



## **ONTARIO LABOUR RELATIONS BOARD**

OLRB Case No: **0360-21-R**

Greater Toronto Sewer and Watermain Contractors Association,  
Applicant v Labourers' International Union of North America, Local 183,  
Responding Party v **The Oshawa Area Signatory Contractors  
Association**, Intervenor

OLRB Case No: **0482-21-R**

**The Oshawa Area Signatory Contractors Association**, Applicant v  
Labourers' International Union of North America, Local 183, Responding  
Party v Greater Toronto Sewer and Watermain Contractors Association,  
Ontario Concrete and Drain Contractors' Association, and Utility  
Contractors' Association of Ontario, Intervenors

OLRB Case No: **0487-21-R**

Greater Toronto Sewer and Watermain Contractors Association,  
Applicant v International Union of Operating Engineers, Local 793,  
Responding Party v **The Oshawa Area Signatory Contractors  
Association**, Intervenor

OLRB Case No: **0489-21-R**

**Oshawa Area Signatory Contractors Association**, Applicant v  
International Union of Operating Engineers, Local 793, Responding Party  
v Greater Toronto Sewer and Watermain Contractors Association,  
Ontario Concrete and Drain Contractors' Association, Utility Contractors'  
Association of Ontario, and Crane Rental Association of Ontario,  
Intervenors

**BEFORE:** Jack J. Slaughter, Vice-Chair

**DECISION OF THE BOARD:** August 11, 2021

1. These are four applications for accreditation made pursuant to section 134 of the *Labour Relations Act, 1995*, S.O. 1995, c.1, as amended, (the "Act").
2. In two of the applications, the Greater Toronto Sewer and Watermain Contractors Association (the "GTSWCA") seeks to be accredited as the bargaining agent of all employers of construction labourers and operating engineers respectively employed in the sewers and watermains sector of the construction industry in a number of Ontario Labour Relations Board Areas, including Board Area No. 9, which is essentially Oshawa and vicinity.
3. In the other two applications, the Oshawa Area Signatory Contractors Association (the "OASCA") seeks to be accredited as the bargaining agent of all employers of construction labourers and operating engineers respectively employed in the roads, sewers and watermains, and heavy engineering sectors of the construction industry in Ontario Labour Relations Board Area No. 9.
4. Section 135 of the Act requires the Board, upon an application for accreditation, to determine "the unit of employers that is appropriate for collective bargaining in a particular geographic area and sector..." Section 135 also provides that the Board, in making that determination, "need not confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof."
5. The Board has reviewed the materials submitted by all the parties, including the most recent letter from counsel for the GTSWCA dated August 3, 2021. From the Board's perusal of the files, they raise a number of common issues, the most important of which is the appropriate bargaining unit descriptions. There are a number of other common issues as well as a number of discrete issues including the GTSWCA's request to defer or dismiss the OASCA application pertaining to construction labourers, the appropriate notice to be given, the dates of application to be used, and the timing of employer filings.
6. Given the complexity and number of overlapping issues, the Board does not find it appropriate to decide any of these issues based simply on written submissions, as suggested by counsel for the GTSWCA, and supported by Labourers' International Union of North

America, Local 183. Rather, these applications cry out for case management, engaging the talents of the Board's skilled mediation staff, and if necessary, determinations by the Vice-Chair.

7. In furtherance of the efficient and orderly litigation of these files, the Board directs each party to file a list of outstanding issues it wishes to have heard or resolved in these matters with the Board on or before August 27, 2021. Any party wishing to file a response to any other party's list of issues is directed to do so on or before September 13, 2021.

8. There will be a mediation meeting with a Labour Relations Officer to discuss the list of issues and to resolve as many of them as possible on October 22, 2021. Any remaining issues will be determined by the Vice-Chair during or after a videoconference hearing on December 16, 2021. Unless otherwise agreed by the parties, the first issued to be determined at the hearing will be the appropriate bargaining unit descriptions.

9. This panel is seized.

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"Jack J. Slaughter"  
for the Board