



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0463-24-R**

Southwest Residential Construction Labour Bureau, Applicant v
Labourers' International Union of North America, Local 837, Responding
Party

BEFORE: John D. Lewis, Vice-Chair

DECISION OF THE BOARD: June 28, 2024

1. This is an application for accreditation made pursuant to section 134 of the *Labour Relations Act, 1995*, S.O. 1995, c.1, as amended (the "Act"). It was filed with the Board on May 24, 2024. The applicant seeks to be accredited as the bargaining agent of employers of construction labourers engaged in the on-site construction of single and semidetached houses, row houses, maisonettes and townhomes for whom the responding party, Labourers' International Union of North America, Local 837, holds bargaining rights in the residential sector of the construction industry in the County of Brant and Norfolk County; the Regional Municipality of Niagara and Haldimand County; the Regional Municipality of Waterloo (except that portion of the geographic Township of Beverly annexed by North Dumfries Township); and the City of Hamilton, the City of Burlington, that portion of the geographic Township of Beverly annexed by North Dumfries Township and that portion of the Town of Milton within the geographic townships of Nassagaweya and Nelson (Board Area Nos. 4, 5, 6 and 26 respectively).

2. Pursuant to discussions with a Labour Relations officer, the parties have agreed on a description of the appropriate bargaining unit, the form of notice to the employers that may be affected by this application and the manner in which it is to be published.

3. Section 135 of the Act requires the Board, upon an application for accreditation, to determine "the unit of employers that is appropriate for collective bargaining in a particular geographic area and sector..."

Section 135 also provides that the Board, in making that determination, "need not confine the unit to one geographic area or sector but may, if it considers it advisable, combine areas or sectors or both or parts thereof."

4. The bargaining unit description to which the parties have agreed is:

All employers of construction labourers engaged in the on-site construction of single and semidetached houses, row houses, maisonettes and townhouses for whom the Labourers' International Union of North America, Local 837 has bargaining rights in Ontario Labour Relations Board Geographic Areas 4, 5, 6, and 26 in the residential sector of the construction industry, save and except employers bound by and performing work under the Collective Agreement between The Ontario Formwork Association and The Formwork Council of Ontario.

While the parties' agreement is a significant factor in the Board's determination of the appropriate bargaining unit under section 135 of the Act, the employers and others who may be affected by this application may have submissions to make with respect to the description of the bargaining unit and any other issues that may arise in this proceeding.

5. The Board has not yet determined whether the description of the proposed bargaining unit to which the applicant and responding party agreed is an appropriate bargaining unit within the meaning of section 135(1) of the Act. The Board will make that determination after the Employer Filing Date or, if a hearing is scheduled in this matter, at or after that hearing.

6. Notice of this application must be provided to any employer that may be affected by this application.

7. The applicant and responding party have agreed on the form of notice that is to be provided. They have also agreed that notice should be published on the Board's website and in publications directed at construction industry contractors as well as in newspapers distributed in the geographic area affected by this application. Therefore, the Board directs the applicant to publish at its expense the attached Notice to Employers as an advertisement in the following publications:

- Daily Commercial News
- The Waterloo Region Record
- The Hamilton Spectator
- St. Catharines Standard
- The Niagara Falls Review

The Board directs the applicant to arrange to have the notice appear as an advertisement once during the week ending **July 12, 2024**.

8. The Board directs the applicant to send forthwith to the employers on the List of Employers filed by the applicant and responding party, a copy of this decision together with a blank "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) and a blank "Accreditation: List of Employees" and to provide the Board and the responding party with confirmation of delivery to those employers.

9. The Board directs the Registrar to post the attached Notice to Employers and a copy of the "Notice to Employers of Application" on the Board's website.

10. The Registrar has fixed the Employer Filing Date as **Monday, July 29, 2024**.

11. Any employer that is affected by this application or believes it may be affected must file an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) with the Board on or before **July 29, 2024** in order to participate in these proceedings. Any employer that does not file a Form A-94 by the Employer Filing Date will not be entitled to any further notice in this matter. This matter may proceed and be determined based on the submissions filed with the Board without further notice to any employer that has not filed a Form A-94.

12. The parties will be advised in due course if a hearing is required into this matter.

13. The Board has not yet made the determinations required by sections 134 and 136 of the Act. Those matters, together with the description of the appropriate bargaining unit, will be determined by the Board after the Employer Filing Date or at the hearing.

14. This panel of the Board is not seized with this matter.

"John D. Lewis"
for the Board

NOTICE TO ALL EMPLOYERS OF CONSTRUCTION LABOURERS ENGAGED IN THE ON-SITE CONSTRUCTION OF SINGLE AND SEMIDETACHED HOUSES, ROW HOUSES, MAISONNETTES AND TOWNHOUSES IN BRANT AND NORFOLK COUNTY, NIAGARA AND HALDIMAND COUNTY, WATERLOO, HAMILTON, AND/OR BURLINGTON (OLRB BOARD AREAS 4, 5, 6 AND 26)

The Southwest Residential Construction Labour Bureau has applied for accreditation as an Employer Association pursuant to section 134 of the Ontario Labour Relations Act for the Province of Ontario, for the following bargaining unit subject to specified exclusions and clarifications:

All employers of construction labourers engaged in the on-site construction of single and semidetached houses, row houses, maisonettes and townhouses for whom the Labourers' International Union of North America, Local 837 has bargaining rights in Ontario Labour Relations Board Geographic Areas 4, 5, 6, and 26 in the residential sector of the construction industry, save and except employers bound by and performing work under the Collective Agreement between The Ontario Formwork Association and The Formwork Council of Ontario.

This Application affects all employers of employees for whom the Labourers' International Union of North America, Local 837 has bargaining rights and who operate in the above-noted bargaining unit. If you are an employer that is or may be affected by this application, you must file an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) by the Employer Filing Date. The Employer Filing Date fixed by the Registrar in this matter is July 29, 2024.

You can determine whether your company is affected by inspecting the proposed list of unionized employers active within one year of the date of application at the following location:

<http://www.olrb.gov.on.ca/Construction-EN.asp>

You may also access a copy of the Application and the Response filed by the Union and any OLRB decisions related to this application at the OLRB's website above.

Even if you are not listed on the List of Employers, you may be able to obtain notice of the proceeding if you are an employer that employ's

individuals in the proposed bargaining unit, and you have been active in the relevant geographic areas within one year of the date of application (May 24, 2024)

Questions may be directed to Carrie Clynick, Senior Mediator, OLRB, Carrie.Clynick@ontario.ca, 647-280-5419.

All employers are urged to confirm whether they are affected by the Application, as no further notice of this matter will be given unless employers notify the Board, by filing form A-94, on or before **July 29, 2024** that they are affected by the Application and wish to participate in this proceeding.