the low-rise residential sector in Board Area 8. The most recent previous version of GTECA/Local 353 collective agreement expired on April 30, 2022 and a renewal has been entered into effective May 1, 2022 (**Local 353 Low-Rise Residential Agreement with Renewal Memorandums of Agreement, Tab 2**).

5. Terms and conditions applicable to work in the high-rise residential sector in Board Area 8 are contained in the Principal Agreement negotiated by the IBEW and the IBEW Construction Council of Ontario with the Electrical Contractors Association of Ontario (the **ECAO**). GTECA is

a local affiliate of the ECAO and therefore negotiates the Local 353 Appendix to the Principal Agreement, subject to the approval of the provincial entities who are the parties to the Principal Agreement. The most recent version of the Principal Agreement expired on April 30, 2022 (**Principal Agreement, Tab 3**) and a renewal has been entered into effective May 1, 2022.

6. A Reciprocal Jurisdiction Agreement exists between three accredited employers' organizations (GTECA, the Electrical Contractors Association of Central Ontario and the Electrical Construction Association of Hamilton) and their corresponding IBEW locals (Local 353, Local 804 and Local 105, respectively), which was entered into on June 26, 2020 (**Reciprocal Jurisdictional Agreement, Tab 4**). An Addendum adding Local 303 to the Reciprocal Jurisdiction Agreement was subsequently entered into by the parties (**Addendum to the Reciprocal Jurisdiction Agreement, Tab 5**).

7. The Reciprocal Jurisdiction Agreement allows employers of the accredited employers' associations who are bound to two or more of the named IBEW locals, to bring their employees into the geographic jurisdiction of another IBEW local (which is a party to the Reciprocal Jurisdiction Agreement). When a contractor brings their employees into the geographic area within the jurisdiction of another IBEW local, the terms and conditions of the home union generally apply, except that the contractor will have to remit certain amounts to the receiving IBEW local (i.e. the IBEW local corresponding to the geographical area in which the work is performed). The amounts that contractors need to remit to the receiving IBEW local are set out in Schedule "A" to the Reciprocal Jurisdiction Agreement and to the Addendum.

### **Local 303's Bargaining History**

8. Local 303 has negotiated substantively identical collective agreements applicable to the low-rise residential sector in Board Area 5 with the following seven contractors: Baseview Electric Inc., EPI Electrical Contractors Inc., Tam Electric Ltd., Solo Electric Ltd., Enmar Electrical

Contracting Ltd., Danmar Electric Ltd. and Live Electric Inc. (collectively, the **Local 303 Low-Rise Residential Agreements, Tabs 6-12**). The Local 303 Low-Rise Residential Agreements are effective until April 30, 2022. GTECA understands that renewals are currently being negotiated.

9. Local 303 also has bargaining rights with respect to high-rise residential work in Board Area 5 with the following three contractors: Enmar Electrical Contracting Ltd., Live Electric Inc. and Ozz Electric Inc.

10. All of the contractors listed in paragraphs 8 and 9 above are members of GTECA, with the exception of Live Electric Inc.

11. The Letter of Understanding (**LOU**) at page 28 of the Local 303 Low-Rise Residential Agreements expressly recognizes Local 303 as the exclusive bargaining agent for residential work outside of low-rise. The LOU provides that should the contractors expand their residential work beyond low-rise, the parties will bargain in good faith and make every reasonable effort to conclude a collective agreement pertaining to such work. For example, the LOU at page 28 of the Low-Rise Residential Agreement between Local 303 and Live Electric Ltd. (**Tab 12 at page 28**) states:

**Re: Growth**

Having regard to the fact that Live Electric performs work exclusively in the low-rise portion of the residential sector, the parties have entered into a collective agreement pertaining to only low-rise residential work. Live Electric continue to recognize IBEW Local 303 as exclusive bargaining agent for residential work outside of low-rise. Accordingly, in the event that Live Electric should expand its residential work beyond low-rise, it agrees that it will so advise IBEW Local 303 and the parties agree that they will then bargain in good faith and make every reasonable effort to conclude a collective agreement pertaining to such work.

12. In accordance with the above-noted LOU, Local 303 has recently negotiated a collective agreement applicable to high-rise residential work in Board Area 5 with Enmar Electrical

Contracting Inc. (the **Enmar High-Rise Residential Agreement, Tab 13**). The Enmar High-Rise Residential Agreement is effective until April 30, 2022. GTECA understands that a renewal is currently being negotiated.

