

ONTARIO LABOUR RELATIONS BOARD

Between:

Association of Millwrighting Contractors  
of Ontario,

Applicant,

- and -

United Brotherhood of Carpenters and  
Joiners of America,

Respondent,

- and -

Electrical Power Systems Construction  
Association,

Intervener #1,

- and -

International Association of Bridge,  
Structural and Ornamental Ironworkers,  
Local 700,

Intervener #2,

- and -

International Association of Bridge,  
Structural and Ornamental Ironworkers, Local  
721,

Intervener #3,

- and -

International Association of Bridge, Structural  
and Ornamental Ironworkers, Local 736,

Intervener #4,

- and -

International Association of Bridge, Structural  
and Ornamental Ironworkers, Local 765,

Intervener #5,

- and -

International Association of Bridge, Structural  
and Ornamental Ironworkers, Local 786,

Intervener #6.

BEFORE: D.E. Franks, Vice-Chairman, and Board Members  
E. Boyer and H.J.F. Ade.

DECISION OF THE BOARD:

1. This is an application for accreditation. The Board's jurisdiction to entertain an application for accreditation is set out in section 113 of The Labour Relations Act. That section requires that a trade union or council of trade unions be the bargaining agent for a unit of employees of more than one employer. The section is clear in its requirement that the entity affected by the accreditation order must be either a trade union (which includes a certified council of trade unions) or a council of trade unions. In order to satisfy the requirement in section 113 of the Act the applicant filed with its application and entered as an exhibit at the hearing a copy of a collective agreement dated August 12, 1971. This agreement is described as being between "The Association of Millwrighting Contractors of Ontario" and "The United Brotherhood of Carpenters and Joiners of America on Behalf of its Local Unions and District Councils in the Province of Ontario". The applicant has described the respondent to this application in the same manner as the other party to the collective agreement. In its reply the respondent has set out as the correct name of the respondent "The United Brotherhood of Carpenters and Joiners of America". Indeed, the collective agreement is signed on behalf of the union by Messrs. Ryan, Carruthers and Manson and there does not appear to be any signatory on behalf of any locals or district councils. It is, however, necessary to note that Article 2 of the collective agreement which forms the basis for this application deals with the union security and recognition provisions agreed to by the parties to this application. That Article includes inter alia the following provision:

Article Two  
UNION SECURITY AND RECOGNITION

(b) All Millwrights shall be hired by the Employer through the Local Union Office as listed in Schedule "B", attached hereto, and forming an integral part of this Agreement.

The Employer shall be allowed to transfer to any of his jobs or projects, a maximum of two key men. If the employer is desirous of transferring additional key men, the additional amount allowed to be transferred shall be that as agreed upon between the employer and the Business Representative. An apprentice shall not be considered a key man.

All men sent to a locality from other jurisdictions shall, before proceeding to the work, be required to report to the Local Union having jurisdiction over such locality.

Schedule "B" lists a number of local unions, the names and addresses of the business representatives for these unions and the approximate areas they service. This list includes nine (9) locals of the United Brotherhood of Carpenters and Joiners of America, namely the following:

Local 1669	-	Thunder Bay
Local 446	-	Sault Ste. Marie
Local 1425	-	Sudbury
Local 1410	-	Glenburnie, Kingston
Local 38	-	St. Catharines
Local 494	-	Windsor
Local 1592	-	Sarnia
Local 1916	-	Hamilton
Local 2309	-	Toronto

It is clear from the collective agreement that although these various locals of the respondent are affected by this application they are clearly not parties to the collective agreement upon which this application is based. In view of the foregoing we are satisfied that the correct name and identity of the respondent in this application is the "United Brotherhood of Carpenters and Joiners of America".

2. The applicant filed with its application and identified in evidence at the hearing of this matter the constitution of the applicant association. The constitution of the Association of Millwrighting Contractors of Ontario is dated December 10, 1965, and this constitution was revised on February 25, 1972. The constitution is currently in full force and effect. Of interest in the present application are the following provisions of that constitution:

Article 3                    Objects

The objects of the Association are as follows:

...

