



## **ONTARIO LABOUR RELATIONS BOARD**

OLRB Case No: **0949-22-R**

**The Electrical Power Systems Construction Association**, Applicant  
v Brick and Allied Craft Union of Canada, Responding Party

**BEFORE:** Lindsay Lawrence, Vice-Chair

**DECISION OF THE BOARD:** September 22, 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 certain employers who have a bargaining relationship with the responding party.

2. The applicant has provided its description of the appropriate bargaining unit, the form of notice to the employers that may be affected by this application and 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. The applicant filed a completed Certificate of Delivery and Form A-139. In its Form A-139, the applicant provided a signed declaration certifying that the requisite documents were delivered by email to the responding party at the email address provided to the applicant by the responding party's office. The responding party has not filed a response to the application.

4. 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."

5. The bargaining unit description set out in the application is as follows:

all bricklayers, stonemasons and plasterers, their respective apprentices, improvers and working foreperson in the employ of the employer engaged in all construction industry work performed in the Province of Ontario on Ontario Power Generation and Bruce Power property for the bulk power system, save and except the building of commercial-type office facilities at urban locations remote from operating facilities. For clarity: bargaining rights do not apply to transmission.

The term "Employee" shall include all Employees of the Employer in the classifications set out below:

Working Foreperson  
Sub-foreperson  
Bricklayer Journeyperson  
Bricklayer Apprentice  
Bricklayer Improver  
Stonemason Journeyperson  
Stonemason Apprentice  
Stonemason Improver  
Plasterer Journeyperson  
Plasterer Apprentice  
Plaster Improver

The employers and others who may be affected by this application may have submissions to make with respect to the description of the bargaining unit and any other issues that may arise in this proceeding.

6. The Board has not yet determined whether the description of the proposed bargaining unit by the responding party 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, if a hearing is scheduled in this matter, at or after that hearing.

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

8. The applicant has submitted a draft of the form of notice that is to be provided. The applicant has also submitted that the 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 London Free Press
- The Ottawa Citizen
- The Chronicle-Journal (Thunder Bay)

The Board directs the applicant to arrange to have the notice appear as an advertisement once by **October 3, 2022**.

9. 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.

10. 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.

11. The Registrar has fixed the Employer Filing Date as **October 31, 2022**.

12. 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 **October 31, 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.

13. If a hearing is scheduled in this application, notice of that hearing will be provided to the parties and to the employers that had filed a Form A-94 on or before the Employer Filing Date.

14. 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 if a hearing is scheduled in this matter, at or after that hearing.

15. This panel of the Board is not seized with this matter.

"Lindsay Lawrence"  
for the Board

**NOTICE TO ALL EMPLOYERS OF ALL EMPLOYEES LISTED IN  
THIS NOTICE WORKING  
IN THE ELECTRICAL POWER SYSTEMS SECTOR OF THE  
CONSTRUCTION INDUSTRY  
IN THE PROVINCE OF ONTARIO WHO ARE REPRESENTED BY  
THE BRICK AND ALLIED CRAFT UNION OF CANADA**

The Electrical Power Systems Construction Association ("EPSCA") filed an Application for Accreditation as an Employers' Organization pursuant to section 134 of the Ontario *Labour Relations Act, 1995*, for the following bargaining unit:

all bricklayers, stonemasons and plasterers, their respective apprentices, improvers and working foreperson in the employ of the employer engaged in all construction industry work performed in the Province of Ontario on Ontario Power Generation and Bruce Power property for the bulk power system, save and except the building of commercial-type office facilities at urban locations remote from operating facilities. For clarity: bargaining rights do not apply to transmission.

The term "Employee" shall include all Employees of the Employer in the classifications set out below:

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Stonemason Apprentice  
Stonemason Improver  
Plasterer Journeyperson  
Plasterer Apprentice  
Plaster Improver

This Application affects all employers of employees for whom the Brick and Allied Craft Union of Canada 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, Application for Accreditation, Construction Industry" (Form A-94) by the Employer Filing Date. The Employer Filing Date fixed by the Registrar in this matter is **October 31, 2022**.

The Board may determine this matter without a hearing after the Employer Filing Date or if a hearing is scheduled, only those employers that have filed an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) will receive notice of that hearing.

You can determine whether you or your company is affected by this Application by inspecting the material filed in this application (OLRB Case No. 0949-22-R) at the following locations: OLRB, 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1; and at Mathews Dinsdale and Clark LLP, 35<sup>th</sup> Floor, 8 Spadina Avenue, Toronto, Ontario, M5V 0S8. These locations will have a complete copy of the pleadings in this matter, copies of response forms, list of employers who may be affected by this application, and the description of the proposed bargaining unit. This information is also available on the Ontario Labour Relations Board's website:

<http://www.olrb.gov.on.ca/english/homepage.htm>

Questions may be directed to Carrie Clynick, Mediator, Labour Relations Specialist, Construction, Ontario Labour Relations Board, 647-280-5419.

All Employers are urged to confirm whether they are affected by the Application as no further notice of this matter will be given unless employers notify the Board, by filing an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) not later than **October 31, 2022**, that they are affected by the Application and wish to participate in the proceeding.