



## ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **1563-25-R**

**Personnel & Material Hoist Employers' Association**, Applicant v  
International Union of Operating Engineers, Local 793, Responding Party

**BEFORE:** Thomas J. Black, Vice-Chair

**DECISION OF THE BOARD:** March 23, 2026

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 certain employees for whom the responding party holds bargaining rights in all sectors of the construction industry, excluding the industrial, commercial and institutional sector, in the Province of Ontario.

2. On the basis of the materials filed with the Board and the representations filed in conjunction with those materials, the Board finds that the applicant, Personnel & Material Hoist Employers' Association (the "PMHEA") is an employers' organization within the meaning of sections 1(1) and 126 of the Act and meets the requirement to be accredited as a properly constituted employers' organization under subsection 136(3) of the Act. The Board further finds that the responding party is a trade union within the meaning of sections 1(1) and 126 of the Act.

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. In a decision dated October 28, 2025, the Board directed that notice of this application be provided to any employer that may be affected by this application. The Board did not require the responding party to file a Schedule "F" as neither the Act nor the Board's Rules of Procedure any longer require the service and filing of a Schedule "F" in an accreditation application. The applicant was directed to send forthwith to the employers on the Lists of Employers filed by the applicant and responding party, a copy of that 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. The parties further agreed on the form of notice that is to be provided and that the notice would be made accessible on the Board's website. The Board also directed that a copy of the notice would be included as an advertisement in the following publications: The Daily Commercial News and the Globe and Mail during the week ending November 7, 2025. By way of correspondence dated October 29, 2025, the applicant advised that, on consent of the parties, the Notice to Employers would only be advertised in the Daily Commercial News.

5. In a decision of the Board dated February 18, 2026, the Board indicated that it was not satisfied that proper notice had been given in this proceeding in light of the applicant's correspondence dated October 29, 2025. The Board therefore directed the applicant to publish the original Notice to Employers as an advertisement in the Globe and Mail during the week ending February 27, 2026.

6. This timeline was subsequently amended by the Board in a decision dated February 23, 2026 as follows:

5. Based on all the relevant circumstances, the applicant requests leave of the Board to amend the notice for publication in the Globe & Mail that had been published in the Daily Commercial News to read:

"... 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 proceeding is Tuesday, **March 17, 2026**.

...

All employers are urged to confirm whether they are affected by this Application for Accreditation as no further notice of this matter will be given unless employers notify the Board by filing an "Employer Filing" not later than **March 17, 2026.**"

6. The Board thanks the applicant for bringing this to the Board's attention and herein confirms that this timetable is acceptable to the Board. Accordingly, the applicant can proceed to amend the Notice as set-out in paragraph 5 above.

7. The applicant has confirmed that the listed employers were provided with a copy of the Board's decision dated October 28, 2025, a blank Form A-94, Employer Filing, Application for Accreditation along with a blank Accreditation – List of Employees. The applicant has further confirmed that it placed the above notices as directed by the Board. Having regard to the foregoing, the Board is satisfied that the applicant has met its obligation to provide reasonable notice to any person or employer that may be affected by this proceeding.

8. In the February 23, 2026 decision, the Board set an Employer Filing Date of March 17, 2026 by which time any affected employer wishing to participate in the application was required to serve and file specified materials, including a Form A-94, Employer Filing, Application for Accreditation Construction Industry. The Board received such materials from six (6) employers by the Employer Filing Date. No employer objected to the application. All six (6) employers indicated that the applicant was entitled to bargain on their behalf.

9. In these circumstances, including for the reasons set out below, the Board is satisfied that it can make a final determination of this matter without a hearing based upon the materials filed with the Board.

10. No party has taken objection to the proposed bargaining unit described in the Board's decision of October 28, 2025. Having regard to section 135 of the Act and the agreement of the parties, the Board determines the following unit of employers to be appropriate for collective bargaining:

all employers of Journeyperson EDM-B Certified People and Material Hoist Erectors, Apprentice People and Material Hoist Erectors, Mobile Crane Operators, Working Forepersons and General Forepersons employed in all sectors of the construction industry in the Province of Ontario other than the industrial, commercial and

institutional sector, performing erection, dismantling, service or maintenance of people and material hoists, and mobile cranes for whom the International Union of Operating Engineers, Local 793 holds bargaining rights.

For clarity, 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 said unit of employers, namely:

A) Schedule "A" of the Provincial Collective Agreement between the Operating Engineers Employer and Employee Bargaining Agencies

11. An employers' organization may seek accreditation as a bargaining agent of employers in the construction industry under section 134 of the Act only if a trade union or council of trade unions within the meaning of section 126(1) of the Act holds bargaining rights, whether by certification or voluntary recognition, in respect of a bargaining unit of employees working in the construction industry employed by more than one employer operating a business in the construction industry and that union or council of unions entered into collective agreements with more than one such employer applicable to a bargaining unit of employees. Section 134 of the Act provides:

134. Where a trade union or council of trade unions has been certified or has been granted voluntary recognition under section 18 as the bargaining agent for a unit of employees of more than one employer in the construction industry or where a trade union or council of trade unions has entered into collective agreements with more than one employer covering a unit of employees in the construction industry, an employers' organization may apply to the Board to be accredited as the bargaining agent for all employers in a particular sector of the industry and in the geographic area described in the said certificates, voluntary recognition documents or collective agreements, as the case may be.

12. In order to obtain accreditation, the applicant must establish that it meets the conditions prescribed by section 136(3) of the Act, and also satisfy the Board that it represents a majority of the employers in the unit of employers the Board has determined is appropriate for collective bargaining and that those employers it represents employed

a majority of the employees who were on the payrolls of the employers in the bargaining unit during the week immediately preceding the application date.