- (c) To represent all members and all non-members who authorize the Association in the negotiation, general application and the administration and the interpretation of collective agreements, and in the arbitration of any labour disputes;

...

- (j) to become an accredited employer's organization under the Labour Relations Act

and to regulate the regulations between employers and employees in the construction industry and to represent such employers in collective bargaining with any sector or sectors of the construction industry in any geographical area or areas as defined under the Labour Relations Act, or is determined by the Labour Relations Board;

Article 4            Membership

- (i) The Association may, in its own name or in the name of any body or group to which authority has been properly delegated, make application for accreditation within any sector or sectors in any geographical area or areas as defined under the Labour Relations Act or as determined by the Labour Relations Board, and each of the members of the Association who are affected shall be deemed to have authorized such application or applications on its behalf.

Accordingly, the Board is satisfied that the applicant employers' organization is an employers' organization within the meaning of section 106(d) of the Act and that it is a properly constituted organization for the purposes of section 115(3) of the Act.

3. The applicant also filed with its application evidence of representation on behalf of 70 employers. The evidence of representation is accompanied by a duly completed Form 62, Declaration Concerning Membership Documents Application for Accreditation. The representation documents are in the form of an Employer Authorization in which the named employer appoints the applicant association to represent itself as its bargaining agent and the bargaining agent for "all other employers in regard to the employees covered by the collective agreement with The United Brotherhood of Carpenters and Joiners of America on behalf of its Local Unions and District Councils in the Province of Ontario in the following area and sector:

Area	-	Province of Ontario
Sector	-	Commercial Industrial Institutional"

The Employer Authorizations are signed on behalf of an employer by a person whose title is given on the Employer Authorization. The applicant also filed Schedules "A" and "B" which give names, addresses and telephone numbers in sufficient detail to comply with the requirements set

out in section 96 of the Board's Rules of Procedure concerning the form of evidence of representation in an application for accreditation. Accordingly, the Board is satisfied that the applicant has submitted acceptable evidence of representation on behalf of 70 employers.

4. The applicant has requested accreditation for a unit consisting of all employers of journeymen millwrights and apprentices for whom the respondent has bargaining rights in the Province of Ontario and the industrial, commercial and institutional sector. The respondent in its reply has indicated that it agrees with the applicant's position as to the appropriate unit of employers for accreditation. At the hearing in this matter the Board heard the representations of the Association that was intervener #1 to the application, the representations from the 5 trade unions that constitute intervener #2 through intervener #6 and from individual employers as to the appropriate unit of employers for accreditation. Concerning intervener #1 this intervener stated its concern was solely with the electrical power systems sector and on the assurance that the application was only with respect to the industrial, commercial and institutional sector of the construction industry withdrew its request to make representations on the appropriate unit of employers.

5. The 5 locals of the International Association of Bridge, Structural and Ornamental Ironworkers who appeared as interveners, were concerned about the affect of the accreditation decision on the jurisdictional claims of these various locals. As a result of this concern the applicant, the respondent and the various intervener local trade unions agreed that if the applicant was to become accredited in the industrial, commercial and institutional sector of the construction industry for the Province of Ontario, such an order would not in any way affect the respective jurisdictional claims of the respondent and the interveners.

6. The Board also heard the representations of 2 individual employers, E-19 - Canadian Machinery Movers Ltd. and E-31 - B. J. Cyr Co. Ltd. These employers are based in Windsor, Ontario, and requested that the Board exclude from any appropriate unit of employers the geographic area of the Counties of Essex and Kent. The basis for this request was the militant attitude of the trade unions in the Windsor area. It was felt that this attitude together with the effect of the accreditation provisions of the legislation would cause serious harm to these employers in the event that an employers' organization were to lock out the respondent on a province wide basis. These two employers also made certain representations concerning the bargaining relationship

with the respondent and this matter was referred to an Examiner and will be dealt with later in this decision. However, we are of the view that we cannot accept the reasons given as justification for excluding the Counties of Essex and Kent from the province-wide unit of employers sought by the applicant in the present case. From the evidence before the Board it is clear that the province-wide bargaining relationship between the applicant and the respondent has been in effect for some fourteen years and we are of the view that it would take much more significant reasons than those put forth by the employers to change such a stable bargaining structure. Indeed, we cannot help but note that the possible hardship referred to by these employers is well within the legislative intent of the accreditation provisions of the Act, and is no doubt part of the justification for the rigorous requirements set out in section 115 of the Act.

