



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0748-24-R**

Eastern Ontario Paint and Coatings Contractors' Association,
Applicant v Operative Plasterers' and Cement Masons' International
Association of the United States and Canada, Local 124, Responding
Party

BEFORE: Danna Morrison, Vice-Chair

DECISION OF THE BOARD: July 18, 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") in which the applicant seeks to be accredited as the bargaining agent of employers of all painters and painters' apprentices for whom the responding party holds bargaining rights in the residential sector of the construction industry in the County of Lanark, the geographic Townships of South Crosby, Bastard, Kitley, Wolford, Oxford (on Rideau) and South Gower and all lands north thereof in the United Counties of Lees and Grenville, the County of Renfrew, and the City of Ottawa and the United Counties of Prescott and Russell.

2. The parties entered into an agreement with the assistance of a Board mediator, finalized on July 17, 2024, in which they 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, and the list of employers that come within the bargaining unit for which the applicant seeks accreditation.

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 all painters and painters’ apprentices for whom the responding party holds bargaining rights in the residential sector of the construction industry in the County of Lanark, the geographic Townships of South Crosby, Bastard, Kitley, Wolford, Oxford (on Rideau) and South Gower and all lands north thereof in the United Counties of Lees and Grenville, the County of Renfrew, and the City of Ottawa and the United Counties of Prescott and Russell.

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 **Daily Commercial News** and the **Ottawa Citizen**.

The Board directs the applicant to arrange to have the notice appear as an advertisement once during the week ending **August 2, 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 **August 30, 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 **August 30, 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. If a hearing is scheduled in this application, notice of that hearing will be provided to the parties and to the employers that had filed a Form A-94 on or before the Employer Filing Date.

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 if a hearing is scheduled in this matter, at or after that hearing.

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

"Danna Morrison"
for the Board

NOTICE TO ALL EMPLOYERS OF PAINTERS AND PAINTERS' APPRENTICES REPRESENTED BY OPERATIVE PLASTERERS' AND CEMENT MASONS' INTERNATIONAL ASSOCIATION OF THE UNITED STATES AND CANADA, LOCAL 124 ENGAGED IN RESIDENTIAL WORK IN OLRB BOARD AREAS 13, 14 AND 15

The Eastern Ontario Paint and Coatings Contractors Association ("EOPCCA") filed an Application for Accreditation as an Employers' Organization pursuant to section 134 of the Ontario *Labour Relations Act, 1995*, for the following bargaining unit subject to specified exclusions and clarifications:

all employers of all painters and painters' apprentices for whom the responding party holds bargaining rights in the residential sector of the construction industry in the County of Lanark, the geographic Townships of South Crosby, Bastard, Kitley, Wolford, Oxford (on Rideau) and South Gower and all lands north thereof in the United Counties of Lees and Grenville, the County of Renfrew, and the City of Ottawa and the United Counties of Prescott and Russell.

This Application affects all employers of employees for whom the Operative Plasterers' and Cement Masons' International Association of the United States and Canada, Local 124 holds 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 **August 30, 2024**.

You can determine whether you or your company is affected by this Application by inspecting the material filed in this application (OLRB Case No. 0748-24-R) at the following location:

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

There, you will find a complete copy of the pleadings in this matter, copies of Application and Response forms filed, list of employers who the EOPCCA and Local 124 believe may be affected by this application, and the precise description of the proposed bargaining unit. You may also access 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 proceedings if you are an employer that employs individuals in the proposed bargaining unit, and you have been active in the relevant geographic areas within one year of the date of application (June 25, 2024).

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.

Questions may be directed to Carrie Clynick, Senior Mediator, Ontario Labour Relations Board, 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 an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) not later than **August 30, 2024**, that they are affected by the Application and wish to participate in the proceeding.