



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **1899-24-R**

Residential Hardwood and Carpet Association, Applicant v
Labourers International Union of North America, Local 183, Responding
Party

BEFORE: Scott G. Thompson, Vice-Chair

DECISION OF THE BOARD: December 9, 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, the Residential Hardwood and Carpet Association (the "Applicant") seeks to be accredited as the bargaining agent of employers of employees, including pieceworkers and their helpers/learners, engaged in the removal, installation, service, and repair of hardwood, carpet, laminate, vinyl, resilient flooring, and all related floor coverings, and all work incidental to or necessary for the performance of such work, for whom the responding party has bargaining rights, in all sectors of the construction industry, save and except the industrial, commercial and institutional sector, working in Ontario Labour Relations Board Area Nos. 7, 8, 9, 10, 11, 12, 18, 27, and 29.

2. The responding party, the Labourers International Union of North America, Local 183, (the "Responding Party") has filed a timely response.

3. Pursuant to discussions with a Labour Relations officer, the parties have 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 the notice is to be published.

4. 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."

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

All Employers of employees, including pieceworkers and their helpers/learners, engaged in the removal, installation, service, and repair of hardwood, carpet, laminate, vinyl, resilient flooring, and all related floor coverings, and all work incidental to or necessary for the performance of such work, for whom the Labourers' International Union of North America, Local 183 has bargaining rights, in all sectors of the construction industry, save and except the industrial, commercial and institutional sector, working in OLRB Geographic Areas 7, 8, 9, 10, 11, 12, 18, 27, and 29.

It is also noted that employers bound by and when working 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) The collective agreement between the Toronto Residential Construction Labour Bureau and the Union.
- (b) The collective agreement between the Durham Residential Construction Labour Bureau and the Union.
- (c) The collective agreement between the Metropolitan Toronto Apartment Builders Association and the Union.
- (d) The collective agreement between the Residential Framing Contractors' Association of Metropolitan Toronto & Vicinity Inc. and the Union.
- (e) The collective Agreement between the Ontario Formwork Association and the Formwork Council of Ontario.

- (f) The collective agreement between the Residential Tile Contractors Association, and the Union.
- (g) The collective agreement between the Residential Floor Leveling Association and the Union.

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.

6. The Board has not yet determined whether the description of the proposed bargaining unit to which the Applicant and Responding Party have 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.

7. The Board has received an Intervention from the United Brotherhood of Carpenters and Joiners of America, Local 27 (the "Intervenor"). The Responding Party has objected to the intervention and they rely upon the Board's decisions in *Terrazzo, Tile and Marble Guild of Ontario, Inc.*, 2018 CanLII 103134 (ON LRB) and *Frame Carpentry Contractors Association*, 2021 CanLII 67467 (ON LRB) in support of their objection. The Applicant and the Intervenor are directed to file their submissions in response to the Responding Party's objection on or before **Friday, December 20, 2024** and the Responding Party is directed to file its reply submissions, if any, on or before **Friday January 3, 2025**.

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

9. 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 **Daily Commercial News** and

the **Toronto Star**. The Board directs the Applicant to arrange to have the notice appear as an advertisement at least once during the week commencing **January 6, 2025**.

10. 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.

11. 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.

12. The Registrar has fixed the Employer Filing Date as **January 24, 2025**.

13. 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 January 24, 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.

14. 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.

15. 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.

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

"Scott G. Thompson"
for the Board

NOTICE TO ALL EMPLOYERS FOR WHOM LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 183 HOLDS BARGAINING RIGHTS AND WHO ARE ENGAGED IN THE REMOVAL, INSTALLATION, SERVICE, AND REPAIR OF HARDWOOD, CARPET, LAMINATE, VINYL, RESILIENT FLOORING, AND ALL RELATED FLOOR COVERINGS, AND ALL WORK INCIDENTAL TO OR NECESSARY FOR THE PERFORMANCE OF SUCH WORK, IN ALL SECTORS OF THE CONSTRUCTION INDUSTRY, SAVE AND EXCEPT THE INDUSTRIAL, COMMERCIAL AND INSTIUTIONAL SECTOR, WORKING IN Ontario Labour Relations Board Area Nos. 7, 8, 9, 10, 11, 12, 18, 27, AND 29.

The Residential Hardwood and Carpet Association has applied for accreditation of an Employer Association pursuant to section 134 of the *Ontario Labour Relations Act, 1995* for the following Bargaining Unit:

All Employers of employees, including pieceworkers and their helpers/learners, engaged in the removal, installation, service, and repair of hardwood, carpet, laminate, vinyl, resilient flooring, and all related floor coverings, and all work incidental to or necessary for the performance of such work, for whom the Labourers' International Union of North America, Local 183 has bargaining rights, in all sectors of the construction industry, save and except the industrial, commercial and institutional sector, working in Ontario Labour Relations Board Area Nos. 7, 8, 9, 10, 11, 12, 18, 27, and 29.

It is also noted that employers bound by and when working 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) The collective agreement between the Toronto Residential Construction Labour Bureau and the Union.*
- (b) The collective agreement between the Durham Residential Construction Labour Bureau and the Union.*

- (c) *The collective agreement between the Metropolitan Toronto Apartment Builders Association and the Union.*
- (d) *The collective agreement between the Residential Framing Contractors' Association of Metropolitan Toronto & Vicinity Inc. and the Union.*
- (e) *The collective Agreement between the Ontario Formwork Association and the Formwork Council of Ontario.*
- (f) *The collective agreement between the Residential Tile Contractors Association, and the Union.*
- (g) *The collective agreement between the Residential Floor Leveling Association and the Union.*

This Application affects all employers of employees for whom the Labourers' International Union of North America, Local 183 holds bargaining rights and who operate in the above noted bargaining unit. If you are an employer that is or might 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 case is **January 24, 2025**.

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.

You can determine whether you or your Company is affected by this Application by inspecting the material filed in this Application (**OLRB Case No. 1899-24-R**) at the following locations:

- (a) Ontario Labour Relations Board: 505 University Avenue, 2nd Floor, Toronto, Ontario M5G 2P1; and
- (b) Mathews, Dinsdale & Clark LLP: 35th Floor, 8 Spadina Avenue, Toronto, Ontario, M5V 0S8.

These locations will have a complete copy of the Pleadings in this matter, copies of Response Forms, a list of Employers who may be affected by this Application, and the description of the proposed bargaining unit

(including its geographic scope and work encompassed by the Application). This information is also available on the Ontario Labour Relations Board Website:

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

Questions may be directed to **Carrie Clynick, Mediator, Labour Relations Specialist, Construction, Ontario Labour Relations Board. 647-280-5419. carrie.clynick@ontario.ca**

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 an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94), not later than **January 24, 2025**, that they are affected by the Application and wish to participate in the proceeding.