7. In light of the above considerations the Board therefore further finds that all employers of millwrights and millwrights' apprentices on whose behalf the respondent is entitled to bargain in the Province of Ontario and in the industrial, commercial and institutional sector of the construction industry, constitute a unit of employers appropriate for collective bargaining.

8. As a result of the filings of the applicant and the respondent the Board prepared a list of employers who might be affected by this application. That list included 105 employers on the Revised Schedule "E" and 72 employers on the Revised Schedule "F". In accordance with the Board's Rules of Procedure each of these employers was served with notice of this application and under the Board's Rules of Procedure was required to file a Form 68, Employer Intervention, together with its Schedule "H". It would appear that 4 employers could not be served in this matter, the registered mail being returned indicating that the employer to whom it was addressed could not be served. Accordingly, F-9 - Bridge Bearing & Conveyor Ltd., F-41 - King Erectors, F-58 - Richmond Erectors and F-66 - Warkentin Rental & Leasing Construction Ltd. are removed from the list of employers in the unit of employers. On the other hand 2 employers, F-20 - Dominion Hydro Mechanical Erectors Ltd. and F-52 - Nipissing Mechanical Installation Limited were sent notice of this application by registered mail, and the registered mail returned marked "Mail Refused". These employers have acted at their peril and the Board proposes to treat these employers in the same manner as those employers who failed to make a filing in Form 68.

9. On the basis of the materials filed with the Board and upon consultation with the applicant and the respondent, certain employers have been removed from those employers in the list of employers. Thus, E-42

on the Board's original list as Fremo Corporation Limited appears to be a duplication of E-52 - Iremo Corporation Limited, and E-44 - Great Lakes Steel Products Limited appears to be a duplication of F-8 - Brayshaws Steel Limited. Accordingly, E-42 - Fremo Corporation Limited and E-44 - Great Lakes Steel Products Limited are removed from the list of employers. As noted earlier in this decision the application only affects the industrial, commercial and institutional sector of the construction industry. Accordingly, E-50 - Hydro Electric Power Commission of Ontario has been removed as an employer in the unit of employers on the agreement of the parties that this employer is not affected by the application. The parties have also agreed that F-55 - C. A. Parsons of Canada Limited is no longer in business and should be removed from the list of employers.

10. A number of the individual employers have in their representations to the Board indicated that they are not in the construction industry. The parties have accepted these representations and the following employers are accordingly removed from the list of employers in the unit of employers:

E-3	-	Adshade Engineering
E-8	-	American Air Filter of Canada Ltd.
F-5	-	Belgium Standard Industries (Ontario) Ltd.
F-32	-	Great Lakes Color Printing Corporation
F-40	-	Kenrod Welding Ltd.
F-63	-	Specialty Welding & Machine Company Limited
F-68	-	Wheelabrator Corp. of Canada Ltd.
F-69	-	Whitley Brothers Limited

11. A number of employers served with notice of this application have failed to make filings in Form 68 although required to do so by the Board's Rules of Procedure. In such circumstances the Board accepts the agreement of the applicant and the respondent as to the status of these employers for the purposes of section 115 of the Act. For all of the following employers the applicant and the respondent have agreed that the respondent is entitled to bargain for the employees affected by the application for each of the employers. In accordance with the agreement of the parties the Board will deal with each of these employers in the following manner:

E-6	-	Algoma Maintenance & Services Limited On Final Schedule "E" 20 employees on Schedule "H"
-----	---	--

