



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0502-23-R**

Residential Framing Contractors Association of Metropolitan Toronto & Vicinity Inc., Applicant v Labourers' International Union of North America, Local 183, Responding Party

BEFORE: Danna Morrison, Vice-Chair

DECISION OF THE BOARD: July 13, 2023

1. In a decision in this matter dated July 7, 2023, the Board appended a "Notice to Employers of Application" and directed the Registrar and the applicant to take certain actions with respect to that Notice in order to ensure that it comes to the attention of any employer that may be affected by this application.
2. It has come to the Board's attention that the heading of the Notice contained typographical errors. Therefore, it is appropriate to amend the Board's July 7, 2023 decision to correct those errors. Specifically, the Notice appended to the July 7, 2023 decision is hereby replaced with the Notice appended to this decision. This does not otherwise affect the directions made in the July 7, 2023 decision to the Registrar or the parties, except to the extent that it is the amended Notice which is to be published and brought to the attention of any employers that may be affected by this application.
3. This panel of the Board is not seized with this matter.

"Danna Morrison"

for the Board

**NOTICE TO ALL EMPLOYERS OF EMPLOYEES REPRESENTED BY
LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA,
LOCAL 183 ENGAGED IN RESIDENTIAL CONSTRUCTION IN THE
ONTARIO LABOUR RELATIONS BOARD AREAS LISTED BELOW
OF APPLICATION FOR ACCREDITATION BY THE RESIDENTIAL
FRAMING CONTRACTORS ASSOCIATION OF METROPOLITAN
TORONTO & VICINITY INC.**

The Residential Framing Contractors Association of Metropolitan Toronto & Vicinity Inc. (the "RFCA") has filed an Application for Accreditation as an Employers' Organization pursuant to section 134 of the Ontario *Labour Relations Act, 1995*, on May 29, 2023, to enlarge the scope of its current accreditation as an employers' organization in the residential sector of the construction industry.

The RFCA is currently the accredited bargaining agent in respect of employers bound by collective agreements with Labourers' International Union of North America, Local 183 ("Local 183") engaged in the construction of low rise housing in Ontario Labour Relations Board Areas 8, 9 and Simcoe County.

As a result of collective bargaining with Local 183, the RFCA and Local 183 agreed to enlarge the geographic scope of the bargaining unit to include Boards Areas 7, 8, 9, 10, 11, 12, 18, 27 and 29 and scope of work coming within both the original and expanded geographic bargaining unit to include all housing construction. The precise description of the amended bargaining unit for which the RFCA seeks accreditation can be found at the Ontario Labour Relations Board website at <https://www.olrb.gov.on.ca/Construction-EN.asp>.

Local 183 is the Responding Party to the application. Local 183 agreed with the bargaining unit description contained in the application. The application may affect employers of employees for whom Local 183 holds bargaining rights engaged in housing construction in Board Areas 7, 8, 9, 10, 11, 12, 18, 27 and 29.

The RFCA is requesting accreditation for the following bargaining unit:

All employers of employees for whom the responding party (Labourers' International Union of North America, Local 183) (the "Union") holds bargaining rights engaged in the construction of all phases of housing regardless of height including the preparation of footings, the fabrication,

renovation, alteration, erection and finishing thereof, exterior trim, window installation and similar work as more particularly described in the Clarity Note below in the residential sector of the construction industry in Ontario Labour Relations Board Areas 7, 8, 9, 10, 11, 12, 18, 27 and 29, save and except employers of employees coming within the scope of the accreditation certificate dated May 26, 2004 issued in Board File No. 2530-03-R (that is employers of employees in Board Areas 8 and 9, and Simcoe County, exclusively engaged in the construction of single and semi-detached houses, row houses, maisonettes, townhouses and all non-elevated housing of not more than four (4) stories in height (basement plus four (4) stories)), and save and except the employers who employ employees performing work under the agreements listed in subparagraphs (a) through (q) as set out below.

Clarity Note:

The work coming within the scope of this bargaining unit consists of work performed by:

All construction employees (including carpenters, carpenters' apprentices and construction labourers) engaged in the construction of all phases of housing regardless of height including the preparation of footings, the fabrication, renovation, alteration, erection and finishing thereof, exterior trim, window installation, and similar work for whom the responding party has bargaining rights while working in Ontario Labour Relations Board Area Numbers 7, 8, 9, 10, 11, 12, 18, 27 and 29, save and except non-working foremen and those persons above the rank of non-working foreman and office, clerical, and engineering staff, and save and except employees performing work under the agreements as set out below, and save and except employees performing only the work coming within the scope of the accreditation certificate dated May 26, 2004 issued in Board File No. 2530-03-R. The above description applies to all residential housing construction including, single and semi-detached houses, row houses, stacked units, back-to-back units, all townhouses types and all other residential housing regardless of height.

