



## **ONTARIO LABOUR RELATIONS BOARD**

OLRB Case No: **2973-24-R**

**Crane Rental Association of Ontario**, Applicant v International Union of Operating Engineers, Local 793, Responding Party

**BEFORE:** Danna Morrison, Vice-Chair

**DECISION OF THE BOARD:** July 22, 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").

2. In it, the Crane Rental Association of Ontario (the "CRAO") seeks to be accredited as the bargaining agent for the following bargaining unit:

all employers of employees engaged in the operation of hoisting equipment, concrete pumps, placing booms, and similar equipment; the on-site repair, maintenance and servicing of all equipment identified herein; the assembly and dismantling of said equipment (and any equipment used to erect and dismantle the equipment listed above); and the work necessary to put the equipment identified within into production or preparation for removal from operations for whom the International Union of Operating Engineers, Local 793 has bargaining rights and who are engaged in the manned crane and equipment rental business in all sectors of the construction industry, excluding the ICI sector, in the Province of Ontario, save and except employers bound by and performing work under any of the following collective agreements:

- 1) Schedules B, C and D of the Provincial Collective Agreement between the Operating Engineers Employer and Employee Bargaining Agencies;
- 2) The Mainline Pipeline Agreement, The Distribution Pipeline Agreement and the Pipeline Maintenance and Service Agreement for Canada, all between the Pipe Line Contractors Association of Canada and the International Brotherhood of Teamsters, International Union of Operating Engineers, Labourers' International Union of North America and United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada;
- 3) The Collective Agreement between the Utility Contractors Association of Ontario and the International Union of Operating Engineers, Local 793 ("the Utilities Agreement");
- 4) The Collective Agreement between the Ontario Formwork Association and the Formwork Council of Ontario ("the Formwork Agreement");
- 5) The Collective Agreement between the Toronto and Area Road Builders Association and the International Union of Operating Engineers, Local 793 ("the TARBA Agreement");
- 6) The Collective Agreement between the Greater Toronto Sewer and Watermain Contractors Association and the International Union of Operating Engineers, Local 793 ("the GTSWCA Agreement");
- 7) The Collective Agreement between the National Capital Roadbuilders Association and the International Union of Operating Engineers, Local 793 ("the "NCRBA Agreement");

- 8) The Collective Agreement between the Heavy Construction Association of Windsor and the International Union of Operating Engineers, Local 793 ("the Windsor Heavy Agreement");
- 9) The Collective Agreement between the London Sewer and Watermain, Curb, Gutter and Sidewalk Contractors Association and the International Union of Operating Engineers, Local 793 (the "London Sewers and Watermains Agreement");
- 10) The Collective Agreement between the Central Southwest Ontario Heavy Civil Construction Association and the International Union of Operating Engineers, Local 793 ("the Central Southwest Agreement");
- 11) The Collective Agreement between the Electrical Power Systems Construction Association and the International Union of Operating Engineers, Local 793 ("the EPSCA Agreement"); and
- 12) The Collective Agreement between The Greater Hamilton & Niagara Construction Association and the International Union of Operating Engineers, Local 793 ("the GHNCA Agreement").

For clarity, "employers" is defined as only those employers who operate in the manned crane and equipment rental business.

3. As set out in the Board's decision dated May 2, 2025, 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. In addition to the application, the response filed by International Union of Operating Engineers, Local 793 ("Local 793"), and

numerous Employer Filings, the Board has received seven interventions filed on behalf of the following entities:

- Ontario Formwork Association;
- Utility Contractors Association;
- Ontario Concrete & Drain Contractors Association;
- Labourers' International Union of North America, Locals 183, 493, 506, 527, 607, 625, 837, 1036, 1059 and 1089 (collectively, the "Labourers");
- Frankfurt Investments (1985) Limited;
- Pumpcrete Corporation; and
- Aurora Concrete Pumping Ltd.

5. In each of the interventions filed, the entity seeking to intervene explains why it believes it ought to be granted intervenor status. Each prospective intervenor objects to the application as filed. Some submit that it must be dismissed outright, for a variety of reasons set out in the various interventions. Others submit that if the application is not dismissed, then the bargaining unit description must be amended and, with the appropriate amendments, the application could perhaps proceed. Some submit that the Board ought to determine that it cannot accredit the applicant on the basis of subsection 136(3) and/or 136(5) on the basis that the applicant does not have the appropriate authority vested in it to represent the employers it claims to represent and/or that Local 793 has participated in the applicant's administration and contributed other support to it in the form of initiating and putting together the present application, contrary to the Act. These are by no means all of the reasons that the prospective intervenors have objected to the application proceeding.

6. Given the complexity and number of issues raised, the Board does not find it appropriate to decide any of these issues based simply on written submissions. Rather, the Board is of the view that this application would benefit from a case management hearing, as well as the assistance of the Board's skilled mediation staff.

7. The prospective intervenors have each provided detailed submissions. The Board directs that the applicant and the responding party each provide their position in response to the objections raised or amendments sought. These submissions are to be filed by **August 8, 2025**. In addition, the Board directs that the applicant, the responding party and the prospective intervenors each file a list of outstanding issues it wishes to have heard or resolved in these matters, delivering a

copy to all other parties. This list is to be filed by **August 15, 2025**. Any party wishing to file a response to any other party's list of issues is directed to do so by **August 22, 2025**.

8. Thereafter, the mediator with carriage of this matter will schedule a mediation meeting in order to discuss the list of issues and to resolve as many of them as possible, including (if possible) the status of the prospective intervenors to intervene and the scope of the proposed bargaining unit. Any remaining issues will be determined by a Vice-Chair during or after a case management hearing, to be scheduled by the Registrar in consultation with the parties. Unless agreed by the parties, the first issue to be determined at the case management hearing will be the status of the prospective intervenors. Thereafter, the Board will determine what issues remain outstanding and the order in which to determine them.

9. This panel is not seized.

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"Danna Morrison"  
for the Board