



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **2973-24-R**

Crane Rental Association of Ontario, Applicant v International Union of Operating Engineers, Local 793, Responding Party

BEFORE: Danna Morrison, Vice-Chair

DECISION OF THE BOARD: May 16, 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 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. In its initial decision dated May 2, 2025, the Board fixed the Employer Filing Date as June 13, 2025 and stated as follows:

12. Any employer that is affected by this application or believes it may be affected by this application must file an "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94) with the Board on or before June 13, 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.

3. The Form A-94 requires an employer to provide its contact information and answer a number of questions pertaining to the application, including whether the employer is an employer in the construction industry, whether the responding party is entitled to

bargain on behalf of the employees of the employer affected by the application, whether the employer employed employees affected by the application within one year before the date of the making of the application and whether the number of employees on the payroll for the weekly payroll immediately before the date of the application is representative of the number of employees affected by the application that are normally employed by the employer. The employer is also required to file a completed Accreditation - List of Employees, which requires the employer to list all employees on whose behalf the responding party is entitled to bargain who were working in the bargaining unit described in the Board's initial decision during the weekly payroll period immediately preceding the application filing date. This list requires the employer to provide the names and occupational classification of employees at work at each jobsite and the type of project.

4. A copy of the Form A-94 and List of Employees is to be delivered to the applicant and responding party, as well as any identified affected parties, prior to being filed with the Board.

5. The Board is in receipt of correspondence from an affected employer dated May 14, 2025. In this correspondence, the employer asserts that it is in the process of filing a Form A-94 to apply to be an intervenor in this application. The employer requests that any document submitted by it that includes the names of individuals who are employed by this employer be redacted and remain unpublished to all parties to the case. The employer submits that this is necessary for two reasons: the parties granted intervenor status are most likely members of a group of employers that are competitor organizations with whom this employer is unwilling to share detailed information relating to its list of employees because these lists could be a source of recruitment information within an industry that is suffering from a shortage of skilled trades people; and/or because there is a concern for the privacy of its employees, who did not have the opportunity to acknowledge their consent for their names and employment status to be publicised.

6. The employer proposed that instead of filing a completed List of Employees, that all intervenors provide a "summary page" of the information contained in the List of Employees that could be publicised to the parties in place of the list of names. This summary would include the general location of the employees, based on the OLRB Geographic Board Area; a list of the occupational classifications that apply to those

employees in each area; and a total of the number of employees in each area.

7. The Board is unable to agree to the employer's request.

8. The employer filings, including the lists of employees, are essential for the Board to be able to make its final determination as to the number of employers on the respective lists as well as whether the employers represented by the applicant employed a majority of such employees. The names of those employees need to be known to the applicant and the responding party in case there are any status disputes as to whether those individuals are properly included as employees for the purposes of this application.

9. The employer has raised a concern that these lists of employees ought not to be publicised. The lists of employees filed together with the Form A-94s are not publicised. While each Form A-94 is published on the Board's website, the lists of employees that accompany the form is not. Furthermore, employers are not required to deliver a copy of the Form A-94 and accompanying list of employees to all affected employers. Rather, they are only required to deliver these documents to the applicant, to the responding party, and to any affected/interested party listed in the application or response.

10. As a result, the Board declines to grant the employer's request.

11. I remain seized.

"Danna Morrison"
for the Board