



ONTARIO LABOUR RELATIONS BOARD

RESPONSE/INTERVENTION – APPLICATION FOR ACCREDITATION CONSTRUCTION INDUSTRY *Labour Relations Act, 1995*

Form A-93

Fields marked with an asterisk (*) are mandatory.

Confirmation No. [20240710114637875](#)

OLRB File Number **0748-24-R**

Between: *

[Eastern Ontario Paint and Coatings Contractors' Association](#)

Applicant

- and -

[Operative Plasterers' and Cement Masons' International Association of the United States and Canada, Local 124](#)

Responding Party

- Review Information Bulletin No. 33 – “Accreditation in the Construction Industry under s.136 of the *Labour Relations Act, 1995* (Non-ICI)”, the Filing Guide and the Board’s Rules of Procedure on acceptable methods of delivery and filing **before** completing this form to avoid any delay in processing.
- All forms, Notices, Information Bulletins, the Filing Guide and the Rules of Procedure may be obtained from the Board’s website (<http://www.olrb.gov.on.ca>).
- To print a paper copy of this form, use **only** the “Print” buttons located within the form.
- Save a copy of your completed form and any attachments as the Board will not return them to you. To save the form at any time, use the “Save” buttons located within the form.
- If there is insufficient space on the form, attach additional pages clearly identifying the relevant section of the form. For e-filing, you may attach files by selecting the “Attach documents electronically” option.

Choose one of the following *

Response

Intervention

Part A Contact Information

Instructions

- Provide the contact information for each Responding Party/Intervenor on whose behalf this form is being completed and any Affected Party not previously named in the application below. If you wish to add additional parties, use the “Add” button or attach a separate page if completing the form by hand.
- For an organization, provide the name and contact information of an individual who will be able to respond on behalf of that organization. When adding multiple individuals at the same organization, “Add” an additional contact section, repeat the organization name and provide that individual’s contact information (e.g. name, email address, phone number).

1 (a). Responding Party/Intervenor

Responding Party 1

Type * Organization Individual

Organization Name

[Operative Plasterers' and Cement Masons' International Association of the United States and Canada, Local 124](#)

First Name	Last Name	Position/Title
Richard	Corcoran	Business Manager

Full Address (Number, Street, Unit/Apartment, Building Name)	Other Address Details (e.g. PO Box, R.R. #, c/o)
30 Concourse Gate, Unit 32	

City/Town	Province/State	Country	Postal/Zip Code
Ottawa	ON	Canada	K2E 7V7

Telephone Number	Ext.	Fax Number	Email Address
613-226-7585		613-226-6463	local124@bellnet.ca

Additional Contact Information, if any (Assistant's Email Address, Alternate Telephone Numbers)

1 (b). Representative/Contact Person for the Responding Party/Intervenor

Contact 1

Contact Person for * All Parties above Party No.(s) _____

Indicate if this person is a Lawyer Paralegal

Organization Name

[Morrison Watts Hurtado](#)

First Name	Last Name *	Position/Title
J. Craig	Morrison	Legal Counsel

Full Address (Number, Street, Unit/Apartment, Building Name)	Other Address Details (e.g. PO Box, R.R. #, c/o)
4492 Colonel Talbot Road	PO Box 314

City/Town	Province/State	Country	Postal/Zip Code
London	ON	Canada	N6P 1P9

Telephone Number	Ext.	Fax Number	Email Address
519-652-8080		519-652-2262	morrison@mmwlaw.ca

Additional Contact Information, if any (Assistant's Email Address, Alternate Telephone Numbers)

[Counsel -- Ryan Ramdin: Ramdin@mmwlaw.ca](#)
[Legal Assistant - Meghan Leitch: leitch@mmwlaw.ca](#)

2 (a). Affected Party

Contact information for any person, trade union, employer or employers' organization which may be affected by the application and which has not already been identified by another party must be completed below.

2 (b). Representative/Contact Person for the Affected Party, if known

2 (c). The person, trade union, employer or employers' organization named above is affected by the application for the following reason(s):

Part B Material Facts and Position on Relief Sought

3. Provide a detailed description of unit of employers claimed by the Responding Party to be appropriate for accreditation:

Reference **must** be made to the sector(s) of the construction industry and the geographic area(s) or parts thereof claimed. If you require more space, attach a separate document.

