

## SCHEDULE "A"

1. SBT Construction Ltd. ("**SBT**") is a diverse construction company offering many services in the residential and ICI sectors of the construction industry. SBT was incorporated in 1982 and primarily operates in Board Area 1.
2. SBT has been a member of the Applicant, Windsor Wall & Ceiling Contractors Association, since 2014.
3. On May 20, 2023 the Ontario Labour Relations Board (the "Board") certified the Carpenters' District Council of Ontario, United Brotherhood of Carpenters and Joiners of America (now named the "**Carpenters' Regional Council**", or "**CRC**") as the exclusive bargaining agent for all construction labourers, carpenters and carpenters' apprentices in the employ of SBT in all sectors of the construction industry excluding the ICI sector, in Board Area 1 ([SBT Construction Inc., 2023 CanLII 56741 \(ON LRB\)](#)).
4. By virtue of sections 145(1) and 146(2) of the *Labour Relations Act, 1995* (the "Act") the CRC is a parent trade union and each of its local trade unions, including the United Brotherhood of Carpenters and Joiners of America, Drywall Acoustic Lathing and Insulation Local 675 ("**Local 675**"), is deemed to be the bargaining agent, together with the CRC, for construction labourers, carpenters and carpenters' apprentices employed by SBT in Board Area 1.
5. By virtue of the Board's May 20, 2023 decision and sections 145(1) and 146(2) of the Act, SBT became bound to the collective agreement between the Interior Systems Contractors Association of Ontario ("**ISCA**") and Local 675 (the "**ISCA collective agreement**"). ISCA is an accredited employer organization for employers with whom Local 675 has bargaining rights and who employ carpenters and carpenters' apprentices engaged in, among other things, the installation of drywall, metal components, acoustic ceiling systems metal door frames and all associated cleanup and material handling. The ISCA collective agreement applies province-wide in Ontario in the residential sector of the construction industry. As a result, SBT is required to comply with the collective agreement between ISCA and Local 675, including the wage rates for Board Area 1 which are specifically set out in a Memorandum of Agreement between ISCA, Local 675 and the Responding Party in the instant application, the United Brotherhood of Carpenters and Joiners of America, Local 494.
6. SBT understands that on April 15, 2024 the Applicant applied for accreditation as an organization representing employers of carpenters and carpenters' apprentices engaged in drywall boarding and all associated carpentry work, metal components, acoustic ceiling systems, metal door frames, drywall cleanup and material handling for whom the Responding Party has bargaining rights in Board Area 1 in the residential sector of the construction industry. SBT was not aware that the Applicant intended to file its application or that the Applicant intended to rely on SBT's membership to support its application.
7. While SBT agrees that it is a member of the Applicant and has, in the last year, employed employees for whom the Responding Party (as well as the CRC and Local 675) has

bargaining rights in Board Area 1, the Board should decline to include SBT's employees in the number of employees considered pursuant to section 136(1)(c) of the Act since SBT's employees' employment is already governed by the ISCA collective agreement.

8. In the alternative, SBT requests that the Board declined to issue an accreditation order to the Applicant for the bargaining unit it applied for and dismiss this application. Given that SBT is already bound to the ISCA collective agreement for the same work and the same employees covered by the bargaining unit applied for in the instant application, and given that SBT's employees' employment relationships are already governed by the ISCA collective agreement, granting the requested accreditation would place SBT in the impossible position of being bound to two different collective agreements involving two different accredited employer organizations covering the same work and the same employees in the same sector of the construction industry in the same Board area. This would result in absurd consequences and prejudice to SBT as it would be placed in a position where no matter which collective agreement it applies, it would be exposed to grievances and legal consequences for not applying the other collective agreement. As the Board stated in [Oshawa Area Signatory Contractors Association \(2022 CanLII 1663 \(ON LRB\)\)](#) ("**Oshawa**"), "[i]t would be entirely inappropriate and antithetical to good labour relations to have two competing accredited collective agreements covering exactly the same work."
9. In the further alternative, SBT submits that given the circumstances, the Board must determine that the unit of employers applied for by the Applicant is not viable for collective bargaining. Section 135(2) of the Act requires the unit of employers to comprise of all employers as defined in section 126 of the Act. The definition of "employer" in section 126 of the Act would include SBT. Given that SBT is already bound to the ISCA collective agreement, it cannot be included in the unit of employers. As a result, the unit of employers applied for by the Applicant is not viable for collective bargaining.
10. Lastly, at paragraph 21 of Oshawa the Board noted that "[t]he whole point of an accreditation order is to create a "level playing field" in the industry...". SBT submits that permitting two competing accredited collective agreements covering the same employees and the same work to operate in Board Area 1 would achieve the exact opposite of a "level playing field", resulting in different employers being bound to different accredited collective agreements and leading to labour relations discord.

**ALL OF WHICH IS RESPECTFULLY SUBMITTED**