



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: June 9, 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. By way of a decision dated May 2, 2025, the Board directed the applicant to publish a Notice to Employers in the Daily Commercial News and the Toronto Star once during the week ending May 23, 2025 and to provide a copy of the Board's decision of May 2, 2025, a blank "Employer Filing, Application for Accreditation, Construction Industry" (Form A-94), and a blank "Accreditation: List of Employees" form to each employer listed on the lists of employers filed by the applicant and the responding party. It has done so. The Board's May 2, 2025 decision also noted that the Registrar has fixed the Employer Filing Date for this application as June 13, 2025 and advised that 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 June 13, 2025 in order to participate in these proceedings.

3. The Board is in receipt of correspondence from counsel who states that he is retained by a number of parties, including Pumpcrete Corporation, who are affected and will be claiming that they are affected by this application and will be filing representations and/or Form A-94s.

Counsel requests that the Board issue an order or direction regarding the correct Application Filing Date and further requests that the Board extend the time limit set by the Board in its decision dated May 2, 2025 for affected employers to file a Form A-94.

4. Counsel for these affected employers states that the application filing date of this application is unclear. According to counsel, this uncertainty results from the fact that the application filing date was not expressly stated in the May 2, 2025 decision and that the listing of the application on the Board's website indicates a date of March 11, 2025, but that the application form itself contains both a date of March 11, 2025, but also a date of March 5, 2025. The uncertainty was compounded by the fact that counsel for the applicant issued a letter to members of the Crane Rental Association of Ontario wherein the application filing date was erroneously stated to be April 19, 2025.

5. On June 6, 2025, counsel for the applicant wrote to the Board to advise that immediately upon receiving the above-referenced June 5, 2025 correspondence, it corrected its correspondence sent to its members, delivering an email to all of its members that evening clarifying that the application was filed on March 11, 2025.

6. Counsel for the affected employers wrote to the Board thereafter on June 6, 2025 maintaining that there ought to be an official communication from the Board in the form of a decision or notice in which the Board declares the application filing date, directs the applicant to distribute that communication to all affected employers, and extends the time limit for the employer filing date. Counsel then cites four decisions from 2024 in which the Board stated in the body of those decisions what the application filing date was, asserting that it is a "common Board practice" for there to be a statement from the Board verifying the application filing date in its decisions.

7. This application was filed on **March 11, 2025**.

8. The March 11, 2025 application filing date is clearly set out on the Board's website and on page 8 of the application itself. The March 5, 2025 date referenced is not the application filing date, but was the date of a declaration contained within the application form. While the Board does, occasionally, indicate the application filing date within the body of its initial accreditation decisions, counsel for affected employers is incorrect in asserting that this is a "common Board practice". In fact, a cursory review of the seven accreditation applications currently listed

on the Board's website indicates that only one of those initial decisions sets out the application filing date within the body of the decision.

9. The Board is not aware of any potentially affected employer reaching out to the Board officer indicated in the Notice to Employers regarding any confusion regarding the application filing date.

10. However, given the incorrect information circulated by the applicant which may have caused some confusion to affected employers, the Board is satisfied that it is appropriate to grant a brief two week extension to the Employer Filing Date. Therefore, the Employer Filing Date is now fixed as **June 27, 2025**. The applicant is directed to provide a copy of this decision to the List of Employers filed by the applicant and the responding party forthwith.

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 **June 27, 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 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. I am seized.

"Danna Morrison"

for the Board