All painters and painters' apprentices in the Residential Sector of the construction industry in Board Areas, 13, 14 and 15 for whom the Responding Party holds bargaining rights, excluding the industrial, commercial and institutional sector, save and except non-working foreperson and persons above the rank of non-working foreperson.

4. Provide representations as to the appropriateness of the unit described in question 3 including the history of collective bargaining, if any, of the Applicant and the Responding Party:

If you require more space, attach a separate document.

The Applicant and the Responding Party have no history of Collective Bargaining.

Instead, following the Certification or Voluntary Recognition of the Employers seeking to be represented by the Applicant, the Responding Party negotiated Residential Collective Agreements with each of the individual employers. Those Agreements are reproduced at tabs 6, 7, and 8 of the Application.

Each Agreement, in Article 4, clause (a) contains a geographic jurisdiction expressed to cover Board Area 15 (City of Ottawa and United Counties of Leeds and Grenville) Board Area 14 (the County of Renfrew) and Board Area 13 (the County of Lanark, and the United Counties of Leeds and Grenville).

This scope is a function of the fact that Board Area 13 and 14 contain communities adjacent to Ottawa in which a significant amount of Residential work is occurring, and is projected to work. Those communities are served by Ottawa based contractors, and are part of a common market for construction with Ottawa.

The Responding Party submits that each of the Employers has agreed to a bargaining unit that encompasses more than Board Area 15, and that an appropriate bargaining unit would be one that aligns with the existing geographic scope of the Collective Agreements in effect between the Employers for whom the Responding Party holds bargaining rights and the Responding Party.

5. State the number of employers in the unit described by the Applicant as being appropriate for accreditation as of the date the application was made:

Three (3)

6. State the number of employers in the unit claimed by the Responding Party to be appropriate for accreditation as of the date the application was made:

Three (3)

7. State the approximate number of members of the Responding Party working in the area(s) and sector(s) described in the unit of employers claimed by the Applicant to be appropriate as of the date the application was made:

Seventy-seven (77) members

8. In respect of the order(s) requested by the Applicant, the Responding Party states:

Based on the requirements that the Applicant represent a majority of employers employing a majority of employees in the bargaining unit, the Applicant would appear to have the required "double majority".

9. Other relevant statements:

N/A

10. Attached documents:

Provide a list of the documents you are filing together with this form as instructed below.

Name your documents/attachments so that they are easily identifiable.

If you are e-filing this form, select the "Attach documents electronically" option below and attach each document using the "Add File" button.

If you are filing in a manner other than e-filing, provide the numbered list of documents in the box below.

Attach documents electronically

Documents

None.

IMPORTANT NOTES

The Board's forms, Notices, Information Bulletins, Rules of Procedure and Filing Guide may be obtained from its website <http://www.olrb.gov.on.ca> or by calling 416-326-7500 or toll-free at 1-877-339-3335.

FRENCH OR ENGLISH

Vous avez le droit de communiquer et recevoir des services en français et en anglais. La Commission n'offre pas de services d'interprétation dans les langues autres que le français et l'anglais.

You have the right to communicate and receive services in either English or French. The Board does not provide translation services in languages other than English or French.

CHANGE OF CONTACT INFORMATION

Notify the Board immediately of any change in your contact information. If you fail to do so, correspondence sent to your last known address (including email) may be deemed to be reasonable notice to you and the case may proceed in your absence.

ACCESSIBILITY AND ACCOMMODATION

The Board is committed to providing an inclusive and accessible environment in which all members of the public have equitable access to our services. We will aim to meet our obligations under the *Accessibility for Ontarians with Disabilities Act* in a timely manner. Please advise the Board if you require any accommodation to meet your individual needs. The Board's Accessibility Policy can be found on its website.

