



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **2435-21-PR**

International Union of Operating Engineers, Local 793, Applicant v **The Ottawa Hospital**, Proponent v International Association of Bridge, Structural, Ornamental, Reinforcing Iron and Rod Workers, International Brotherhood of Electrical Workers, International Brotherhood of Teamsters, International Union of Elevator Constructors, International Union of Painters, Glaziers and Allied Trades, Labourers' International Union of North America, Millwright Regional Council of Ontario, Sheet Metal Workers International Association, The United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the USA and Canada, and United Brotherhood of Carpenters and Joiners of America, et al., Interested Parties

BEFORE: John D. Lewis, Vice-Chair

DECISION OF THE BOARD: April 4, 2022

1. The applicant, by letter filed March 31, 2022, purported to apply under section 163.1(3) of the *Labour Relations Act, 1995*, S.O. 1995, c.1, as amended, (the "Act") for an order that the proposed project referred to in the Notice of Project Agreement, dated March 29, 2022, issued by the Ottawa Hospital (the "proponent") may not be the subject of a project agreement.
2. The Notice of Project Agreement was delivered to the applicant by the proponent on March 17, 2022. The Notice of Project Agreement provided first notice of the Ottawa Hospital's intention to implement a project agreement related to the construction of the new Ottawa Hospital Civic Campus known as the Ottawa Hospital – Civic Redevelopment Project (the "Project").
3. The applicant submits that the Project is not an industrial project and is not designated in the Regulations as a project that may be the subject of a project agreement.

4. Section 163.1(3) of the Act states:

(3) A bargaining agent on the list may apply to the Board for an order that a project may not be the subject of a project agreement and the following apply with respect to such an application:

1. The application must be made within 14 days after receiving the notice that the proponent wishes to have a project agreement.
2. The parties to the application are the applicant, the proponent and such other persons as may be prescribed under the regulations or as may be specified by the Board in accordance with the regulations.
3. The Board shall dismiss the application if the project is an industrial project in the industrial, commercial and institutional sector of the construction industry.
4. The Board shall dismiss the application if the project is designated in the regulations as a project that may be the subject of a project agreement.
5. If neither paragraph 3 nor 4 apply, the Board shall grant the application and make an order that the project may not be the subject of a project agreement.
6. An order under paragraph 5 does not affect the preparation of another list and the giving of other notices under subsection (1) even if they relate to the same project.

5. Given the provisions of section 163.1(3)1 of the Act, it would appear that the application has been made within the 14 days after receiving the notice that the proponent wishes to have a project agreement.

6. Should the proponent or the other interested parties wish to file written submissions concerning the applicant's objection to the project agreement they should do so by no later than Tuesday, April 19, 2022. Should the applicant wish to file written submissions in reply to any filed submissions, it should do so by Tuesday, May 3, 2022. Once the Board

has reviewed the filed submissions it will further consider the application.

“John D. Lewis”
for the Board