

September 10, 2025

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**VIA EMAIL and E-FILING**

**Toronto Office**

Ms. Catherine Gilbert, Registrar  
Ontario Labour Relations Board  
505 University Avenue, 2nd Floor  
Toronto, ON M5G 2P1

Dear Ms. Gilbert:

**Re: Crane Rental Association of Ontario (“Applicant”) and International Union of Operating Engineers, Local 793 (“Responding Party”)  
OLRB File No. 2973-24-R**

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As the Board is aware, we are counsel for Pumpcrete Corporation and Aurora Concrete Pumping in respect of the above-noted matter.

We write on behalf of our clients in response to counsel for CRAO’s correspondence late in the day Monday, September 8, 2025.

Our clients remain committed to engaging with the Board’s process in good faith and in accordance with its July 22, 2025 direction. That decision was clear: the Labour Relations Officer assigned to the matter is to convene a mediation meeting to discuss the outstanding list of issues, including the status of prospective intervenors and the scope of the proposed bargaining unit.

Respectfully, our concern is that bypassing mediation would risk undermining both the purpose and the efficiency of the Board’s direction. While the Applicant has raised delay as a concern, in our submission, the proper sequencing of the process is critical. The purpose for mediation at this stage is to allow for the parties to canvass and, where possible, resolve scope and standing issues before they become the subject of contested proceedings. It may be asserted that skipping mediation will expedite matters, but in reality it could lead to inefficiencies, more unresolved issues and more confusion for a later Case Management Hearing.

It is also important to recognize that the role of employer intervenors in this process is not to obstruct, but to ensure that bargaining rights of significant scope are properly scrutinized and defined in accordance with the stated goals of the *Labour Relations Act, 1995*. The fact that the Applicant and the Union may now be aligned on certain positions underscores the need for careful review rather than arguments about expedited disposal of issues. Mediation, where interests rather than legal positions can be fully canvassed with a view to resolving issues, is more appropriate as a first step toward that end. This is precisely the balance that in our view the Board’s July 22 direction sought to maintain. It should not be open to the association and trade union in proceedings such as this, affecting so many other parties and with the interests that are at stake, to unilaterally push through a process different from the dispute resolution-oriented process that the Board determined was appropriate. It is not a “professional discourtesy” for employers to want to stick with the process that the Board ordered.

Accordingly, our clients submit that the Board's existing order remains the appropriate path forward. We respectfully request that the mediation proceed on one of the December dates canvassed, with a view to narrowing and clarifying the issues in advance of any subsequent Case Management Hearing.

We thank the Board for its continued attention to this matter and remain available to assist in facilitating the process.

Yours truly,

**Mathews, Dinsdale & Clark LLP**



Jim C. McKeown  
JCM:kt

cc: Jeremy Schwartz and Natalie Caballero, *Stringer LLP*  
Kathryn Bell and Caitlin Hanak, *IUOE, Local 793*  
Kristaq Lala, Emily Li, and Ben Katz, *Goldblatt Partners*  
Client