COLLECTION AND DISCLOSURE OF INFORMATION AND DOCUMENTS

Any relevant information that you provide to the Board must in the normal course be provided to the other parties to the proceeding. Personal information collected on this form and in written or oral submissions may be used and disclosed for the proper administration of the Board's governing legislation and case processing. In addition, the *Tribunal Adjudicative Records Act, 2019* requires that the Board make adjudicative records (which include applications filed and a listing of such applications) available to the public. The Board has the power to make part or all of an adjudicative record confidential. The *Freedom of Information and Protection of Privacy Act* may also address the treatment of personal information. More information is available on the Board's website www.olrb.gov.on.ca. If you have any questions concerning the collection of information or disclosure of adjudicative records, contact the Solicitors' Office at the number listed above or in writing to the OLRB, 505 University Ave., 2nd floor, Toronto, ON M5G 2P1.

E-FILING AND E-MAIL

The Rules of Procedure and Filing Guide set out the permitted methods of filing. **In the event of emergencies or other circumstances, the Board may post a Notice to Community on its website, which will prevail over the Rules of Procedure and Filing Guide. You should check the Board's website prior to filing.** Note that the e-filing system is not encrypted. Contact the Client Services Coordinator at the numbers listed above if you have questions regarding e-filing or other filing methods. If you provide an e-mail address with your contact information, the Board will in most cases communicate with you by e-mail from an out-going only generic account. Incoming emails are not permitted.

HEARINGS AND DECISIONS

Hearings are open to the public unless the Board decides that matters involving public security may be disclosed or if it believes that disclosure of financial or personal matters would be damaging to any of the parties. Hearings are not recorded and no transcripts are produced.

The Board issues written decisions, which may include the name and personal information about persons appearing before it. Decisions are available to the public from a variety of sources including the Ontario Workplace Tribunals Library and www.canlii.org. Some summaries and decisions may be found on the Board's website.

Documents to be Delivered

Before filing your response/intervention with the Board, you must deliver the following documents to each Applicant, Responding Party and Affected Party named in Part A of the application and to each Affected Party named in Part A of a response/intervention filed by another party:

- A completed copy of this Response/Intervention - Application for Accreditation, Construction Industry (Form A-93), **including all documents you are filing with this form.**

If you have named an Affected Party in Part A of your response/intervention that was **not** named in the application or in a response/intervention filed by another party, you must deliver the following documents to that party:

- A completed copy of the Application for Accreditation, Construction Industry (Form A-92), **including all documents filed with that form;**
- A completed copy of this Response/Intervention - Application for Accreditation, Construction Industry (Form A-93), **including all documents you are filing with this form;** and
- A Notice to Responding Party and/or Affected party of Application for Accreditation, Construction Industry (Form C-39) **with the names of the parties and the date inserted.**

Once the above-listed documents have been delivered to the other parties, you must complete the following Certificate of Delivery before filing the completed form and attachments with the Board.

I have reviewed this form to confirm it is complete *

Date (yyyy/mm/dd) *
2024/07/10

Certificate of Delivery

I, Meghan Leitch , administrative assistant ,
Name * Title

certify that the documents identified above were delivered to each of the parties as set out below:

Note: You must complete delivery information for each party separately.

Use the "Add" button below if completing electronically.

Delivered To

Name of organization (if applicable) and name and title of person to whom the documents were delivered *
Brian P. MacDonald, Filion Wakely Thorup Angeletti LLP, Legal Counsel for the Applicant

Address or fax number to which the documents were delivered *
brianm@filion.on.ca

Method of delivery *

Hand Delivered Courier Fax Regular Mail Other

Other Details *

Please provide details as to whom, when and how the documents were delivered.
Delivery via email on July 10, 2024 at 11:43am.

File with the Board

- File the completed form and any attachments using a method permitted by the Board's Rules of Procedure.
- Save and Print a copy of your completed form and all attachments as the Board will not return them to you.
- To e-file, click the "Submit" button below. You will receive a confirmation email once the form has been successfully submitted.
- If you choose not to e-file, print this form by clicking on the "Print" button below and then file with the Board together with any attachments.

For E-Filing only

You must provide a valid email address in order to file this form electronically so that a confirmation email may be sent to you. If you do not have a valid email address, file a paper copy of this form using an alternative method permitted by the Board's Rules of Procedure.

Submitted By:

First Name *	Last Name *
J. Craig	Morrison
Email Address *	Confirm Email Address *
leitch@mmwlaw.ca	leitch@mmwlaw.ca