



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **1239-21-R**

Ontario Concrete and Drain Contractors Association, Applicant v
Labourers' International Union of North America, Local 183, Responding
Party v International Union of Operating Engineers, Local 793,
Intervenor

BEFORE: Jack J. Slaughter, Vice-Chair

DECISION OF THE BOARD: March 15, 2022

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 concrete and drain employers in a manner that expands the geographic scope of its existing accreditation certification with Labourers' International Union of North America, Local 183 ("Local 183").
2. The Board issued a decision on March 7, 2022 granting the applicant a certificate of accreditation in this matter (the "Decision").
3. Upon further examination, the Board finds that the Decision should be clarified to reflect the Board's intention that all contractors for which the responding party holds bargaining rights in the areas covered by the accreditation certificate are covered by the accreditation order. Therefore, the Board will amend paragraph 18 of the Decision to reflect this. The amendment does not alter the bargaining unit description, the accreditation certificate, or any other determination made by the Board in the Decision.
4. Accordingly, the Board hereby amends paragraph 18 of its March 7, 2022 decision to read as follows:

18. Pursuant to section 136(2) of the Act, the Board hereby accredits the applicant as the exclusive bargaining agent of the employers in the unit of employers set out in paragraph 12 above and for all other employers for which the responding party held bargaining rights as of the date of application and for all other employers for whose employees the responding party may, after October 4, 2021, the date this application was made, obtain bargaining rights through certification or voluntary recognition in the following bargaining unit:

all employers of employees engaged in concrete and drain work for whom the Labourers' International Union of North America, Local 183 holds bargaining rights, performing the work identified in the following paragraph in Ontario Labour Relations Board Area Nos. 9, 10 and the District Municipality of Muskoka (in Board Area 18).

The work covered by this accreditation certificate includes all concrete and drain work, in all sectors of the construction industry save and except for the industrial, commercial and institutional sector in the interior of any building, regardless of the size of the site; and in respect of new single family residential subdivision sites, consisting of detached or semi-detached houses and which are not townhouses or residential high-rises (condominiums or rentals), from the individual lot property line to the interior of the house.

The bargaining unit excludes employers bound by and performing work under any of the following collective agreements in accordance with past or existing practices as at the date hereof:

- a. Collective Agreement between the Toronto Area Road Builders' Association and a Council of Trade Unions acting as the representative and agent of Teamsters, Local 230 and Local 183;

- b. Collective Agreement between the Residential Low Rise Forming Contractors' Association of Metropolitan Toronto and Vicinity and Local 183;
- c. Collective Agreement between certain Landscaping Contractors and Local 183 for Board Areas 8 and 18;
- d. Collective Agreement between the Building Restorations and Associated Work Contractors and Local 183;
- e. Collective Agreement between the Masonry Contractors' Association of Toronto Inc. and Masonry Council of Unions, Toronto and Vicinity;
- f. Collective Agreement between various Plumbing Contractors and Local 183;
- g. Provincial Civil Engineering Collective Agreement being a Collective Agreement between various civil contractors and the LiUNA, Ontario Provincial District Council;
- h. Collective Agreement between The Ontario Allied Construction Trades Council and the Electrical Power Systems Construction Association;
- i. Collective Agreement between the Ontario Precast Manufacturers Association and the LiUNA, Ontario Provincial District Council;
- j. Collective Agreement between the Heavy Construction Association of Toronto and Local 183;
- k. Labourers' Mainline Pipeline Agreement for Canada between the Pipe Line Contractors Association of Canada and Local 183;

- l. Labourers' Distribution Pipeline Agreement for Canada between the Pipe Line Contractors Association of Canada and Local 183;
- m. Collective Agreement between the Ontario Formwork Association and the Formwork Council of Ontario;
- n. Collective Agreement between the Metropolitan Toronto Apartment Builders' Association and Local 183;
- o. Collective Agreement between the Toronto Residential Construction Labour Bureau and Local 183;
- p. Collective Agreement between the Residential Framing Contractors Association of Metropolitan Toronto and Vicinity and Local 183;
- q. Collective Agreement between the Utility Contractors Association of Ontario and LiUNA, Ontario Provincial District and its affiliated Local Unions; and
- r. Collective Agreement between the Greater Toronto Sewer and Watermain Contractors Association and a Council of Trade Unions acting as the representative and agent of Local 183 and the Teamsters, Local 230.

"Jack J. Slaughter"
for the Board