



ONTARIO LABOUR RELATIONS BOARD

RESPONSE/INTERVENTION – APPLICATION FOR ACCREDITATION CONSTRUCTION INDUSTRY *Labour Relations Act, 1995*

Form A-93

Fields marked with an asterisk (*) are mandatory.

Confirmation No. [20220829161605211](#)

OLRB File Number **0947-22-R**

Between: *

THE ELECTRICAL POWER SYSTEMS CONSTRUCTION ASSOCIATION

Applicant

- and -

OPERATIVE PLASTERERS' AND CEMENT MASONS' INTERNATIONAL ASSOCIATION OF THE UNITED STATES AND CANADA, LOCAL UNION 598

Responding Party

- Review Information Bulletin No. 33 – “Accreditation in the Construction Industry under s.136 of the *Labour Relations Act, 1995* (Non-ICI)”, the Filing Guide and the Board’s Rules of Procedure on acceptable methods of delivery and filing **before** completing this form to avoid any delay in processing.
- All forms, Notices, Information Bulletins, the Filing Guide and the Rules of Procedure may be obtained from the Board’s website (<http://www.olrb.gov.on.ca>).
- To print a paper copy of this form, use **only** the “Print” buttons located within the form.
- Save a copy of your completed form and any attachments as the Board will not return them to you. To save the form at any time, use the “Save” buttons located within the form.
- If there is insufficient space on the form, attach additional pages clearly identifying the relevant section of the form. For e-filing, you may attach files by selecting the “Attach documents electronically” option.

Choose one of the following *

Response

Intervention

Part A Contact Information

Instructions

- Provide the contact information for each Responding Party/Intervenor on whose behalf this form is being completed and any Affected Party not previously named in the application below. If you wish to add additional parties, use the “Add” button or attach a separate page if completing the form by hand.
- For an organization, provide the name and contact information of an individual who will be able to respond on behalf of that organization. When adding multiple individuals at the same organization, “Add” an additional contact section, repeat the organization name and provide that individual’s contact information (e.g. name, email address, phone number).

1 (a). Responding Party/Intervenor

Responding Party 1

Type * Organization Individual

Organization Name

Operative Plasterers' and Cement Masons International Association of the United States and Canada, Local 598

First Name	Last Name	Position/Title
Tony	Mollica	Business Manager

Full Address (Number, Street, Unit/Apartment, Building Name)	Other Address Details (e.g. PO Box, R.R. #, c/o)
202 Toryork Drive	

City/Town	Province/State	Country	Postal/Zip Code
Toronto	Ontario	Canada	M9L 1Y1

Telephone Number	Ext.	Fax Number	Email Address
416-740-0598		416-742-0188	tmollica@local598.ca

Additional Contact Information, if any (Assistant's Email Address, Alternate Telephone Numbers)

President - Jason Langley - jlangley@local598.ca

1 (b). Representative/Contact Person for the Responding Party/Intervenor

Contact 1

Contact Person for * All Parties above Party No.(s) _____

Indicate if this person is a Lawyer Paralegal

Organization Name

Watson Jacobs McCreary LLP

First Name	Last Name *	Position/Title
Michael C.P.	McCreary	Counsel

Full Address (Number, Street, Unit/Apartment, Building Name)	Other Address Details (e.g. PO Box, R.R. #, c/o)
4711 Yonge Street, Suite 509	

City/Town	Province/State	Country	Postal/Zip Code
Toronto	Ontario	Canada	M2N 6K8

Telephone Number	Ext.	Fax Number	Email Address
416-226-0055	144	416-226-0910	mmccreary@wjw-law.ca

Additional Contact Information, if any (Assistant's Email Address, Alternate Telephone Numbers)

Assistant - Odilia Strazzanti - ostrazzanti@wjw-law.ca

Contact 2

Contact Person for * All Parties above Party No.(s) _____

Indicate if this person is a Lawyer Paralegal

Organization Name

Watson Jacobs McCreary LLP

First Name	Last Name *	Position/Title
Patrick	Enright	Counsel

Full Address (Number, Street, Unit/Apartment, Building Name)	Other Address Details (e.g. PO Box, R.R. #, c/o)
4711 Yonge Street, Suite 509	

City/Town	Province/State	Country	Postal/Zip Code
Toronto	Ontario	Canada	M2N 6K8

Telephone Number	Ext.	Fax Number	Email Address
416-226-0055		416-226-0910	penright@wjw-law.ca

2 (a). Affected Party

Contact information for any person, trade union, employer or employers' organization which may be affected by the application and which has not already been identified by another party must be completed below.