13. Local 303 also has voluntary recognition with respect to high-rise residential work performed in Board Area 5 by virtue of the multi-sectoral Principal Agreement (**Tab 3**). Local 303 is bound to the Principal Agreement in accordance with section 146 of the Act. Section 15 of the “Provincial Section” of the Principal Agreement (i.e. the blue pages) specifically states that conditions relating to residential work can be found in the “Local Appendices” (i.e. the white pages):

#### **SECTION 15 - RESIDENTIAL**

For conditions relating to residential work, refer to the Appendix or the jurisdictional area concerned.

These areas are:

- L.U. 105: Hamilton
- L.U. 115: Quinte-St. Lawrence
- L.U. 120: London
- L.U. 303: Niagara Peninsula
- L.U. 353: Toronto
- L.U. 402: Thunder Bay
- L.U. 530: Sarnia
- L.U. 586: Ottawa
- L.U. 773: Windsor
- L.U. 804: Central Ontario
- L.U. 1687: Northern Ontario

14. The Local 303 Appendix acknowledges residential work as falling within its scope in Clause 1500.

15. Accordingly, Local 303 holds bargaining rights with respect to high-rise residential work in Board Area 5 by virtue of the LOU at page 28 of the Local 303 Low-Rise Residential Agreements, the Enmar High-Rise Residential Agreement and/or the Principal Agreement.

16. As Clause 1500 of the Local 303 Appendix does not prescribe specific terms and conditions for high-rise residential work, GTECA understands that, as a matter of practice, employers performing high-rise residential work in Board Area 5 using members of Local 303 who have not formally negotiated a high-rise residential collective agreement (i.e. Live Electric Inc. and Ozz Electric Inc.) have informally applied the ICI terms and conditions set out in the Local 303 Appendix of the Principal Agreement, with slight modification. It is for this reason, among others, that GTECA seeks accreditation to formally negotiate the terms and conditions for all work (both low-rise and high-rise) in the residential sector on behalf of employers in contractual relations with Local 303 in Board Area 5.

### **GTECA's Application for Accreditation**

17. This application constitutes GTECA's application for accreditation to act as the accredited employers' organization for all employers in contractual relations with Local 303 engaged in work in the residential sector of Board Area 5.

18. GTECA has the authority to maintain and pursue accreditation rights under the Act. GTECA's By-laws and letters patent are attached at **Tab 14**. Section 31 of GTECA's By-Laws provides the following authorization:

#### **31. Labour Negotiations**

The Corporation may, in its own name or in the name of anybody or group to which authority has been properly delegated, make application for accreditation within any sector or sectors in any geographical area or areas as defined under the Labour Relations Act (Ontario) or as determined by the Labour Relations Board, and each of the members of the Corporation who are affected shall be

deemed to have authorized such application or applications on its behalf.

19. As such, GTECA has been vested with and continues to have the requisite authority to represent employers in its proposed bargaining unit in collective bargaining with Local 303.

### **Proposed Bargaining Unit**

20. GTECA seeks accreditation as the bargaining agent for the following bargaining unit of employers:

all employers of electricians and electricians' apprentices, network cabling specialists and network cabling specialists' apprentices and communications installers for whom the International Brotherhood of Electrical Workers, Local 303 has bargaining rights in the residential sector of the construction industry in the Regional Municipality of Niagara and Haldimand County (Ontario Labour Relations Board Area No 5).

21. This proposed bargaining unit is appropriate as it is consistent with the existing scope of Local 303's bargaining rights under the Local 303 Low-Rise Residential Agreements, the Enmar High-Rise Residential Agreement and the Principal Agreement.

### **Requirements for Accreditation Order are Met**

22. GTECA satisfies the requirements set out in section 136 of the *Act* to be accredited as the employer's organization for the bargaining unit set out in paragraph 20, above.

23. GTECA's List of Employers is at **Tab 15**. There are approximately four employers who have employed employees in the bargaining unit set out above in the one year prior to this application being filed. These employers employed approximately 16 employees in the weekly payroll period immediately preceding the date of the application.

24. As of the accreditation application filing date, GTECA has been vested with the authority to act as the bargaining agent and to bargain on behalf of the majority of the employers in the

bargaining unit. The employers whom GTECA represents employed a majority of the employees in the payroll week preceding the filing of this application. As such, GTECA represents a majority of employers who employ a majority of the employees in the bargaining unit set out in paragraph 20, above, as required under section 136 of the Act.

**Order Requested**

25. GTECA therefore requests that the Board find that it meets the requirements under section 135 of the Act to be declared an accredited employers' organization for the bargaining unit set out in paragraph 20 and issue an accreditation certificate accordingly.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**