

August 3, 2021

**E-Filed**

Ms Catherine Gilbert  
Registrar  
Ontario Labour Relations Board  
2nd floor  
505 University Ave.  
Toronto, ON M5G 2P1

Norton Rose Fulbright Canada LLP  
222 Bay Street, Suite 3000, P.O. Box 53  
Toronto, Ontario M5K 1E7 Canada

F: +1 416.216.3930  
[nortonrosefulbright.com](http://nortonrosefulbright.com)

**Richard J. Charney**  
+1 416.216.1867  
[richard.charney@nortonrosefulbright.com](mailto:richard.charney@nortonrosefulbright.com)

Your reference	Our reference
0360-21-R, 0482-21-R, 0487-21-R, 0489-21-R	1000313919

Dear Ms Gilbert:

**Greater Toronto Sewer and Watermain Contractors Association and Labourers' International Union of North America, Local 183 – OLRB File No. 0360-21-R**

**Oshawa Area Signatory Contractors Association and Labourers' International Union of North America, Local 183 – OLRB File No. 0482-21-R**

**Greater Toronto Sewer and Watermain Contractors Association and International Union of Operating Engineers, Local 793 – OLRB File No. 0487-21-R**

**Oshawa Area Signatory Contractors Association and International Union of Operating Engineers, Local 793 – OLRB File No. 0489-21-R**

We write on behalf of the Greater Toronto Sewer and Watermain Contractors Association (the “GTSWCA”), one of the applicants in the above matters.

As the Board is aware, there are in place four applications for accreditation brought by two different employers' organizations in respect of two different trade unions. Our client is concerned that given the variety of lawyers involved and their busy schedules, a significant amount of delay can be expected. The purpose of this letter is to seek from the Board directions and the setting of an efficient procedural process to advance the various applications. The GTSWCA believes that there are certain threshold issues which can be canvassed and disposed of by way of written submissions in accordance with a reasonable timetable. These issues include:

1. In the case of the two applications in respect of the Labourers' International Union of North America, Local 183 (“**Local 183**”), whether the Oshawa Area Signatory Contractors Association (the “**OASCA**”) application ought to be dismissed or held in abeyance given that the GTSWCA application was filed two and one half weeks prior to the OASCA application.

CAN\_DMS: \140607971\2

Norton Rose Fulbright Canada LLP is a limited liability partnership established in Canada.

Norton Rose Fulbright Canada LLP, Norton Rose Fulbright LLP, Norton Rose Fulbright Australia, Norton Rose Fulbright South Africa Inc and Norton Rose Fulbright US LLP are separate legal entities and all of them are members of Norton Rose Fulbright Verein, a Swiss Verein. Norton Rose Fulbright Verein helps coordinate the activities of the members but does not itself provide legal services to clients. Details of each entity, with certain regulatory information, are at [nortonrosefulbright.com](http://nortonrosefulbright.com).

2. Quite apart from point 1, whether the OASCA application in respect of Local 183 ought to be dismissed on the basis that the bargaining unit sought includes work covered by existing accreditation orders and further, the bargaining unit sought—Board Area 9—does not constitute the entire breadth of Local 183’s bargaining rights with the OASCA, and therefore cannot be appropriate.

3. Whether in the case of the OASCA application in respect of Local 793, the bargaining unit sought by the OASCA is appropriate given that the proposed bargaining unit is not reflective of the bargaining unit in the collective agreement between the OASCA and Local 793.

There may be other issues which the other parties might identify as susceptible to a resolution on the basis of written submissions including whether there would be any apparent efficiencies or not to be gained by having any of the applications heard together as opposed to all or some being heard separately. For example, in addition to having different parties, it is unlikely that there will be much if any overlap between the issues raised in applications related to Local 793 and the applications involving Local 183 and as such, those applications ought to be heard separately. The issues identified above are legal questions which can be determined on the basis of the documentation currently before the Board.

Yours truly,



Richard J. Charney

RJC/lsp/smt

- Copies to:
- Mr. David Francis, Mathews Dinsdale & Clark LLP (counsel for OASCA; via e-mail)
  - Messrs. Graham Williamson, Ryan McKeen and Ms Amanda Laird (LIUNA, Local 183; via e-mail)
  - Ms Melissa Atkins-Mahaney and Messrs. Steven Weisman & Steven Sagle (IUOE, Local 793; via e-mail)
  - Mr. J. David Watson, Watson Jacobs McCreary LLP (counsel for Teamsters, Local 230; via e-mail)
  - Mr. Carl Peterson & Ms Natalie Garvin, Fillion Wakely Thorup Angeletti LLP (counsel for the Utility Contractors Association of Ontario; via e-mail)
  - Mr. Alan Freedman, Hicks Morley Hamilton Stewart Storie LLP (counsel for the Crane Rental Association of Ontario; via e-mail)
  - Mr. Rob Bradford, Toronto and Area Road Builders Association (via e-mail)
  - Mr. Peter Smith, The Heavy Construction Association of Toronto (via e-mail)
  - Mr. Patrick McManus, Greater Toronto Sewer and Watermain Contractors Association (via e-mail)
  - Mr. Robert Celsi, Ontario Concrete & Drain Contractors Association (via e-mail)
  - Ms Carrie Clynick, OLRB mediator (via e-mail)