



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **1468-23-R**

Concrete Cutting & Drilling Association of Ontario, Applicant v Labourers' International Union of North America, Ontario Provincial District Council and its affiliated Local Unions, 183, 493, 506, 527, 607, 625, 837, 1036, 1059 and 1089, Responding Party

BEFORE: Lindsay Lawrence, Alternate Chair

DECISION OF THE BOARD: November 27, 2023

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 employees engaged in concrete sawing and drilling work for whom the responding party holds bargaining rights in all sectors of the construction industry in the Province of Ontario.

2. The parties entered into an agreement, finalized November 24, 2023, with the assistance of a Board mediator, in which they agree 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. 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 to which the parties have agreed is:

All employers of employees engaged in concrete sawing and drilling work for whom the Labourers' International Union of North America, Ontario Provincial District Council and any of its Locals 183, 493, 506, 527, 607, 625, 837, 1036, 1059, and 1089 (the "Union") hold bargaining rights, in all sectors of the construction industry in the Province of Ontario, save and except non-working forepersons and those above the rank of non-working foreperson and save and except employers bound by and performing work under the following collective agreements between:

- Construction Labour Relations Association of Ontario; Ontario Masonry Contractors Association; Industrial Contractors Association of Canada; Waterproofing Contractors Association of Ontario; Cement Finishing Labour Relations Association and Labourers' International Union of North America and the Labourers' International Union of North America, Ontario Provincial District Council, On Behalf of its Affiliated Local Unions 183, 493, 506, 527, 607, 625, 837, 1036, 1059 and 1089
- Ontario Association of Demolition Contractors Inc. and The Labourers' International Union of North America, and the Labourers' International Union of North America, Ontario Provincial District Council on behalf of its affiliated Local Unions, 183, 493, 506, 527, 607, 625, 837, 1036, 1059 and 1089
- Ontario Precast Concrete Manufacturers' Association and the and Labourers' International Union of North America and the Labourers' International Union of North America, Ontario Provincial District Council, On Behalf of its Affiliated Local Unions 183, 493, 506, 527, 607, 625, 837, 1036, 1059 and 1089
- The Central Southwest Ontario Heavy Civil Construction Association and the Tri-Local Heavy Civil Construction Council and its affiliates, Labourers' International Union of North America, Locals 183, 837 and 1059
- Durham Residential Construction Labour Bureau and Labourers' International Union of North America, Local 183

- The Greater Hamilton and Niagara Construction Association and Labourers' International Union of North America, Local 837
- The Greater Toronto Sewer and Watermain Contractors' Association and A Council of Trade Unions Acting as the Representative and Agent of Teamsters' Local Union 230 and Labourers' International Union of North America, Local 183
- The Heavy Construction Association of Toronto and Labourers' International Union of North America, Local 183
- The Heavy Construction Association of Windsor and Labourers' International Union of North America, Ontario Provincial District Council, Local 625
- The Masonry Contractors Association of Toronto Inc and the Masonry Council of Unions Toronto and Vicinity, being a council between Labourers' International Union of North America, Local 183 and the Bricklayers, Masons Independent Union of Canada Local 1.
- The Metropolitan Toronto Apartment Builders Association and Labourers' International Union of North America, Local 183
- The National Capital Road Builders Association and A Council of Labour Unions representing International Union of Operating Engineers, Local 793, Labourers' International Union of North America, Local 527 and Teamsters Local Union 91 Affiliated with the International Brotherhood of Teamsters
- The Ontario Concrete and Drain Contractors Association and Labourers' International Union of North America, Local 183
- The Ontario Formwork Association and the Formwork Council of Ontario
- The Oshawa Signatory Contractors Association and Labourers' International Union of North America, Local 183

- The Provincial Civil Agreement between Labourers' International Union of North America, Ontario Provincial District Council and its affiliated Local Unions 183, 493, 527, 607, 625, 837, 1036, 1059 and 1089, and various Signatory Employers
- The Residential Low Rise Forming Contractors Association and Labourers' International Union of North America, Local 183
- The Roads and Heavy Construction Agreement between Green Infrastructure Partners (GIP) and Labourers' International Union of North America, Local 183
- The Sewer and Watermain Agreement between Taggard Construction Limited and Labourers' International Union of North America, Local 183
- The Utility Contractors' Association of Ontario and The Labourers' International Union of North America, Ontario Provincial District and its affiliated Local Unions, 183, 493, 527, 607, 625, 837, 1036, 1059 and 1089
- Sentinel Plumbing and other independent plumbing companies and Labourers' International Union of North America, Local 183
- Toronto and Area Road Builders' Association and A Council of Trade Unions Acting as the Representative and Agent of Teamsters' Local 230 and Labourers' International Union of North America, Local 183
- Toronto Residential Construction Labour Bureau and Universal Workers Union, Labourers' International Union of North America, Local 183

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.

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, if a hearing is scheduled in this matter, at or after that 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 Daily Commercial News**. The Board directs the applicant to arrange to have the notice appear as an advertisement once during the week ending **December 15, 2023**.

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 **January 13, 2024**.

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 January 13, 2024 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 if a hearing is scheduled in this matter, at or after that hearing.