13. Section 136(3) of the Act provides:

136.(3) Before accrediting an employers' organization under subsection (2), the Board shall satisfy itself that the employers' organization is a properly constituted organization and that each of the employers whom it represents has vested appropriate authority in the organization to enable it to discharge the responsibilities of an accredited bargaining agent.

14. The "double majority" requirement the applicant must satisfy to obtain accreditation is set out in sections 136(1) and 136(2):

136. (1) Upon an application for accreditation, the Board shall ascertain,

- (a) the number of employers in the unit of employers on the date of the making of the application who have within one year prior to such date had employees in their employ for whom the trade union or council of trade unions has bargaining rights in the geographic area and sector determined by the Board to be appropriate;
- (b) the number of employers in clause (a) represented by the employers' organization on the date of the making of the application; and
- (c) the number of employees of employers in clause (a) on the payroll of each such employer for the weekly payroll period immediately preceding the date of the application or if, in the opinion of the Board, the payroll period is unsatisfactory for any one or more of the employers in clause (a), such other weekly payroll period for any one or more of the said employers as the Board considers advisable.

(2) If the Board is satisfied,

- (a) that a majority of the employers in clause (1)(a) is represented by the employers' organization; and

- (b) that such majority of employers employed a majority of the employees in clause (1)(c),

the Board, subject to subsection (3), shall accredit the employers' organization as the bargaining agent of the employers in the unit of employers and for the other employers for whose employees the trade union or council of trade unions may, after the date of the making of the application, obtain bargaining rights through certification or voluntary recognition in the appropriate geographic area and sector.

15. The Board has received employer filings from six potentially affected employers, each of whom were listed on the List of Employers filed by the responding party (which consisted of eight employers). The responding party in its response also indicated that the eight employers it held bargaining rights with employed a total of 107 employees. The employers listed on Schedule "E" are those employers who employed individuals affected by the application during the one-year period preceding the date of application. Based on the parties' representations and the materials filed with the Board, the Board is satisfied that the Final Schedule "E" is comprised of the following employers:

**Schedule "E"**

1. Oxford Builders Supplies Inc.
2. UCEL Inc.
3. Morrow Equipment
4. Halton Hoisting Inc.
5. United Hoist Equipment Ltd.
6. Aluma Safway Inc.

16. The applicant filed documentary evidence establishing that it represents the six (6) employers listed on the Schedule "E". The Board therefore finds that the applicant represented a majority of the employers in the bargaining unit of employers that had employees for whom the responding party held bargaining rights performing work coming within the scope of the bargaining unit within one year prior to the application date. The applicant has therefore satisfied the condition set out in section 136(2)(a) of the Act as the first prerequisite for obtaining accreditation.

17. The Accreditation - List of Employees, which accompanied the Form A-94 Employer Filing, filed by the individual employers, sets out

the number of employees that each employer had at each job site with details of the location and the type of construction involved. According to section 136(1)(c) of the Act, the payroll period immediately preceding the making of the application is the relevant weekly payroll period for determining the number of employees affected by the application. Six employers filed lists of employees. On the basis of the evidence filed by the parties and on the basis of the information filed by employers affected by this application, the Board finds that, in accordance with section 136(2)(b) of the Act, the applicant represents employers who employed a majority of employees who worked in the period defined by section 136(1)(c) of the Act.

18. The total number of employees on the relevant employer filings is 93, which represents the employees on the employers' payroll for the weekly pay period immediately preceding the date of application. The six employers represented by the applicant employed 93 of the 93 employees at work for Schedule "E" employers in the relevant time period. There is no information before the Board to indicate that any other affected employer employed any other affected employees in the relevant period. Hence, the majority of employers employed the majority of employees contemplated by section 136(1)(c) of the Act at the relevant time. Having regard to this information, the Board is satisfied that the applicant has satisfied the condition set out in section 136(2)(b) of the Act as the second prerequisite for obtaining accreditation.

19. In the result, the Board finds that the applicant has established the "double majority" requirement prescribed in section 136(2) of the Act to entitle it to be accredited as the exclusive bargaining agent of the employers coming within the bargaining unit described in paragraph 10 above. That is, the applicant has established it represents a majority of the employers in the bargaining unit of employers and that those employers employed a majority of the employees who were on the payrolls of the employers in the bargaining unit during the week immediately preceding the application date.

20. 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 10 above and for all other employers whose employees the responding party may, after August 26, 2025, the date this application was made, obtain bargaining rights through certification or voluntary recognition who operate in the unit set out in paragraph 10 above.

21. A certificate of accreditation shall issue to the applicant for the following bargaining unit:

all employers of Journeyperson EDM-B Certified People and Material Hoist Erectors, Apprentice People and Material Hoist Erectors, Mobile Crane Operators, Working Forepersons and General Forepersons employed in all sectors of the construction industry in the Province of Ontario other than the industrial, commercial and institutional sector, performing erection, dismantling, service or maintenance of people and material hoists, and mobile cranes for whom the International Union of Operating Engineers, Local 793 holds bargaining rights.

For clarity, 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 said unit of employers, namely:

A) Schedule "A" of the Provincial Collective Agreement between the Operating Engineers Employer and Employee Bargaining Agencies.

22. As there is no longer any requirement to compile a Schedule "F" in this application, the Board wishes to stipulate that the issuance of the accreditation certificate herein does not prejudice or adversely affect, in any way, the responding party's bargaining rights with respect to employers not listed on the Schedule "E", for whatever reason.

23. A certificate of accreditation shall issue.

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"Thomas J. Black"  
for the Board