



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **1689-25-R**

South Western Ontario Road Builders Association, Applicant v
International Union of Operating Engineers, Local 793, Responding Party

BEFORE: Jack J. Slaughter, Vice-Chair

DECISION OF THE BOARD: November 4, 2025

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 all employers of employees for whom International Union of Operating Engineers, Local 793 has bargaining rights in the roads and heavy engineering sectors of the construction industry, including driveway and parking lot construction and paving, but not including curb, gutter and sidewalk construction, in the Counties of Oxford, Perth, Huron, Middlesex, Bruce, and Elgin (i.e. in Ontario Labour Relations Board Area No. 3), save and except employers bound by and performing work under certain specified collective agreements.
2. The applicant and responding party have agreed upon the form of the "Notice to Employers of Application" that may be affected by this application, 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. 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. The bargaining unit description that the applicant has proposed is:

all employers of employees for whom the International Union of Operating Engineers, Local 793 has bargaining rights in the roads and heavy engineering sectors of the construction industry, but not including curb, gutter and sidewalk construction, in the Counties of Oxford, Perth, Huron, Middlesex, Bruce, and Elgin (i.e. in Ontario Labour Relations Board Area No. 3), save and except employers bound by and performing work under any of the following Collective Agreements:

- (a) Schedules A, B, C and D of the Provincial Collective Agreement between the Operating Engineers Employer and Employee Bargaining Agencies in accordance with local area practice
- (b) The Mainline Pipeline Agreement, The Distribution Pipeline Agreement and the Pipeline Maintenance and Service Agreement for Canada, all between the Pipe Line Contractors Association of Canada and the International Brotherhood of Teamsters, International Union of Operating Engineers, Labourers International Union of North America and United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada
- (c) Collective Agreement between the Ontario Formwork Association and the Formwork Council of Ontario
- (d) Collective Agreement between the Utility Contractors' Association Of Ontario and the International Union Of Operating Engineers, Local 793
- (e) Collective Agreement between the London Sewer and Watermain, Curb, Gutter and Sidewalk Contractors Association and the

International Union Of Operating Engineers,
Local 793

Employers and others who may be affected by this application may make submissions on the appropriateness of the bargaining unit description and any other issues that may arise in this proceeding.

5. 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 at the hearing.

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

7. 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:

- the Daily Commercial News
- the Toronto Star
- the London Free Press

The Board directs the applicant to arrange to have the notice appear as an advertisement once during the week ending **November 14, 2025**.

8. 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.

9. 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.

10. The Registrar has fixed the Employer Filing Date as **December 5, 2025**.

11. 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 **December 5, 2025**, 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.

12. 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.

13. 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 at the hearing.

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

"Jack J. Slaughter"
for the Board

NOTICE TO ALL EMPLOYERS ENGAGED IN ROADS AND HEAVY ENGINEERING CONSTRUCTION IN THE COUNTIES OF OXFORD, PERTH, HURON, MIDDLESEX, BRUCE, AND ELGIN (OLRB BOARD AREA No. 3)

The South Western Ontario Road Builders Association 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:

all employers of employees for whom the International Union of Operating Engineers, Local 793 has bargaining rights in the roads and heavy engineering sectors of the construction industry, but not including curb, gutter and sidewalk construction, in the Counties of Oxford, Perth, Huron, Middlesex, Bruce, and Elgin (i.e. in Ontario Labour Relations Board Area No. 3), save and except employers bound by and performing work under any of the following Collective Agreements:

- (a) Schedules A, B, C and D of the Provincial Collective Agreement between the Operating Engineers Employer and Employee Bargaining Agencies in accordance with local area practice
- (b) The Mainline Pipeline Agreement, The Distribution Pipeline Agreement and the Pipeline Maintenance and Service Agreement for Canada, all between the Pipe Line Contractors Association of Canada and the International Brotherhood of Teamsters, International Union of Operating Engineers, Labourers International Union of North America and United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada
- (c) Collective Agreement between the Ontario Formwork Association and the Formwork Council of Ontario

- (d) Collective Agreement between the Utility Contractors' Association Of Ontario and the International Union Of Operating Engineers, Local 793
- (e) Collective Agreement between the London Sewer and Watermain, Curb, Gutter and Sidewalk Contractors Association and the International Union Of Operating Engineers, Local 793

This Application (Board File No. 1689-25-R) affects all employers of employees engaged in roads and heavy engineering construction, but not including curb, gutter, and sidewalk construction, for whom the International Union of Operating Engineers, Local 793 holds bargaining rights when working in the Counties of Oxford, Perth, Huron, Middlesex, Bruce, and Elgin (OLRB Board Area No. 3). If you are such an employer, you are entitled to be given notice of the proceedings and to participate, by filing a Form A-94 with the Ontario Labour Relations Board by **December 5, 2025**.

You can determine whether your company is affected by inspecting the proposed list of unionized employers active within one year of the date of application at the following location:

<http://www.olrb.gov.on.ca/Construction-EN.asp>

You may also access a copy of the Application and the Response filed by the Union and 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 (September 9, 2025).

Questions may be directed to Luiza Monteiro, Senior Mediator, OLRB, Luiza.Monteiro@Ontario.ca, and at 416-700-7987.

You may also attend the Ontario Labour Relations Board during its operating hours for more information. The contact information for the Ontario Labour Relations Board is as follows:

Ontario Labour Relations Board
505 University Avenue - 2nd Floor
Toronto, ON M5G 2P1

Hours of Operation: 9:30 am – 5:00pm

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 **December 5, 2025** that they are affected by the Application and wish to participate in this proceeding.