The parties' collective agreement contains the classifications of "framers, learners, and improvers." Persons referred to or classified as "framers, learners and improvers" who perform work under the parties' collective agreement are either or both construction labourers and carpenters (or carpenters' apprentices).

Employers who employ employees to perform work under the following collective agreements are excluded from the bargaining unit:

(a) under "The Roads Agreement" being a collective agreement between the Toronto Area Road Builders' Association and a Council of Trade Unions acting as the representative and agent of Teamsters' Union, Local 230 and the Union;

(b) under "The Sewer and Watermain Agreement" being a collective agreement between the Greater Toronto Sewer and Watermain Contractors' Association and a Council of Trade Unions acting as the representative and agent of Teamsters' Local 230 and the Union;

(c) under "The Heavy Engineering Agreement" being a collective agreement between the Heavy Construction Association of Toronto and the Union;

(d) under "The Apartment Builders' Agreement" being a collective agreement between the Ontario Metropolitan Toronto Apartment Builders Association and the Union;

(e) under "The Forming Agreement" being a collective agreement between the Ontario Formwork Association and the Formwork Council of Ontario;

(f) under "The House Basements Agreements" being a collective agreement between the Low Rise Forming Contractors Association of Metropolitan Toronto and Vicinity and the Union;

(g) under "The House Builders' Agreement" being a collective agreement between the Toronto Residential Construction Labour Bureau and the Union;

(h) by any entity required to apply the terms and conditions of the agreement pursuant to a Pieceworker Participation Agreement;

(i) under "The Utilities Agreement" being a Collective Agreement between the Utility Contractors' Association of Ontario and Labourers' International Union of North America, Ontario Provincial District Council and its affiliated Local Unions;

(j) under "The Landscaping Agreement" being a collective agreement between various Landscaping Contractors and the Union;

(k) under "The Bricklaying Agreement" being a collective agreement between the Masonry Contractors Association of Toronto and the Masonry Council of Unions Toronto and Vicinity which is binding upon the Union;

(l) under "The Concrete Restoration Agreement" being a collective agreement between the Building Restoration and Associated Work Contractors and the Union;

(m) under "The Marble, Tile and Terrazzo, and Cement Masons Agreement" being the Collective Agreement between the various marble, tile and terrazzo and cement mason contractors and the Union;

(n) under "The Residential High Rise Trim Carpentry Collective Agreement" being the collective agreement between the Residential Carpentry Contractors Association of Greater Toronto and the Union;

(o) under "The Residential Low Rise Trim Carpentry Collective Agreement" being a collective agreement between various trim carpentry contractors and the Union.

(p) under the "The Durham House Builders' Agreement" being a collective agreement between the Durham Residential Construction Labour Bureau and the Union; and

(q) under "The Concrete and Drain Agreement" being a collective agreement between the Ontario Concrete and Drain Contractors Association and the Union.

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 proceeding is **Tuesday, August 8, 2023.**

The Board may determine this matter without a hearing after the Employer Filing Date or if a hearing is scheduled, only those employers that have filed an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) will receive notice of that hearing.

You can determine whether you are affected by this application by inspecting the material filed in the application (OLRB File No. 0502-23-R) at the Ontario Labour Relations Board's website at <https://www.olrb.gov.on.ca/Construction-EN.asp>. There, you will find a complete copy of the pleadings in this matter, copies of response forms, lists of employers who the RFCA and Local 183 believe may be affected by this application, and the precise description of the proposed bargaining unit.

Even if you are not an employer named on the lists of employers filed by the parties, you may be able to obtain notice of the proceeding if you are an employer with employees doing work in the proposed bargaining unit, and you have been active in the relevant geographic areas (OLRB Board Areas 7, 8, 9, 10, 11, 12, 18, 27 and 29) within one year prior to the date of application (May 29, 2023).

Questions may be directed to Carrie Clynick, Mediator / Labour Relations Specialist, Ontario Labour Relations Board, at 647.280.5419 or carrie.clynick@ontario.ca.

All employers are urged to confirm whether they are affected by this Application for Accreditation as no further notice of this matter will be given unless employers notify the Board by filing an "Employer Filing" not later than **Tuesday, August 8, 2023.**

"Danna Morrison"
for the Board