



## ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0753-24-R**

**Toronto Residential Construction Labour Bureau**, Applicant v  
Labourers' International Union of North America, Local 183, Responding  
Party

**BEFORE:** Michael McFadden, 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, Toronto Residential Construction Labour Bureau ("TRCLB"), seeks to be accredited as the bargaining agent of employers of certain employees for whom the responding party, Labourers' International Union of North America, Local 183 ("LIUNA Local 183"), holds bargaining rights in the residential sector of the construction industry in certain specified Ontario Labour Relations Board Areas ("Board Areas").

2. The TRCLB is already the accredited bargaining agent of employers of certain employees for whom LIUNA Local 183 holds bargaining rights in the residential sector of the construction industry in certain specified Board Areas (apart from those identified in the current application). In effect, in this application the TRCLB seeks to expand the geographic scope of its accreditation, amend the description of "low-rise housing", and vary the existing accreditation order accordingly to align it with these same features (which will make it consistent with the scope clause of the existing accredited collective agreement).

3. LIUNA Local 183 has filed a timely response.

4. The TRCLB and LIUNA Local 183 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 expanded geographic scope of the bargaining unit for which TRCLB seeks accreditation.

5. 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.”

### **Proposed Bargaining Unit for Expansion**

6. The bargaining unit description to which the parties have agreed is as follows:

all employers of construction employees engaged in the onsite construction of all types of low-rise housing and their natural amenities for whom LIUNA Local 183 has bargaining rights in Board Areas 7, 8, 18, and 27 in the residential sector of the construction industry:

in Board Areas 7, 27, and the District of Muskoka, low-rise housing means housing of not more than three (3) storeys in height, basement plus three (3) storeys; as well as four (4) storey (basement plus four (4) storeys) single family townhouses; and Light Wood Framed Apartment Buildings, being apartment buildings where the building superstructure is light wood framing and also those where the superstructure is a mix of concrete (including Slab on Grade/Core Slab) and light wood framing, where the use of LVL, CLT, NLT or other engineered wood products, or other beams or posts in a light wood framed superstructure does not alter the character of a light wood framed building, and where the use of prefabricated light wood floor or wall panels, including those containing steel studs, are included in the definition of light wood framing; and

in Board Area 8 and Simcoe County for in respect of elevated housing of not more than three (3) storeys in height (basement plus three (3) storeys); and in respect of four (4) storey (basement plus four (4)

storeys) single family townhouses; and Light Wood Framed Apartment Buildings, being apartment buildings where the building superstructure is a mix of concrete (including Slab on Grade/Core Slab) and light wood framing, where the use of LVL, CLT, NLT or other engineered wood products, or other beams or posts in a light wood framed superstructure does not alter the character of a light wood framed building, and where the use of pre-fabricated light wood floor or wall panels, including those containing steel studs, are included in the definition of light wood framing.

It is also noted that employers bound by, and when working under any of the following collective agreements in accordance with past or existing practices as at the date hereof, are not included in the said unit of employers, namely;

(a) Collective Agreement between the Ontario Formwork Association and the Formwork Council of Ontario;

(b) Collective Agreement between the Residential Low-Rise Forming Contractors Association and LIUNA Local 183;

(c) Collective Agreement between the Ontario Concrete & Drain Contractors Association and LIUNA Local 183;

(d) Collective Agreement between the Metropolitan Toronto Apartment Builders' Association and LIUNA Local 183;

(e) Collective Agreement between the Residential Framing Contractors Association of Metropolitan Toronto and Vicinity and LIUNA Local 183;

(f) 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;

- (g) Collective Agreements between certain landscaping contractors and LIUNA Local 183;
- (h) Collective Agreements between the Building Restorations and Associated Work Contractors and LIUNA Local 183;
- (i) Collective Agreement between the Masonry Contractors Association of Toronto Inc. and Masonry Council of Unions, Toronto & Vicinity;
- (j) Collective Agreements between various plumbing contractors and LIUNA Local 183;
- (k) Collective Agreements between various fencing contractors and LIUNA Local 183;
- (l) Collective Agreement between the Residential Tile Contractors Association and LIUNA Local 183; and
- (m) Collective Agreement between the Residential Floor Leveling Association and LIUNA Local 183.

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.

7. The Board has not yet determined whether the description of the proposed bargaining unit to which the applicant and LIUNA Local 183 have 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.

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

9. The TRCLB and LIUNA Local 183 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:

- The Daily Commercial News
- The Toronto Star
- The Guelph Mercury Tribune
- [www.muskokaregion.com](http://www.muskokaregion.com)

The Board directs the applicant to arrange to have the notice appear as an advertisement at least once on or before **August 1, 2024**.

10. The Board directs TRCLB to send forthwith to the employers on the List of Employers filed by TCRLB and LIUNA Local 183, 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.

11. 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.

12. The Registrar has fixed the Employer Filing Date as **August 22, 2024**.

13. 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 22, 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.

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

15. 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.

16. This panel of the Board is seized with this matter.

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"Michael McFadden"  
for the Board

**NOTICE TO ALL EMPLOYERS OF CONSTRUCTION EMPLOYEES  
REPRESENTED BY LABOURERS' INTERNATIONAL UNION OF  
NORTH AMERICA, LOCAL 183 ENGAGED IN THE ON-SITE  
CONSTRUCTION OF LOW-RISE HOUSING IN OLRB BOARD  
AREAS 7, 8, 18 AND 27**

The Toronto Residential Construction Labour Bureau ("TRCLB") 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 employees engaged in the onsite construction of all types of low-rise housing and their natural amenities for whom the Responding Party has bargaining rights in Board Areas 7, 8, 18, and 27 in the residential sector of the construction industry:

- In Board Areas 7, 27, and the District of Muskoka, low-rise housing means housing of not more than three (3) storeys in height, basement plus three (3) storeys; as well as four (4) storey (basement plus four (4) storeys) single family townhouses; and Light Wood Framed Apartment Buildings, being apartment buildings where the building superstructure is light wood framing and also those where the superstructure is a mix of concrete (including Slab on Grade/Core Slab) and light wood framing, where the use of LVL, CLT, NLT or other engineered wood products, or other beams or posts in a light wood framed superstructure does not alter the character of a light wood framed building, and where the use of pre-fabricated light wood floor or wall panels, including those containing steel studs, are included in the definition of light wood framing; and
- In Board Area 8 and Simcoe County for in respect of elevated housing of not more than three (3) storeys in height (basement plus three (3) storeys); and in respect of four (4) storey (basement plus four (4) storeys) single family townhouses; and Light Wood Framed Apartment Buildings, being apartment buildings where the building superstructure is light wood framed and also those where the superstructure is a mix of concrete (including Slab on Grade/Core Slab) and light wood framing, where the use of LVL, CLT, NLT or other engineered wood products, or other

beams or posts in a light wood framed superstructure does not alter the character of a light wood framed building, and where the use of pre-fabricated light wood floor or wall panels, including those containing steel studs, are included in the definition of light wood framing.

The TRCLB 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 on-site construction of low-rise housing in Ontario Labour Relations Board Areas 8 and Simcoe County.

This Application affects all employers of employees for whom the Labourers' International Union of North America, Local 183 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 August 22, 2024.

You can determine whether your company is affected by inspecting the material filed in this Application (OLRB Case No. 0753-24-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 the Application and Response forms filed, lists of employers who the TRCLB and Local 183 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 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 (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 who 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, OLRB,  
Carrie.Clynick@ontario.ca, 647-280-5419.