



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **1323-25-R**

Ontario Association of Demolition Contractors Inc., Applicant v Labourers' International Union of North America, Ontario Provincial District Council and its affiliated Local Unions 183, 493, 506, 527, 607, 625, 837, 1036, 1059 and 1089, Responding Party

BEFORE: Jack J. Slaughter, Vice-Chair

DECISION OF THE BOARD: February 2, 2026

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 all employers of employees for whom Labourers' International Union of North America, Ontario Provincial District Council and its affiliated Local Unions 183, 493, 506, 527, 607, 625, 837, 1036, 1059 and 1089 (the "Labourers"), has bargaining rights and who are engaged in the wrecking, demolition, dismantling, salvage, abatement or remediation of all manner and types of buildings, structures, equipment, soils, materials or things (and work normally associated with or incidental thereto) in all sectors of the construction industry in the Province of Ontario, save and except employers bound by and performing work under certain specified collective agreements. This application was filed on August 1, 2025 (the "AFD").
2. This decision deals only with the status of International Union of Operating Engineers, Local 793 ("Local 793") to intervene herein. Both the applicant Ontario Association of Demolition Contractors Inc. (the "Association") and the Labourers oppose granting Local 793 intervenor status.
3. For the reasons set out below, the Board hereby denies Local 793 status to intervene herein.

4. As the Board has said on many previous occasions, a certificate of accreditation neither creates bargaining rights for a trade union or a council trade unions nor diminishes the bargaining rights of any other trade union: see for example, *Ontario Formwork Association*, 2007 CanLII 52341 (ON LRB); *Electrical Power Systems Construction Association*, 2019 CanLII 13696 (ON LRB); and *Residential Hardwood and Carpet Association*, 2025 CanLII 41080 (ON LRB).

5. In the same vein, the Board's comments in *Terrazzo, Tile and Marble Guild of Ontario, Inc.*, 2018 CanLII 99038 (ON LRB), are apposite:

7. After having considered all the submissions of the parties and the relevant jurisprudence, the Board hereby determines that the Labourers do not have the status to intervene herein. The Board agrees with the Labourers that they have the status to file an unfair labour practice complaint to police the integrity of their Provincial ICI Agreement under subsection 144(3) of the Act in accordance with the *Hayman* and *Masonry Contractors* decisions, *supra*. They have done so and that proceeding is in progress. However, those facts do not provide the Labourers with a direct and legal interest in the outcome of this accreditation application. This application will only determine whether the Guild is entitled to represent a bargaining unit of employers whose employees are represented by BACU. None of the employers' bargaining rights with the Labourers will be affected positively or negatively by the end result in this case. This last fact is fatal to the Labourers' claim for intervenor status herein. As the Board stated in *Ontario Formwork Association, supra*, "a certificate of accreditation neither creates bargaining rights for that trade union or council nor diminishes the bargaining rights of any other trade union". Accordingly, the Labourers' bargaining rights will not be affected by the Board's disposition of this application. Given that fact, they have no legal or direct interest in its outcome and lack the status to intervene herein.

6. Much of what the Board said in *Terrazzo, supra*, is directly applicable to the facts of this case. Local 793 has raised many and varied issues about the legality of the Labourers' Demolition Agreement (the "Demolition Agreement") and various other collective agreements entered into by the Labourers. Local 793 asserts that the Demolition Agreement "is unlawful and in breach of section 162 of the Act". The Board makes no comment on the validity of this assertion other than

that Local 793 is at liberty to bring an unfair labour practice complaint in that regard if it chooses to do so. However, as noted in *Terrazzo, supra*, doing so would not endow Local 793 with a direct and legal interest to intervene in this accreditation application. The outcome of this case will only decide if the Association is entitled to represent a bargaining unit of employers whose employees are represented by the Labourers. The Board's determination herein will neither create bargaining rights for the Labourers that did not previously exist nor diminish any of Local 793's current bargaining rights. In the absence of a direct and legal interest in this proceeding, Local 793 does not have the right to participate herein.

7. For all the foregoing reasons, the Board hereby denies Local 793 intervenor status in this matter.

8. The Board also notes that the proposed bargaining unit may run afoul of the prohibition of any agreement other than a Provincial ICI Collective Agreement in respect of the industrial, commercial and institutional ("ICI") sector of the construction industry prescribed by subsection 162(2) of the Act, but that issue can be dealt with in due course.

9. The Board hereby refers this matter back to the Registrar and the Manager, Field Services, for processing in the normal course.

10. This panel is seized.

"Jack J. Slaughter"
for the Board