



August 22, 2025

E-FILED

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

Dear Registrar Gilbert:

**Re: Crane Rental Association of Ontario (Applicant) v
International Union of Operating Engineers, Local 793 (Responding Party)
Application for Accreditation (Construction Industry)
OLRB File No. 2973-24-R; Our File No. 5324-25**

As you are aware, I am counsel to the International Union of Operating Engineers, Local 793 with respect to the above-noted matter.

I write to provide the Union's response to the further submissions filed by Pumpcrete Corporation ("Pumpcrete") and Aurora Concrete Pumping ("Aurora") on August 15, 2025.

The new allegation raised by Pumpcrete and Aurora in its latest submissions, concerning the Union's alleged influence on decision-making at the CRAO's Board, is untimely and should be dismissed on that basis. The Intervenor's Responses to the Application were due on June 27, 2025. Both of these Intervenor's filed Interventions on that date setting out a number of issues. The August 15 letter is now the second attempt by these Intervenor's to raise new allegations after the filing of their Interventions, and after the Applicant and Responding Party have filed Response submissions to the Interventions. The information the Intervenor's rely on in their August 15 submissions was known to them at the time they filed their initial Interventions, and there is no reason for the delay in the Intervenor's raising this issue. Local 793 urges the Board to not permit these Intervenor's to continue raising new issues in a belated attempt to bolster their objections to this Application.

In the strict alternative, should the Board accept the Intervenor's late-filed submissions, the Union submits that the August 15 submissions of the Intervenor's fail to establish a *prima facie* case that there has been any breach of the *Act* by the CRAO or the Union.

The Intervenor's allege that Jason Hanna ("Hanna"), the General Manager at Lift All Crane and member of the CRAO's Board, who is also a member of Local 793, served the Union's interests by casting a vote in the CRAO's decision to apply for accreditation. The Union has no knowledge of whether or how Mr. Hanna voted on the issue of accreditation or any other issue. The Intervenor's have provided no evidence or pleadings which could demonstrate that the Union interfered with this decision, if this was in fact what occurred. The fact that Mr. Hanna maintains membership in Local 793, which is not uncommon among signatory contractors' management employees,

especially those who previously worked as operating engineers, does not establish or even come close to rising to the level of Local 793 interfering in the formation or administration of the CRAO.

The Intervenors' complaint appears to be centered on a question of whether Mr. Hanna violated a CRAO by-law in casting a vote on the question of accreditation. While this alleged violation itself is not clearly established (i.e. whether accreditation of an employer association is a "union matter" requiring abstention), there is no logical connection between this allegation and an argument that the Union interfered in the formation or administration of the CRAO. Even if there was a breach of a by-law (which is not agreed), the Intervenors have provided no evidence or pleadings which could demonstrate that the Union had any influence in this matter whatsoever. As a result, we submit this allegation can be dismissed by the Board without the need for a hearing.

In the further alternative, if the Board does not dismiss this allegation on a *prima facie* basis, the Union denies that it interfered in the formation or administration of the CRAO and reserves its right to provide a full response to this allegation.

With respect to the lists of issues filed by all of the prospective Intervenors, Local 793 maintains all of its positions set out in its previous submissions.

As JCL has now withdrawn its intervention, the issues relating to that prospective intervenor can be removed from the list of outstanding issues.

Additionally, two of the issues raised by the Labourers (outlined in its letter of August 20, 2025) relate to the OCDCA Agreement, and the exclusion of that agreement from the bargaining unit description. Local 793 submits that these issues have been addressed through the amendment of the bargaining unit description (and the OCDCA has now withdrawn its intervention) and these issues can be removed from the list of outstanding issues.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Yours truly,



Kathryn Bell
Legal Counsel
International Union of Operating Engineers, Local 793

cc. *Jeremy Schwartz and Natalie Caballero, Stringer LLP*
Jim McKeown, Mathews, Dinsdale & Clark LLP
Kristaq Lala, Ben Katz, and Hong Hua (Emily Li), Goldblatt Partners LLP
Melissa Atkins-Mahaney, IUOE Local 793, Labour Relations Manager
Caitlin Hanak, IUOE Local 793, Legal Counsel