

The Labour Relations Act, 1995
Before the Ontario Labour Relations Board

Between:

Toronto and Area Road Builders Association,

Applicant,

- and -

International Union of Operating Engineers, Local 793,

Responding Party,

- and -

Sentinal Paving & Construction Limited, Bot Construction Limited, Warren Bitulithic Limited, Armbro Construction Limited, Canadian Highways International Constructors, BFC Civil, a division of BFC Construction, Group Inc., Miwel Construction Limited,

Intervenors.

Certificate

Upon the application of the applicant and in accordance with the provisions of the *Labour Relations Act, 1995* THIS BOARD DOETH ACCREDIT the Toronto and Area Road Builders 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, and employees engaged as surveyors, in the road building sector of the construction industry within 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, and the Towns of Ajax and Pickering in the Regional Municipality of Durham (Ontario Labour Relations Board Area No. 8) and the County of Smcoe, save and except:

A. Notwithstanding the generality of the foregoing, employers which are bound to and which according to past or existing practice as of the date of application perform work under the following specialty schedules or collective agreements are not included in the aforementioned bargaining unit:

- (i) Schedule "A" to the Provincial Collective Agreement between the Operating Engineers Employer Bargaining Agency and the Operating Engineers Employee Bargaining Agency being the schedule between the Crane Rental Association of Ontario and the Eastern Ontario Crane Rental Group and the International Union of Operating Engineers, Local 793;
- (ii) Schedule "B" to the Provincial Collective Agreement between the Operating Engineers Employer Bargaining Agency and the Operating Engineers Employee Bargaining Agency being the schedule between the Ontario Erectors Association Incorporate and the International Union of Operating Engineers, Local 793;
- (iii) Schedule "C" to the Provincial Collective Agreement between the Operating Engineers Employer Bargaining Agency and the Operating Engineers Employee Bargaining Agency being the schedule between the Ontario Association of Foundation Specialists and the International Union of Operating Engineers, Local 793; and

- (iv) Schedule "D" to the Provincial Collective Agreement between the Operating Engineers Employer Bargaining Agency and the Operating Engineers Employee Bargaining Agency being the schedule between the Associated Earth Movers of Ontario and the International Union of Operating Engineers, Local 793;
- (v) the collective agreement between the Metropolitan Toronto Sewer and Watermain Contractors Association [now the Greater Toronto Sewer and Watermain Contractors Association] and International Union of Operating Engineers, Local 793;
- (vi) the collective agreement between Utility Contractors Association of Ontario and the International Union of Operating Engineers, Local 793;
- (vii) the collective agreement between the Ontario Allied Construction Trades Council and the Electrical Power Systems Construction Association;
- (viii) the Operating Engineers Mainline Pipeline Agreement between the Pipe Line Contractors Association of Canada and the International Union of Operating Engineers; and
- (ix) the Operating Engineers Distribution Pipeline Agreement between the Pipe Line Contractors Association of Canada and the International Union of Operating Engineers.

Clarity note: The unit of employers has been described to reflect the work performed by employers of employees of whom the International Union of Operating Engineers, Local 793 has bargaining rights and shall not be construed as defining or limiting any sector in the construction industry.

The employers for whom the Toronto and Area Road Builders Association becomes the bargaining agent under this certificate are: 10171777 Ontario Inc., Acton Paving/Div U.Fiorini & Sons Limited, Amos Grading Ltd., Andrew Paving & Engineering Limited, Art Lofranco Ltd., Ashland Paving Ltd., Bishop Construction c/o Bishop Leasing Corporation, Brennan Paving & Construction Ltd., Canadian Highways International Construction (CHIC), Con-Drain Company (1983) Limited, Con-Strada Construction Inc., Curbside Construction, D. Crupi & Sons Ltd., DiCrete Construction Ltd., Dufferin Construction Company, Econo Excavating & Paving (1991) Co. Ltd., Empire Paving Ltd., Fermar Paving Limited, Ferpac Paving Inc., Francton Construction Ltd., Furfari Paving Limited, Fusillo Construction Co. Ltd., Gazzola Paving Ltd., Grascan Construction Ltd., J. Mazzuca & Son Construction Limited, London Paving Bros. Inc., McKay Excavating Limited, Miwel Construction Limited, Mopal Construction Limited, Munex Limited, Osler Paving Ltd., Panza Bros. Construction Ltd., Pave-Al Limited, Pave-Tar Construction Co. Ltd., Provincial Excavating Ltd., Rusica Equipment Ltd., Sanan Construction (961488 Ontario Limited), Sentinel Paving & Construction Ltd., Tacc Construction Co. Ltd., Tarmac (Carillion) Construction Canada a Division of Tarmac Canada Inc., Vaughan Paving Ltd., Warren Bitulithic Ltd, Armbro Construction Limited, Clarkson Construction Company Limited and other such employers for whose employees the International Union of Operating Engineers, Local 793, may after August 24, 1998 obtain bargaining rights through certification or voluntary recognition in the geographic area and sector set out in the unit of employers described herein.

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 12th day of January, 2001.

ONTARIO LABOUR RELATIONS BOARD

Tim R. Parker

Registrar

(SEAL)