

ONTARIO LABOUR RELATIONS BOARD

Between:

Architectural Glass & Metal
Contractors Association,

Applicant,

- and -

International Brotherhood of
Painters and Allied Trades,
Glaziers' Local Union 1819,

Respondent.

BEFORE: R. A. Furness, Vice-Chairman, and Board Members
H. J. F. Ade and E. Boyer.

APPEARANCES AT THE HEARING: R. A. Werry and S. Kettle
appearing for the applicant; R. Koskie, I. Kelner and
J. Kemp appearing for the respondent; Mrs. Joan Micheli
appearing for Halls Glass & Door Services.

DECISION OF THE BOARD:

1. This is an application for accreditation, construction industry, wherein the applicant seeks to be accredited as the bargaining agent for certain employers who have a bargaining relationship with the respondent. The respondent is a party to a collective agreement with the applicant which is dated September 24, 1973 and which was effective July 23, 1973, until April 30, 1975, with provision for a continuance in operation subject to notice. Having regard to the material before it, the Board is satisfied that more than one employer who is affected by this application is bound by this collective agreement. Accordingly, the Board finds that it has jurisdiction to entertain this application under section 113 of The Labour Relations Act.

2. The applicant is an unincorporated association. In support of its application, the applicant filed a copy of its constitution. Having regard to the material before it and to the representations of the parties, the Board finds that the applicant is an employers' organization within the meaning of section 106(d) of The Labour Relations Act and is satisfied that the applicant is a properly constituted organization for the purposes of section 115(3) of The Labour Relations Act.

3. The applicant also filed in support of its application sixty-six documents entitled "Employer Authorization". These documents appoint the applicant as representative for collective bargaining with the respondent. These documents authorize the applicant to represent the signer as the bargaining agent with the respondent and vest all necessary authority in the applicant to enable it to discharge the responsibilities of an accredited bargaining agent under The Labour Relations Act. The applicant also filed in support of these documents five duly completed Form 62's, Declaration Concerning Representation Documents, Application for Accreditation, Construction Industry. The Board is satisfied that the evidence of representation meets the requirements set out in section 96 of the Board's Rules of Procedure and the Board is further satisfied that the individual employers on whose behalf the applicant has submitted evidence of representation have vested appropriate authority in the applicant to enable it to discharge the responsibilities of an accredited bargaining agent.

4. The collective agreement referred to in paragraph one herein applies to and is effective within the Board's geographic area #8. The applicant and the respondent agreed that the appropriate geographic area for accreditation in the present application is the Board's geographic area #8 and that pursuant to this collective agreement employees have been employed in the residential and in the industrial, commercial and institutional sectors of the construction industry. In all of the circumstances of this application the Board finds that all employers of employees engaged in the glass, glazing and metal work installations for whom the respondent has bargaining rights in Metropolitan Toronto, the Counties of York and Peel, the Township of Esquesing, the Towns of Oakville and Milton in the County of Halton, and the Township of Pickering in the County of Ontario, in the residential and in the industrial, commercial and institutional sectors of the construction industry, constitute a unit of employers appropriate for collective bargaining.

5. Notice of this application was given to seventy three employers in accordance with the Board's Rules of Procedure.

6. The following employers were agreed to be removed from the list of employers:

- No. 2 Albion Glass Company
- No. 9 Builders Glass Ltd.
- No. 16 Canadian Structural Glass Ltd.
- No. 19 Construction Hardware Industries
- No. 22 Emery Glass & Aluminum Ltd.
- No. 25 Claverbel Glass Limited
- No. 28 Greenberg Aluminum
- No. 31 Harrison Glass & Mirror
- No. 37 Kennedy Glass Ltd.
- No. 39 Knights Glass Service Limited

- No. 41 New Toronto Glass
- No. 42 Omega Glass Service
- No. 44 Peel Glass & Mirror Co. Ltd.
- No. 48 Perfect Glass & Mirror Ltd.
- No. 52 Queen City Glass Ltd.
- No. 54 Ramsay Industries
- No. 55 Roy F. Day Ltd.
- No. 59 Scarborough Glass & Mirror
- No. 61 Scullions Glass Ltd.
- No. 64 Stanley Installation
- No. 66 Service Glass & Mirror Ltd.
- No. 68 Weston Glass Ltd.
- No. 70 Yorkdale Glass & Mirrors Ltd.
- No. 72 Schneider Glass
- No. 73 The Board of Education for the
City of Toronto

7. Eighteen employers failed to file returns. Having regard to the representations before it, the Board makes the following determinations pursuant to section 115 of The Labour Relations Act:

- No. 2 Albion Glass Company - agreed to
be removed from the list of
employers.
- No. 6 Bosna Glass Mirrors and Aluminum -
Final Schedule "E"
- No. 9 Builders Glass Ltd. - agreed to
be removed from the list of
employers.
- No. 16 Canadian Structural Glass Ltd. -
agreed to be removed from the
list of employers.
- No. 17 Contractors' Aluminum & Glass Ltd.
- Final Schedule "F".
- No. 19 Construction Hardware Industries -
agreed to be removed from the
list of employers.
- No. 22 Emery Glass & Aluminum Ltd. -
agreed to be removed from the
list of employers.
- No. 28 Greenberg Aluminum - agreed to be
removed from the list of employers.
- No. 36 Kennedy Glass Limited - Final
Schedule "E".
- No. 40 New Toronto Glass & Mirror Limited -
Final Schedule "F".