2 (b). Representative/Contact Person for the Affected Party, if known

2 (c). The person, trade union, employer or employers' organization named above is affected by the application for the following reason(s):

Part B Material Facts and Position on Relief Sought

3. Provide a detailed description of unit of employers claimed by the Responding Party to be appropriate for accreditation:

Reference **must** be made to the sector(s) of the construction industry and the geographic area(s) or parts thereof claimed. If you require more space, attach a separate document.

All employers of employees for whom the the Respondent Trade Union - Operative Plasterers, Cement Masons' international Association of the United States and Canada, Local 598 has bargaining rights in the Electrical Power Sector in the Province of Ontario.

For Clarity: Construction work in the Electrical Power Sector consists of all construction industry work on Ontario prizes generating stations; hydraulic works; heavy water facilities; transmission lines, (voltages over 50 kV); transmission stations, microwave and repeater stations.

4. Provide representations as to the appropriateness of the unit described in question 3 including the history of collective bargaining, if any, of the Applicant and the Responding Party:

If you require more space, attach a separate document.

The Responding Party agrees with the justification for the above unit as set out in the Applicant's application. EPSCA has sole bargaining authority for contractors operating in the Electrical Power Sector for the bulk power system. All contractors who perform work in the Electrical Power Sector must apply the EPSCA collective agreement. This has been the case since at least 1980. The Applicant and the Responding Party have a longstanding collective bargaining relationship, as detailed in the Applicant's application.

5. State the number of employers in the unit described by the Applicant as being appropriate for accreditation as of the date the application was made:

Two (2).

6. State the number of employers in the unit claimed by the Responding Party to be appropriate for accreditation as of the date the application was made:

Two (2).

7. State the approximate number of members of the Responding Party working in the area(s) and sector(s) described in the unit of employers claimed by the Applicant to be appropriate as of the date the application was made:

Two (2) members were working for Aecon Industrial, a Division of Aecon Group Inc., on the application filing date.

Two (2) members were working for Dewar Industrial Services Inc. on the application filing date.

8. In respect of the order(s) requested by the Applicant, the Responding Party states:

The Responding Party has no objections to the order(s) requested.

9. Other relevant statements:

The Responding Party agrees with the bargaining unit described in the Applicant's application as well as all the supporting statements therein.

10. Attached documents:

Provide a list of the documents you are filing together with this form as instructed below.

Name your documents/attachments so that they are easily identifiable.

If you are e-filing this form, select the "Attach documents electronically" option below and attach each document using the "Add File" button.

If you are filing in a manner other than e-filing, provide the numbered list of documents in the box below.

Attach documents electronically

Note: If your attachments exceed 7MB, you may not e-file. File a paper copy of this form with all attachments using an alternative method permitted by the Board's Rules of Procedure.

No.	File	Description	Size (MB)	
1	2022-08-29 Ltr to OLRB incl. response.pdf		0.21	<input type="checkbox"/>
		Total Size	0.21	
		Total space left over	6.79	
		Number of attachments	1	

IMPORTANT NOTES

The Board's forms, Notices, Information Bulletins, Rules of Procedure and Filing Guide may be obtained from its website <http://www.olrb.gov.on.ca> or by calling 416-326-7500 or toll-free at 1-877-339-3335.

FRENCH OR ENGLISH

Vous avez le droit de communiquer et recevoir des services en français et en anglais. La Commission n'offre pas de services d'interprétation dans les langues autres que le français et l'anglais.

You have the right to communicate and receive services in either English or French. The Board does not provide translation services in languages other than English or French.

CHANGE OF CONTACT INFORMATION

Notify the Board immediately of any change in your contact information. If you fail to do so, correspondence sent to your last known address (including email) may be deemed to be reasonable notice to you and the case may proceed in your absence.

ACCESSIBILITY AND ACCOMMODATION

The Board is committed to providing an inclusive and accessible environment in which all members of the public have equitable access to our services. We will aim to meet our obligations under the *Accessibility for Ontarians with Disabilities Act* in a timely manner. Please advise the Board if you require any accommodation to meet your individual needs. The Board's Accessibility Policy can be found on its website.

