



## ONTARIO LABOUR RELATIONS BOARD

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

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

**DECISION OF THE BOARD:** January 14, 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 International Union of Operating Engineers, Local 793 ("Local 793").
2. The applicant and responding party have agreed upon the form of notice to employers that may be affected by this application, the manner in which it is to be published, and the list of employers that come within the bargaining unit for which the applicant seeks accreditation.
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. The bargaining unit description that the applicant has proposed is:

1. All employers of employees engaged in the operation of cranes, shovels, bulldozers and similar equipment and those primarily engaged in the repair and maintenance of same, for whom the International Union of Operating Engineers, Local 793 holds bargaining rights, performing the work identified in paragraph 2 below, in Board Area Nos. 9, 10, 11, that part of Board Area 12 west of the Trent Severn Waterway, and the District Municipality of Muskoka (Board Area 18).
2. The work covered by this accreditation certificate includes all work in the sewers and watermains sector on: (a) public property, (b) private property more than three feet from any building where the site is in excess of 1.5 hectares in size, but excludes work from the individual lot property line to the interior of new single family residential detached or semi-detached houses which are not townhouses or residential highrises (condominiums or rentals), (c) private property that is ultimately assumed as an easement, right-of-way or road allowance by the federal, provincial or municipal government or any other governmental authority, and (d) an easement, right-of-way, private roadway or road allowance on residential end use private property sites greater than 1.5 hectares in size.
3. The bargaining unit excludes employers bound by and performing work under any of the following collective agreements in accordance with past or existing practices as at the date hereof:
  - a. Schedule "A" to the Operating Engineers Provincial Agreement being the schedule between the Crane Rental Association of Ontario and the Ottawa Crane Rental Association and the International Union of Operating Engineers, Local 793 ("Local 793");
  - b. Schedule "B" to the Operating Engineers Provincial Agreement being the schedule between the Ontario Association of Foundation Specialists and Local 793;
  - c. Schedule "C" to the Operating Engineers Provincial Agreement being the schedule between the Ontario Erectors Association and Local 793;

- d. Schedule "D" to the Operating Engineers Provincial Agreement being the schedule between the Associated Earth Movers of Ontario and Local 793;
- e. Collective Agreement between Local 793 and the Toronto and Area Road Builders' Association;
- f. Collective Agreement between Local 793 and the Utility Contractors Association of Ontario;
- g. Collective Agreement between the Ontario Allied Construction Trades Council and the Electrical Power Systems Construction Association;
- h. Operating Engineers Mainline Pipeline Agreement for Canada between Pipe Line Contractors' Association of Canada and the International Union of Operating Engineers;
- i. Operating Engineers Distribution Pipeline Agreement for Canada between Pipe Line Contractors Association of Canada and International Union of Operating Engineers; and
- j. Collective Agreement between the Ontario Formwork Association and the Formwork Council of Ontario.

Employers and others who may be affected by this application may make submissions on the appropriateness of the bargaining unit description and any other issues that may arise in this proceeding.

5. The Board has not yet determined whether the description of the proposed bargaining unit to which the applicant and responding party agreed is an appropriate bargaining unit within the meaning of section 135(1) of the Act. The Board will make that determination after the Employer Filing Date or at the hearing.

6. Notice of this application must be provided to any employer that may be affected by this application.

7. The applicant and responding party have agreed on the form of notice that is to be provided. They have also agreed that notice should be published on the Board's website and in publications directed at construction industry contractors as well as in newspapers distributed in the geographic area affected by this application. Therefore, the Board

directs the applicant to publish at its expense the attached Notice to Employers as an advertisement in the following publications:

- the Daily Commercial News
- the Toronto Star
- the Belleville Intelligencer
- the Peterborough Examiner

The Board directs the applicant to arrange to have the notice appear as an advertisement once during the week ending **January 28, 2022**.

8. The Board directs the applicant to send forthwith to the employers on the List of Employers filed by the applicant and responding party, a copy of this decision together with a blank "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) and a blank "Accreditation: List of Employees" and to provide the Board and the responding party with confirmation of delivery to those employers.

9. The Board directs the Registrar to post the attached Notice to Employers and a copy of the "Notice to Employers of Application" on the Board's website.

10. The Registrar has fixed the Employer Filing Date as **February 28, 2022**.

11. Any employer that is affected by this application or believes it may be affected must file an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) with the Board on or before **February 28, 2022** in order to participate in these proceedings. Any employer that does not file a Form A-94 by the Employer Filing Date will not be entitled to any further notice in this matter. This matter may proceed and be determined based on the submissions filed with the Board without further notice to any employer that has not filed a Form A-94.

12. No hearing will be scheduled at this time. The Board will determine whether a hearing is necessary after reviewing the Employer Filings and any other materials filed with the Board on or before **February 28, 2022**.

