



## ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0320-22-PR**

**The Ottawa Hospital**, Applicant v International Association of Bridge, Structural, Ornamental, Reinforcing Iron and Rod Workers, International Brotherhood of Electrical Workers, International Brotherhood of Teamsters, International Union of Elevator Constructors, International Union of Painters, Glaziers and Allied Trades, Labourers' International Union of North America, Millwright Regional Council of Ontario, Sheet Metal Workers International Association, The United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the USA and Canada, and United Brotherhood of Carpenters and Joiners of America, Responding Parties

**BEFORE:** Neil Keating, Vice-Chair

**DECISION OF THE BOARD:** July 14, 2022

1. This matter involves a Notice of Project Agreement filed with the Board on May 9, 2022 and May 25, 2022, by the Ottawa Hospital (the "proponent").
2. The proponent, by letter to the Board dated June 27, 2022 requested that the Board issue an order declaring that the project agreement that was the subject of the May 25, 2022, notice is in force. The proponent seeks the requested order/declaration "only if necessary". I find that no such order is necessary in the circumstances.
3. It appears the proponent has, to date, done everything necessary under section 163.1 of the Labour Relations Act, 1995, S. O. 1995, c. 1 (the "Act") to secure a project agreement with the bargaining agents affected by the project. In its correspondence to the Board of June 27, 2022, the proponent notes that it has secured the requisite support for the project agreement and also on June 27, 2022, provided notice of approval of the project agreement to the impacted bargaining agents.

4. Additionally, as indicated by the applicant in correspondence to the Board dated July 8, 2022, there have been no challenges to the project agreement within the meaning of subsection 163.1(9), within the time prescribed.

5. Where a proponent of a project agreement carries out all of the steps required by section 163.1 of the Act and no objections or challenges to the project agreement have been filed with the Board by any of the affected bargaining agents, subsection 163.1(10) of the Act provides for the coming into force of the project agreement. An order declaring the project agreement in force is not necessary because it will come into force by operation of statute. It is only circumstances where a proposed project agreement has been challenged under subsection 163.1(9) that the Act contemplates the Board issuing an order declaring the proposed project agreement in force. In the absence of a timely challenge section 163.1(10) provides that the project agreement comes into force upon the expiry of the time period for making such a challenge.

6. The proponent must ensure that all of the necessary steps are taken to have a project agreement come into force and to issue the requisite notices, pursuant to subsection 163.1(11) after it comes into force. It appears as though the applicant has done this, however, the Board does not perform a review of unchallenged project agreements to confirm they are in force.

7. The applicant's request for an order declaring the project agreement is in force is not granted.

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"Neil Keating"  
for the Board