



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0796-24-R**

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

BEFORE: Danna Morrison, Vice-Chair

DECISION OF THE BOARD: July 24, 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 construction employees engaged in the on-site construction of all types of low-rise housing and their natural amenities for whom the responding party holds bargaining rights in the residential sector of the construction industry in certain specified Ontario Labour Relations Board Areas.
2. The responding party filed a timely response.
3. On June 16, 2015, the applicant was accredited as bargaining agent of employers of construction employees engaged in the on-site construction of all types of low-rise housing and their natural amenities up to the date of closing which is defined as the time when the purchaser is in possession of the keys to the unit of said housing or part thereof when working in the Regional Municipality of Durham (except for the Towns of Ajax and Pickering), the geographic Township of Cavan in the County of Peterborough and the geographic Township of Manvers in the County of Victoria. As set out in its application materials, "low-rise housing" was defined to mean "non-elevated housing of not more than three (3) storeys in height, basement plus three (3) storeys".
4. In the current application, the applicant has filed for accreditation of a similarly described bargaining unit in the "new area" of Ontario Labour Relations Board Geographic Area Nos. 10, 11, 12, and

29, as well as for work which was not included or contemplated as part of the original accreditation certificate (i.e., elevatored housing, four (4) storey (basement plus four (4) storeys) single family townhouses, and Light Wood Framed Apartment Buildings).

5. At the same time, the applicant included in its application a request to vary the existing accreditation and merge the 2015 accreditation certificate with any new accreditation certificate. Furthermore, 2015 accreditation certificate excluded certain identified collective agreements. The applicant seeks to amend the description to refer to the collective agreement with the since-accredited Residential Tile Contractors Association as an exclusion. The applicant relies on *The Residential Low Rise Forming Contractors Association of Metropolitan Toronto and Vicinity*, 2020 CanLII 6776 (ON LRB) in support of this request.

6. The parties entered into an agreement, finalized on July 19, 2024, in which they have agreed on a description of the appropriate bargaining unit for this application, 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.

7. 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.”

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

all employers of construction employees engaged in the on-site construction of all types of low-rise housing and their natural amenities up to the date of closing which is defined as the time when the purchaser is in possession of the keys to the unit of said housing or part thereof when working in OLRB Geographic Areas No. 9, 10, 11, 12, and 29 in the residential sector of the construction industry save and except employees employed as non-working foremen and persons above the rank of non-working foreman, watch-men and engineering staff:

- In Board Areas 10, 11, 12 and 29, 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 framed and also those where the superstructure is a mix of concrete (including Slab on Grade/Core Slab) and light wood framing. 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 9, low-rise housing means 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. The use of LVL, CLT, NLT or other engineered wood products, or other beams or posts in a light wood framed superstructures does not alter the character of a light wood framed building. 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.

For purposes of clarity, it is also noted that employers bound by and who perform work under any of the following collective agreements in accordance with past or existing practices as at the date hereof are not included in the same 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 of Metropolitan Toronto and Vicinity and Labourers' International Union of North America, Local 183.
- (c) Collective Agreement between the Metropolitan Toronto Apartment Builders' Association and Labourers' International Union of North America, Local 183.
- (d) Collective Agreement between the Residential Framing Contractors Association of Metropolitan Toronto and Vicinity and Labourers' International Union of North America, Local 183.
- (e) Collective Agreement between the Ontario Concrete and Drain Contractors Association and Labourers' International Union of North America, Local 183 and International Union of Operating Engineers, Local 793.
- (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 Agreement between the Restoration Contractors Association and the Labourers' International Union of North America, Local 183.
- (h) Collective Agreement between the Landscaping Contractors in Ontario Labour Relations Board Area Nos. 8 and 18 and Labourers' International Union of North America, Local 183.
- (i) Collective Agreement between the Residential Carpentry Contractors' Association of Greater Toronto and Labourers' International Union of North America, Local 183.
- (j) Collective Agreement between the Residential Tile Contractors Association and the Union.
- (k) Collective Agreement between East End Construction Ltd. and Labourers' International Union of North America, Local 183 referred to as

the Residential Low Rise Trim Carpentry Agreement.