COLLECTION AND DISCLOSURE OF INFORMATION AND DOCUMENTS

Any relevant information that you provide to the Board must in the normal course be provided to the other parties to the proceeding. Personal information collected on this form and in written or oral submissions may be used and disclosed for the proper administration of the Board's governing legislation and case processing. In addition, the *Tribunal Adjudicative Records Act, 2019* requires that the Board make adjudicative records (which include applications filed and a listing of such applications) available to the public. The Board has the power to make part or all of an adjudicative record confidential. The *Freedom of Information and Protection of Privacy Act* may also address the treatment of personal information. More information is available on the Board's website www.olrb.gov.on.ca. If you have any questions concerning the collection of information or disclosure of adjudicative records, contact the Solicitors' Office at the number listed above or in writing to the OLRB, 505 University Ave., 2nd floor, Toronto, ON M5G 2P1.

E-FILING AND E-MAIL

The Rules of Procedure and Filing Guide set out the permitted methods of filing. Forms and submissions may be filed with the Board by a variety of methods including the Board's e-filing system, but not by e-mail. Note that the e-filing system is not encrypted and e-filing is optional. Contact the Client Services Coordinator at the numbers listed above if you have questions regarding e-filing or other filing methods. If you provide an e-mail address with your contact information, the Board will in most cases communicate with you by e-mail from an out-going only generic account. Incoming emails are not permitted.

HEARINGS AND DECISIONS

Hearings are open to the public unless the Board decides that matters involving public security may be disclosed or if it believes that disclosure of financial or personal matters would be damaging to any of the parties. Hearings are not recorded and no transcripts are produced.

The Board issues written decisions, which may include the name and personal information about persons appearing before it. Decisions are available to the public from a variety of sources including the Ontario Workplace Tribunals Library and www.canlii.org. Some summaries and decisions may be found on the Board's website.

Documents to be Delivered

Before filing your response/intervention with the Board, you must deliver the following documents to each Applicant, Responding Party and Affected Party named in Part A of the application and to each Affected Party named in Part A of a response/intervention filed by another party:

- A completed copy of this Response/Intervention - Application for Accreditation, Construction Industry (Form A-93), **including all documents you are filing with this form.**

If you have named an Affected Party in Part A of your response/intervention that was **not** named in the application or in a response/intervention filed by another party, you must deliver the following documents to that party:

- A completed copy of the Application for Accreditation, Construction Industry (Form A-92), **including all documents filed with that form;**
- A completed copy of this Response/Intervention - Application for Accreditation, Construction Industry (Form A-93), **including all documents you are filing with this form;** and
- A Notice to Responding Party and/or Affected party of Application for Accreditation, Construction Industry (Form C-39) **with the names of the parties and the date inserted.**

Once the above-listed documents have been delivered to the other parties, you must complete the following Certificate of Delivery before filing the completed form and attachments with the Board.

I have reviewed this form to confirm it is complete *

Date (yyyy/mm/dd) *
2022/08/29

Certificate of Delivery

I, Odilia Strazzanti, Legal Assistant,
Name * Title

certify that the documents identified above were delivered to each of the parties as set out below:

Note: You must complete delivery information for each party separately.

Use the "Add" button below if completing electronically.

Delivered To

Name of organization (if applicable) and name and title of person to whom the documents were delivered *

[Mathews, Dinsdale & Clark LLP](#)

Attn: [Stephen A. McArthur](#)

Address or fax number to which the documents were delivered *

[via electronic mail to smcarthur@mathewsdinsdale.com](#)

Method of delivery *

Hand Delivered Courier Fax Regular Mail Other

Other Details *

Please provide details as to whom, when and how the documents were delivered.

[via electronic mail to smcarthur@mathewsdinsdale.com on August 29, 2022 at 4:11pm](#)

File with the Board

- File the completed form and any attachments using a method permitted by the Board's Rules of Procedure.
- Save and Print a copy of your completed form and all attachments as the Board will not return them to you.
- To e-file, click the "Submit" button below. You will receive a confirmation email once the form has been successfully submitted.
- If you choose not to e-file, print this form by clicking on the "Print" button below and then file with the Board together with any attachments.

For E-Filing only

You must provide a valid email address in order to file this form electronically so that a confirmation email may be sent to you. If you do not have a valid email address, file a paper copy of this form using an alternative method permitted by the Board's Rules of Procedure.

Submitted By:

First Name *	Last Name *
Odilia	Strazzanti
Email Address *	Confirm Email Address *
ostrazzanti@wjm-law.ca	ostrazzanti@wjm-law.ca