

August 7, 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**

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

We hereby add the following representations in support of the position that the Application must be dismissed based on subsection 136(5) of the *Labour Relations Act, 1995*.

A concrete pump operator who is a member of Local 793, named Shannon Castle, recently corresponded with other Pumpcrete operators and members of Pumpcrete management, indicating that she has been a member of Local 793 through a previous job and that she was and is looking for work as a concrete pump operator through Local 793.

Shannon indicated that over the past months, she attempted various times to communicate to a Local 793 director of organizing “Kyle”, who is thought to be Kyle Schutte, that she wanted to be referred to employment with Pumpcrete. Kyle responded each time that he or anyone from Local 793 would not even call Pumpcrete on her behalf for employment, repeating always that it was for the reason that “there were problems” in relation to Pumpcrete. However, Kyle consistently and enthusiastically encouraged Shannon that he would facilitate contact for employment with Amherst. She described to people at Pumpcrete that Local 793 “shoved Amherst down her throat”. She declined the opportunity for work at Amherst and preferred an opportunity at Pumpcrete because she lives near Cambridge and Pumpcrete works more often in that area than Amherst.

Local 793 is refusing that members work or seek to work at Pumpcrete but is actively facilitating employment for their members at Amherst, referring their members to work for Amherst, and / or promoting Amherst. The conduct of Local 793 is further evidence of Local 793 participating in CRAO’s formation or administration or contributing financial or other support to CRAO.

We rely on our representations in our intervention from paragraphs 6 to 65 of Schedule “A”, and in particular about the targeting and aggressive mistreatment of companies that do not support accreditation versus the support by Local 793 for companies and their management, namely Amherst, that do. On CRAO’s Board of Directors, Mark Welstead for Amherst is the only representative of a

concrete pumping company and has been the only representative of a concrete pumping company since or during the decision of CRAO to seek accreditation and that voted in favour of seeking accreditation. By refusing to refer members to Pumpcrete but promoting Amherst as an employment destination for its members, Local 793 is participating in the administration of CRAO and contributing financial and other support to CRAO.

Pumpcrete is continuing to investigate and reserves the right to rely on further information as it becomes available.

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*
Client