



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **1563-25-R**

Personnel & Material Hoist Employers' Association, Applicant v
International Union of Operating Engineers, Local 793, Responding Party

BEFORE: Thomas J. Black, Vice-Chair

DECISION OF THE BOARD: October 28, 2025

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 employers of certain employees for whom the responding party holds bargaining rights in all sectors of the construction industry, excluding the industrial, commercial and institutional sector, in the Province of Ontario.

2. The parties have now agreed on a 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. 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 to which the parties have agreed is:

**all employers of Journeyperson EDM-B Certified
People and Material Hoist Erectors, Apprentice**

People and Material Hoist Erectors, Mobile Crane Operators, Working Forepersons and General Forepersons employed in all sectors of the construction industry in the province of Ontario other than the industrial, commercial and institutional sector, performing erection, dismantling, service or maintenance of people and material hoists, and mobile cranes for whom the International Union of Operating Engineers, Local 793 holds bargaining rights.

For clarity, employers bound by and who perform work under any of the following Collective Agreements in accordance with past or existing practices as at the date hereof are not included in the said unit of employers, namely:

A) Schedule "A" of the Provincial Collective Agreement between the Operating Engineers Employer and Employee Bargaining Agencies

5. While the parties' agreement is a significant factor in the Board's determination of the appropriate bargaining unit under section 135 of the Act, 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 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, 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 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 and the Globe and Mail.**

9. The Board directs the applicant to arrange to have the notice appear as an advertisement once during the week ending **November 7, 2025.**

10. 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.

11. 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.

12. The Registrar has fixed the Employer Filing Date as **November 24, 2025.**

13. 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 **November 24, 2025** 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.

14. 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.

15. 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.

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

"Thomas J. Black"
for the Board

**NOTICE TO ALL EMPLOYERS OF ALL EMPLOYEES LISTED
IN THIS NOTICE WORKING IN THE CRANE AND
EQUIPMENT RENTAL BUSINESS DESCRIBED BELOW WHO
ARE REPRESENTED BY THE INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 793**

The **Personnel & Material Hoist Employers' Association** 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 subject to specified exclusions and clarifications:

all employers of Journeyperson EDM-B Certified People and Material Hoist Erectors, Apprentice People and Material Hoist Erectors, Mobile Crane Operators, Working Forepersons and General Forepersons employed in all sectors of the construction industry in the province of Ontario other than the industrial, commercial and institutional sector, performing erection, dismantling, service or maintenance of people and material hoists, and mobile cranes for whom the International Union of Operating Engineers, Local 793 holds bargaining rights.

For clarity, employers bound by and who perform work under any of the following Collective Agreements in accordance with past or existing practices as at the date hereof are not included in the said unit of employers, namely:

A) Schedule "A" of the Provincial Collective Agreement between the Operating Engineers Employer and Employee Bargaining Agencies

This Application affects all employers of employees for whom the **International Union of Operating Engineers, 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, 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 **November 24, 2025**.

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. **1563-25-R**) at the following locations: OLRB, 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1; and the office of the applicant, Personnel & Material Hoist Employers' Association, 24 Anderson Blvd., Uxbridge, Ontario, L9P 0C7. 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:

<https://www.olrb.gov.on.ca>

Questions may be directed to Carrie Clynick, 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 **November 24, 2025** that they are affected by the Application and wish to participate in the proceeding.