



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: February 18, 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. By way of a decision by this Panel of the Board (the "Panel" or the "Board") dated October 28, 2025 (the "October 28 decision") the Board noted that the parties had 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 bargaining unit for which the applicant seeks accreditation.

3. At paragraph 8 of the October 28 decision, the Board set out the following:

8. 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 of

Employers as an advertisement in the following publications:
The Daily Commercial News and the Globe and Mail.

9. The Board directs the applicant to arrange to have the notice appear as an advertisement once during the week ending **November 7, 2025.**

4. This matter was recently brought back to attention of the Panel to issue a final decision following the completion of the steps set out above and other directions in the October 28 decision.

5. Upon review of the matter, the Panel noted correspondence to the Board dated October 29, 2025, from counsel for the applicant that was not brought to the attention of the Panel at the time. In this correspondence, counsel for the applicant stated the following:

Further to your decision of October 28, 2025, we are writing to advise that, on consent of the parties, the Notice to Employers will only be advertised in the Daily Commercial News and not the Globe and Mail.

6. While it is unfortunate that this correspondence was not addressed by the Panel at the time, it needs to be addressed now prior to any final decision in this matter. As was set out above, the parties were *directed* by the Board to publish the Notice to Employers in two separate publications (emphasis added). It was not a polite request by the Board to do so, nor was it something to be treated as optional, especially as the parties to this application are well aware of the importance of notice, generally, and in these types of applications specifically. It is therefore disappointing that that parties decided together to ignore the Board's direction.

7. In view of the above, the Panel finds that proper notice has not been provided in this matter and a final decision will not be issued until such a time as the Panel is satisfied that its direction in this regard has been complied with.

8. The Board therefore directs the applicant to publish at its expense the Notice to Employers that was originally published in the Daily Commercial News, pursuant to the October 28, 2025 decision, as an advertisement in **the Globe and Mail.** The Board directs the applicant to arrange to have the notice appear as an advertisement once during the week ending **February 27, 2026.**

9. Upon completion of the direction set out above, the Panel will review the matter for a final determination.
10. I shall remain seized of this matter.

"Thomas J. Black"
for the Board