



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

OLRB Case No: **1239-21-R**

Ontario Concrete and Drain Contractors Association, Applicant v Labourers' International Union of North America, Local 183, Responding

Party v International Union of Operating Engineers, Local 793,
Intervenor

BEFORE: Jack J. Slaughter, Vice-Chair

DECISION OF THE BOARD: November 24, 2021

1. These are five 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 two further 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. In the remaining application, the Ontario Concrete and Drain Contractors Association (the "OCDCA") seeks to be accredited as the bargaining agent of concrete and drain 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") to match the geographic scope of its contractual bargaining rights.

5. 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."

6. In a decision dated October 12, 2021, the Board dealt with certain issues, and directed the parties to meet with a Labour Relations Officer (the "LRO") with a view to both defining and narrowing the outstanding issues herein.

7. The parties have now met with the LRO twice and commendably have moved the litigation forward, although a number of serious issues remain on the table. The Board now is in a position to give further directions in anticipation of the December 16, 2021 hearing date.

8. The Board has received the following further submissions: two November 15, 2021 submissions from Local 183; a November 15, 2021 submission from the Utility Contractors Association of Ontario (the "UCAO"); a November 16, 2021 submission from the Local 183; a November 19, 2021 submission from International Union of Operating Engineers, Local 793 ("Local 793"), and a November 19, 2021 submissions from the Crane Rental Association of Ontario ("CRAO").

9. Upon reviewing these submissions, the Board finds that the appropriate bargaining unit descriptions in all files remain outstanding but it can assure the UCAO and the CRAO that their bargaining relationships will be excluded from any accreditation orders that may issue. In light of that observation, it should not be necessary for those parties to participate in the hearing, although they may do so if the wording of the relevant exclusions cannot be resolved beforehand.

10. Pursuant to the agreement of the parties, in order to expedite the conduct of the hearing, the Board further directs as follows: on or before December 3, 2021, each party shall file its position on the remaining issues in dispute, together with supporting case law and policy reasons; and on or before December 10, 2021, each party shall file its submissions in response to the December 3, 2021 submissions.

11. The hearing shall take place by way of videoconference on December 16, 2021. This panel is seized.

"Jack J. Slaughter"
for the Board