



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

BEFORE: Jack J. Slaughter, Vice-Chair

DECISION OF THE BOARD: March 9, 2022

1. This is an application for accreditation made pursuant to section 134 of the *Labour Relations Act, 1995*, S.O. 1995, c.1, as amended (the "Act") in which the applicant seeks to be accredited as the bargaining agent of sewers and watermains employers in a manner that expands the geographic scope of its existing accreditation certification with Labourers International Union of North America, Local 183 ("Local 183" or the "Union").

2. The Board finds that the applicant is an employers' organization within the meaning of sections 1(1) and 126 of the Act, and meets the requirement to be accredited as a properly constituted employers' organization under subsection 136(3) of the Act. The Board further finds that the responding party is a trade union within the meaning of sections 1(1) and 126 of the Act.

3. 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."

4. In a decision dated January 14, 2022, the Board directed the applicant to provide notice to all the employers the responding party had listed on Schedule E to its response and to any other employers the applicant believed may be affected by this application. The Board did not require the responding party to file a Schedule F as neither the Act nor the Board's *Rules of Procedure* any longer require the service and filing of a Schedule F in an accreditation application. In addition, the parties further agreed that the notice (along with a copy of the application, response and all Board decisions) would be made accessible on the Board's website. The Board further directed that a copy of the notice would be included as an advertisement in three publications utilized by contractors engaged in concrete and drain work that service the affected geographic areas.

5. The applicant has confirmed that it placed the notices as directed by the Board.

6. Having regard to the foregoing, the Board is satisfied that the applicant has met its obligation to provide reasonable notice to any person or employer that may be affected by this proceeding.

7. In the January 14, 2022 decision, the Board set an Employer Filing Date of February 28, 2022, by which time any affected employer wishing to participate in the application was required to serve and file specified materials, including a Form A-94, Employer Filing, Application for Accreditation Construction Industry along with the required Schedule A to the Form A-94. The Board received such materials from 25 employers by the Employer Filing Date. Only one employer objected to the application. All but two of the 25 employers indicated that the applicant was entitled to bargain on their behalf.

8. The first objecting employer is Coco Paving Inc. ("Coco Paving"), which states in its Employer Filing that "it is the position of the Employer that the Collective Agreement that it is bound to, the Oshawa Area Signatory Contractors Collective Agreement ought to continue to apply with respect to its work in the sewer and watermain sector".

9. The second objecting employer is Sewer Technologies Inc. ("Sewer Tech"), which also raises issues about its potential inclusion in the bargaining unit.

10. In the Board's view, it is appropriate to receive submissions from the parties on these issues and the other Employer Filings in this matter.

11. Accordingly, any party other than Coco Paving and Sewer Tech, that wishes to respond to Coco Paving's submissions, Sewer Tech's submissions and/or the Employer Filings is directed to file its submissions with the Board on or before **March 25, 2022**. Coco Paving and Sewer Tech are directed to file their reply submissions with the Board not later than **April 8, 2022**.

12. After reviewing the submissions, the Board will decide whether it can issue a final decision herein or a hearing is necessary.

13. This panel is seized.

"Jack J. Slaughter"
for the Board