

Before The Ontario Labour Relations Board

*[Amended
certificate]*

Between:

Metropolitan Toronto Sewer and Watermain
Contractors Association,

Applicant,

-and-

International Union of Operating Engineers,
Local 793,

Respondent.

Certificate

Upon the application of the applicant and in accordance with the provisions of the Labour Relations Act, THIS BOARD DOETH ACCREDIT the Metropolitan Toronto Sewer and Watermain Contractors Association as the bargaining agent for all employers of employees engaged in the operation of cranes, shovels, bulldozers and similar equipment and those primarily engaged in the repair and maintenance of same, for whom the International Union of Operating Engineers, Local 793 has bargaining rights as at September 26, 1988 and, in accordance with the provisions of subsection 127(2) of the Labour Relations Act, for such other employers for whose employees the International Union of Operating Engineers, Local 793 may, after September 26, 1988, obtain bargaining rights through certification or voluntary recognition in the sector and geographic area hereinafter described, performing all sewer and/or watermain work including drainage in the sewers and watermains sector of the construction industry in the Municipality of Metropolitan Toronto, the Regional Municipalities of Peel and York, the Towns of Oakville and Halton Hills and that portion of the Town of Milton within the geographic Townships of Esquesing and Trafalgar, the Towns of Ajax and Pickering in the Regional Municipality of Durham, and Simcoe County, save and except:

- A. all such work on private property, inclusive of public housing or Crown corporations, both inside and outside any buildings or structures, regardless of the end use of the private property, save such work on private property:
- (i) ultimately assumed as an easement, right-of-way or road allowance, by federal, provincial or municipal government or any other governmental authority having jurisdiction, or

- (ii) outside of buildings or structures on all private property sites greater than three (3) hectares in size other than residential end use private property sites, or
 - (iii) on an easement, right-of-way, private roadway or road allowance on residential end use private property sites greater than three (3) hectares in size; or
- B. notwithstanding the generality of the foregoing, the aforementioned bargaining unit description is subject to the following exclusions from the bargaining unit of employers performing work under the following collective agreements or schedules in accordance with past or existing practices as at the date hereof:
- (i) Schedule "A" to the Operating Engineers Provincial Agreement being the schedule between the Crane Rental Association of Ontario and the Ottawa Crane Rental Association and the International Union of Operating Engineers, Local 793;
 - (ii) Schedule "B" to the Operating Engineers Provincial Agreement being the schedule between the Ontario Association of Foundation Specialists and the International Union of Operating Engineers, Local 793;
 - (iii) Schedule "C" to the Operating Engineers Provincial Agreement being the schedule between the Ontario Erectors Association and the International Union of Operating Engineers, Local 793;
 - (iv) Schedule "D" to the Operating Engineers Provincial Agreement being the schedule between the Toronto and District Excavators Association and the International Union of Operating Engineers, Local 793;
 - (v) The International Union of Operating Engineers, Local 793 and the Metropolitan Toronto Road Builders Association;
 - (vi) The Operating Engineers, Local 793 and the Utility Contractors Association of Ontario;
 - (vii) The Ontario Allied Construction Trades Council and the Electrical Power Systems Construction Association;
 - (viii) The Operating Engineers Mainline Pipeline Agreement for Canada between Pipe Line Contractors Association of Canada and International Union of Operating Engineers; and

- (ix) The Operating Engineers Distribution Pipeline Agreement for Canada between Pipe Line Contractors Association of Canada and International Union of Operating Engineers.

This certificate is to be read subject to the terms of the Board's decision(s) in this matter, and, accordingly, the unit of employers described herein is to be read subject to any qualifications referred to in the said decision(s) of the Board.

DATED at Toronto this 3rd day of November, 1989.

ONTARIO LABOUR RELATIONS BOARD

T. A. INNISS

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