- (l) Collective Agreement between Sentinel Plumbing Inc. and Labourers' International Union of North America, Local 183 referred to as the Residential Plumbers, Plumbers' Apprentices/Labourers' Agreement.
- (m) Collective Agreement between Quality Rugs of Canada Ltd. and Labourers' International Union of North America, Local 183 referred to as the Residential Carpet Installation Agreement.
- (n) Collective Agreement between the Greater Toronto Railing Association and Labourers' International Union of North America, Local 183.
- (o) Collective Agreement between Powell (Richmond Hill) Contracting Limited and Labourers' International Union of North America, Local 183 referred to as the Fencing Contractors Agreement.
- (p) Collective Agreement between Drain-Tite Industries Inc. and Labourers' International Union of North America, Local 183.
- (q) Collective Agreement between the Residential Floor Leveling Association and the Labourers' International Union of North America, 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.

9. 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.

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

11. 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;
- Toronto Star;
- Peterborough Examiner; and
- Kingston Whig-Standard.

The Board directs the applicant to arrange to have the notice appear as an advertisement once during the week ending **August 9, 2024**.

12. 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.

13. 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.

14. The Registrar has fixed the Employer Filing Date as **August 30, 2024**.

15. 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.

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

17. 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.

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

"Danna Morrison"
for the Board

**NOTICE TO ALL EMPLOYERS OF CONSTRUCTION EMPLOYEES
REPRESENTED BY THE LABOURERS' INTERNATIONAL UNION OF
NORTH AMERICA, LOCAL 183 ENGAGED IN THE ON-SITE
CONSTRUCTION OF LOW-RISE HOUSING IN OLRB BOARD
AREAS 9, 10, 11, 12 AND 29**

The Durham Residential Construction Labour Bureau ("DRCLB") has applied for accreditation as an Employer Association 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 construction employees engaged in the on-site construction of all types of low-rise housing and their natural amenities up to the date of closing which is defined as the time when the purchaser is in possession of the keys to the unit of said housing or part thereof when working in OLRB Geographic Areas No. 9, 10, 11, 12, and 29 in the residential sector of the construction industry save and except employees employed as non-working foremen and persons above the rank of non-working foreman, watch-men and engineering staff:

- In Board Areas 10, 11, 12, and 29, 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 framed and also those where the superstructure is a mix of concrete (including Slab on Grade/Core Slab) and light wood framing. 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 9, low-rise housing means 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. 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. 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.

For purposes of clarity, it is also noted that employers bound by and who perform work under any of the following collective agreements in accordance with past or existing practices as at the date hereof are not included in the same 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 of Metropolitan Toronto and Vicinity and Labourers' International Union of North America, Local 183.
- (c) Collective Agreement between the Metropolitan Toronto Apartment Builders' Association and Labourers' International Union of North America, Local 183.
- (d) Collective Agreement between the Residential Framing Contractors Association of Metropolitan Toronto and Vicinity and Labourers' International Union of North America, Local 183.

- (e) Collective Agreement between the Ontario Concrete and Drain Contractors Association and Labourers' International Union of North America, Local 183 and International Union of Operating Engineers, Local 793.
- (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 Agreement between the Restoration Contractors Association and the Labourers' International Union of North America, Local 183.
- (h) Collective Agreement between the Landscaping Contractors in Ontario Labour Relations Board Area Nos. 8 and 18 and Labourers' International Union of North America, Local 183.
- (i) Collective Agreement between the Residential Carpentry Contractors' Association of Greater Toronto and Labourers' International Union of North America, Local 183.
- (j) Collective Agreement between the Residential Tile Contractors Association and the Union.
- (k) Collective Agreement between East End Construction Ltd. and Labourers' International Union of North America, Local 183 referred to as the Residential Low Rise Trim Carpentry Agreement.
- (l) Collective Agreement between Sentinel Plumbing Inc. and Labourers' International Union of North America, Local 183 referred to as the Residential Plumbers, Plumbers' Apprentices/Labourers' Agreement.
- (m) Collective Agreement between Quality Rugs of Canada Ltd. and Labourers' International Union of North America, Local 183 referred to as the Residential Carpet Installation Agreement.

- (n) Collective Agreement between the Greater Toronto Railing Association and Labourers' International Union of North America, Local 183.
- (o) Collective Agreement between Powell (Richmond Hill) Contracting Limited and Labourers' International Union of North America, Local 183 referred to as the Fencing Contractors Agreement.
- (p) Collective Agreement between Drain-Tite Industries Inc. and Labourers' International Union of North America, Local 183.
- (q) Collective Agreement between the Residential Floor Leveling Association and the Labourers' International Union of North America, Local 183.

The DRCLB 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 Area 9.

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 30, 2024**.

You can determine whether your company is by inspecting the material filed in this application (OLRB Case No. 0796-24-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, list of employers who the DRCLB 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 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 26, 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.

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 **August 30, 2024**, that they are affected by the Application and wish to participate in the proceeding.