- No. 41 New Toronto Glass - agreed to be removed from the list of employers.
- No. 42 Omega Glass Service - agreed to be removed from the list of employers.
- No. 43 Omega Glass Serv. Ltd. - Final Schedule "F".
- No. 44 Peel Glass & Mirror Co. Ltd. - agreed to be removed from the list of employers.
- No. 48 Perfect Glass & Mirror Ltd. - agreed to be removed from the list of employers.
- No. 52 Queen City Glass Ltd. - agreed to be removed from the list of employers.
- No. 55 Roy F. Day Ltd. - agreed to be removed from the list of employers.
- No. 61 Scullions Glass Ltd. - agreed to be removed from the list of employers.

8. On the basis of the foregoing, the filings by the individual employers and the representations before it, the Board has prepared the following lists of employers. The employers listed on Final Schedule "E" are employers who are indicated as having had employees affected by the application in the year preceding August 16, 1974, the date of the making of this application. The employers on Final Schedule "F" are indicated as not having had such employees.

Final Schedule "E"

Albion Glass Company Limited
Alder Glass & Mirror
Alpha Glass & Mirror Company
Bosna Glass Mirrors and Aluminum
Bramalea Glass & Mirror Limited
Builders' Glass Limited
Thomas Byrne Glass Limited
Canadian Pittsburgh Industries Limited
Construction Hardware Installations Limited
Dor-O-Matic of Canada Division of
Roy F. Day Limited
Emery Glass & Aluminum Limited
Forbes Glazing
Glaverbel Industries Limited
Greenberg Aluminum Limited
Harrison Glass & Mirror Co. Limited
Jack's Glass & Mirror Service
Jessup Glass & Mirror
Kennedy Glass Limited

Knight's Glass Service
Peel Glass & Mirror Limited
Perfect Glass & Mirror Ltd.
Pilkington Glass Limited, Contract Division
Queen City Glass (Toronto) Limited
Ramsay Industries Ltd.
Roxton Glass & Mirror Limited
Scarboro Glass and Mirror Limited
Scullion's Glass Ltd.
Stanley Installation Limited
Service Glass & Mirror Limited
Weston Glass & Aluminum Limited
Yorkdale Glass & Mirrors Limited
G. Schneider & Son

Final Schedule "F"

Byrne Glass Limited
Canadian Pittsburgh Industries Limited,
Special Projects
Canadian Structural Glass Limited
Contractors' Aluminum & Glass Ltd.
Graphic Glass & Aluminum Ltd.
New Toronto Glass & Mirror Limited
Omega Glass Serv. Ltd.
Pilkington Glass Limited
Roxton Glass Ltd.
Structoglas Limited

The Board finds that the 32 employers on Final Schedule "E" were those employers who had employees in the year immediately preceding the making of the application, and the number 32 is the number of employers to be ascertained by the Board under section 115(1)(a) of The Labour Relations Act.

9. On the basis of all the evidence before it, the Board finds that on the date of the making of the application the applicant represented 29 of the 32 employers on Final Schedule "E". The 29 employers is the number of employers to be ascertained by the Board under section 115(1)(b) of The Labour Relations Act. Accordingly, the Board is satisfied that a majority of the employers in the unit of employers is represented by the applicant.

10. The Schedule "H" which accompanied the Form 68, Employer Filing, filed by the individual employers sets out the number of employees that the employer has at each job site with details of the location and the type of construction involved. By section 115(1)(c) of The Labour Relations Act, the payroll period immediately preceding the making of the application is the relevant weekly payroll period for determining

the number of employees affected by this application. On the basis of all the evidence and representations before it, the Board finds that there were 289 employees affected by this application during the payroll period immediately preceding August 16, 1974. The 289 employees is the number of employees to be ascertained by the Board under section 115 (1) (c) of The Labour Relations Act.

11. The Board further finds that the 29 employers represented by the applicant employed 279 of these 289 employees. The Board is therefore satisfied that the majority of the employers represented by the applicant employed a majority of the employees affected by this application as ascertained in accordance with the provisions of section 115 (1) (c) of The Labour Relations Act.

12. The respondent alleges that it has bargaining rights with respect to the following employers (by virtue of the application of either section 1(4) or section 55 of The Labour Relations Act and existing bargaining rights with respect to other employers whose names appear on either Schedule "E" or Schedule "F"):

- No. 5 Atlantic Glass & Mirror Ltd.
- No. 12 Brampton Glass & Mirror Company
- No. 29 Halls Glass & Door Services, Inc.
- No. 32 Hilary Byrne Glass Ltd.
- No. 33 Insurance Glass Replacement Co. Ltd.
- No. 46 Peel Window Ltd.

These six employers state that the respondent is not entitled to bargain on behalf of their employees.

13. In making the determinations in paragraphs eight, nine, ten and eleven, the Board has not assumed that the respondent possesses bargaining rights with respect to any of the six employers. However, in the event that the respondent is ultimately determined to have bargaining rights with respect to any one or all of these six employers, the Board is satisfied that the applicant's entitlement to a certificate of Accreditation is and will not be affected.

14. The respondent is directed to inform the Registrar at such time it desires to proceed with the determination of any of the bargaining rights referred to in paragraph twelve.

15. The applicant has filed sixty-six documents entitled "Employer Authorization". These authorizations refer either to the residential sector or to the industrial, commercial and institutional sector. In determining the representation referred to in paragraph nine, the Board has determined the number 29 with reference to those employers who have signed authorizations with respect to both the residential sector and the industrial, commercial and institutional sector.

16. Having regard to all of the above findings a Certificate of Accreditation will issue to the applicant for the unit of employers found to be an appropriate unit of employers in paragraph four herein, and in accordance with the provisions of section 115(2) of The Labour Relations Act for such other employers for whose employees the respondent may after August 16, 1974, obtain bargaining rights through certification or voluntary recognition in the geographic area and sector set out in the unit of employers.

"R. A. Furness"
for the Board

January 27, 1976.