13. The Board has not yet made the determinations required by sections 134 and 136 of the Act. Those matters, together with the description of the appropriate bargaining unit, will be determined by the Board after the Employer Filing Date or at the hearing.

14. This panel of the Board is seized with this matter.

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"Jack J. Slaughter"  
for the Board

**NOTICE TO ALL EMPLOYERS OF EMPLOYEES PERFORMING  
SEWER AND WATERMAIN WORK IN THE CONSTRUCTION  
INDUSTRY FOR WHOM THE INTERNATIONAL UNION OF  
OPERATING ENGINEERS, LOCAL 793 HOLDS BARGAINING  
RIGHTS:**

The Greater Toronto Sewer and Watermain Contractors Association (the "**GTSWCA**") has filed an application for accreditation pursuant to section 134 of the *Labour Relations Act, 1995* (the "**Application**"). The GTSWCA has applied for accreditation with respect to the following bargaining unit:

1. All employers of employees engaged in the operation of cranes, shovels, bulldozers and similar equipment and those primarily engaged in the repair and maintenance of same, for whom the International Union of Operating Engineers, Local 793 holds bargaining rights, performing the work identified in paragraph 2 below, in Board Area Nos. 9, 10, 11, that part of Board Area 12 west of the Trent Severn Waterway, and the District Municipality of Muskoka (Board Area 18).
2. The work covered by this accreditation certificate includes all work in the sewers and watermains sector on: (a) public property, (b) private property more than three feet from any building where the site is in excess of 1.5 hectares in size, but excludes work from the individual lot property line to the interior of new single family residential detached or semi-detached houses which are not townhouses or residential highrises (condominiums or rentals), (c) private property that is ultimately assumed as an easement, right-of-way or road allowance by the federal, provincial or municipal government or any other governmental authority, and (d) an easement, right-of-way, private roadway or road allowance on residential end use private property sites greater than 1.5 hectares in size.
3. The bargaining unit excludes employers bound by and performing work under any of the following

collective agreements in accordance with past or existing practices as at the date hereof:

- a. Schedule "A" to the Operating Engineers Provincial Agreement being the schedule between the Crane Rental Association of Ontario and the Ottawa Crane Rental Association and the International Union of Operating Engineers, Local 793 ("Local 793");
- b. Schedule "B" to the Operating Engineers Provincial Agreement being the schedule between the Ontario Association of Foundation Specialists and Local 793;
- c. Schedule "C" to the Operating Engineers Provincial Agreement being the schedule between the Ontario Erectors Association and Local 793;
- d. Schedule "D" to the Operating Engineers Provincial Agreement being the schedule between the Associated Earth Movers of Ontario and Local 793;
- e. Collective Agreement between Local 793 and the Toronto and Area Road Builders' Association;
- f. Collective Agreement between Local 793 and the Utility Contractors Association of Ontario;
- g. Collective Agreement between the Ontario Allied Construction Trades Council and the Electrical Power Systems Construction Association;
- h. Operating Engineers Mainline Pipeline Agreement for Canada between Pipe Line Contractors' Association of Canada and the International Union of Operating Engineers;
- i. Operating Engineers Distribution Pipeline Agreement for Canada between Pipe Line

Contractors Association of Canada and International Union of Operating Engineers; and

- j. Collective Agreement between the Ontario Formwork Association and the Formwork Council of Ontario.

The International Union of Operating Engineers, Local 793 (“**Local 793**”) is the Responding Party to the Application. The Application affects all employers for whom Local 793 holds bargaining rights and who operate in the above-noted bargaining unit.

If you are an employer that is or may be affected by this Application, you must file an “Employer Filing in Application for Accreditation, Construction Industry” (**Form A-94**) by the Employer Filing Date. The Employer Filing Date is **February 28, 2022**. This form is available on the Ontario Labour Relations Board’s website:

<http://www.olrb.gov.on.ca/FormsByNumber-EN.asp>

There is no hearing date set in this matter.

You can determine whether your company is affected by this application by inspecting the material filed in the Application (**OLRB File No. 0487-21-R**), which is available on the Ontario Labour Relations Board’s website. This material includes a complete copy of the pleadings in this matter, a list of employers who may be affected by the application, and a description of the proposed bargaining unit:

<http://www.olrb.gov.on.ca/Construction-EN.asp>

Questions may be directed to Carrie Clynick, Mediator, Ontario Labour Relations Board, by phone at 647-280-5419 or by email at [carrie.clynick@ontario.ca](mailto:carrie.clynick@ontario.ca).

All employers are urged to confirm whether they are affected by this Application as no further notice of this matter will be given unless employers notify the Board, by filing an “Employer Filing” not later than **February 28, 2022**.