14. This panel of the Board is not seized with this matter.

"Lindsay Lawrence"
for the Board

NOTICE TO CONTRACTORS EMPLOYING EMPLOYEES ENGAGED IN CONCRETE SAWING AND DRILLING

The Concrete Cutting & Drilling Association of Ontario filed an Application for Accreditation as an Employers' Organization pursuant to section 134 of the Ontario *Labour Relations Act, 1995*, for the following bargaining unit:

All employers of employees engaged in concrete sawing and drilling work for whom the Labourers' International Union of North America, Ontario Provincial District Council and any of its Locals 183, 493, 506, 527, 607, 625, 837, 1036, 1059, and 1089 (the "Union") hold bargaining rights, in all sectors of the construction industry in the Province of Ontario, save and except non-working forepersons and those above the rank of non-working foreperson and save and except employers bound by and performing work under the following collective agreements between:

- Construction Labour Relations Association of Ontario; Ontario Masonry Contractors Association; Industrial Contractors Association of Canada; Waterproofing Contractors Association of Ontario; Cement Finishing Labour Relations Association and Labourers' International Union of North America and the Labourers' International Union of North America, Ontario Provincial District Council, On Behalf of its Affiliated Local Unions 183, 493, 506, 527, 607, 625, 837, 1036, 1059 and 1089
- Ontario Association of Demolition Contractors Inc. and The Labourers' International Union of North America, and the Labourers' International Union of North America, Ontario Provincial District Council on behalf of its affiliated Local Unions, 183, 493, 506, 527, 607, 625, 837, 1036, 1059 and 1089
- Ontario Precast Concrete Manufacturers' Association and the and Labourers' International Union of North America and the Labourers' International Union of North America, Ontario Provincial District Council, On Behalf of its Affiliated Local Unions 183, 493, 506, 527, 607, 625, 837, 1036, 1059 and 1089
- The Central Southwest Ontario Heavy Civil Construction Association and the Tri-Local Heavy Civil

Construction Council and its affiliates, Labourers' International Union of North America, Locals 183, 837 and 1059

- Durham Residential Construction Labour Bureau and Labourers' International Union of North America, Local 183
- The Greater Hamilton and Niagara Construction Association and Labourers' International Union of North America, Local 837
- The Greater Toronto Sewer and Watermain Contractors' Association and A Council of Trade Unions Acting as the Representative and Agent of Teamsters' Local Union 230 and Labourers' International Union of North America, Local 183
- The Heavy Construction Association of Toronto and Labourers' International Union of North America, Local 183
- The Heavy Construction Association of Windsor and Labourers' International Union of North America, Ontario Provincial District Council, Local 625
- The Masonry Contractors Association of Toronto Inc and the Masonry Council of Unions Toronto and Vicinity, being a council between Labourers' International Union of North America, Local 183 and the Bricklayers, Masons Independent Union of Canada Local 1.
- The Metropolitan Toronto Apartment Builders Association and Labourers' International Union of North America, Local 183
- The National Capital Road Builders Association and A Council of Labour Unions representing International Union of Operating Engineers, Local 793, Labourers' International Union of North America, Local 527 and Teamsters Local Union 91 Affiliated with the International Brotherhood of Teamsters
- The Ontario Concrete and Drain Contractors Association and Labourers' International Union of North America, Local 183

- The Ontario Formwork Association and the Formwork Council of Ontario
- The Oshawa Signatory Contractors Association and Labourers' International Union of North America, Local 183
- The Provincial Civil Agreement between Labourers' International Union of North America, Ontario Provincial District Council and its affiliated Local Unions 183, 493, 527, 607, 625, 837, 1036, 1059 and 1089, and various Signatory Employers
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- The Roads and Heavy Construction Agreement between Green Infrastructure Partners (GIP) and Labourers' International Union of North America, Local 183
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- The Utility Contractors' Association of Ontario and The Labourers' International Union of North America, Ontario Provincial District and its affiliated Local Unions, 183, 493, 527, 607, 625, 837, 1036, 1059 and 1089
- Sentinel Plumbing and other independent plumbing companies and Labourers' International Union of North America, Local 183
- Toronto and Area Road Builders' Association and A Council of Trade Unions Acting as the Representative and Agent of Teamsters' Local 230 and Labourers' International Union of North America, Local 183
- Toronto Residential Construction Labour Bureau and Universal Workers Union, Labourers' International Union of North America, Local 183

This Application affects all employers of employees for whom the Labourers International Union of North America, Ontario Provincial

District Council or an affiliated local holds bargaining rights and who operate in the above-noted bargaining unit. If you are an employer that is or may 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 matter is **January 13, 2024**.

The Board may determine this matter without a hearing after the Employer Filing Date or if a hearing is scheduled, only those employers that 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 on the Ontario Labour Relations Board's website:

<http://www.olrb.gov.on.ca/english/homepage.htm>

Questions may be directed to **Carolyn Tysoe, Senior Mediator, Ontario Labour Relations Board, 416-801-6758, Carolyn.Tysoe@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 13, 2024**, that they are affected by the Application and wish to participate in the proceeding.