- E-10 - Arc Way Welding 1972 Ltd.  
On Final Schedule "E"  
4 employees on Schedule "H"
- E-13 - Beamer & Lathrop (Que) Ltd.  
On Final Schedule "E"
- E-27 - Cribb Construction Limited  
On Final Schedule "F"
- E-47 - George O. Hill Supply Limited  
On Final Schedule "E"  
5 employees on Schedule "H"
- E-48 - Holcroft & Co. (Canada) Ltd.  
On Final Schedule "E"  
4 employees on Schedule "H"
- E-52 - Irema Corporation Limited  
On Final Schedule "F"
- E-64 - Mesley Machinery Movers & Erectors Limited  
On Final Schedule "F"
- E-65 - Milrig Industries Limited  
On Final Schedule "F"
- E-69 - Moore Industrial Inst. Ltd.  
On Final Schedule "F"
- E-71 - Mustang Contractors Ltd.  
On Final Schedule "F"
- E-72 - Naidanac Mechanicals Ltd.  
On Final Schedule "F"
- E-75 - Neos Conveyor Inc.  
On Final Schedule "F"
- E-77 - Onaping Power Instal. Ltd.  
On Final Schedule "F"
- E-88 - St. Lawrence Mechanical Contractors Ltd.  
On Final Schedule "E"  
10 employees on Schedule "H"
- E-92 - State - E.C. (Central) Limited  
On Final Schedule "E"  
21 employees on Schedule "H"
- E-94 - Stoney Creek Mechanical Ltd.  
On Final Schedule "E"  
27 employees on Schedule "H"
- E-97 - Taylor Engineering & Contracting Co. Ltd.  
On Final Schedule "E"  
1 employee on Schedule "H"



- F-3 - Alumar Boat Industries Limited  
On Final Schedule "F"
- F-6 - Belisle and Charron Mechanical Contractors  
On Final Schedule "F"
- F-7 - Bray-Dor Industries Limited  
On Final Schedule "F"
- F-11 - E. W. Bowman (Bowman America Corp.)  
On Final Schedule "F"
- F-12 - F. W. Brunwin Welding Ltd.  
On Final Schedule "F"
- F-13 - Canadian Erectors Limited  
On Final Schedule "F"
- F-17 - Corunna Fabricating Serv.  
On Final Schedule "F"
- F-18 - Curran & Herridge Constr. Co. Ltd.  
On Final Schedule "F"
- F-19 - Delta Projects Limited  
On Final Schedule "F"
- F-20 - Dominion Hydro Mechanical Erectors Ltd.  
On Final Schedule "F"
- F-21 - Dravo Construction Limited  
On Final Schedule "F"
- F-22 - Drying Systems (Can) Ltd.  
On Final Schedule "F"
- F-23 - Dynamic Erectors  
On Final Schedule "F"
- F-24 - Fab-Co. Metals Limited  
On Final Schedule "E"  
2 employees on Schedule "H"
- F-28 - Gartshore Constr. Co. Ltd.  
On Final Schedule "F"
- F-43 - N. L. Lever Ltd.  
On Final Schedule "F"
- F-46 - May-Day Construction  
On Final Schedule "F"
- F-47 - Metcon Company  
On Final Schedule "F"
- F-49 - National Conveyor Company Ltd.  
On Final Schedule "F"

- F-50 - Nelson Installations  
On Final Schedule "F"
- F-52 - Nipissing Mechanical Installation Limited  
On Final Schedule "F"
- F-53 - Northland Meach. Sup. Co. Ltd.  
On Final Schedule "F"
- F-56 - Petro Chemical Fabricating Company  
On Final Schedule "F"
- F-57 - Richards- Wilcox of Canada Ltd.  
On Final Schedule "F"
- F-60 - C. A. Sawyer Welding Service Inc.  
On Final Schedule "F"
- F-64 - The State Electric Company Limited  
On Final Schedule "F"
- F-67 - Wensing Brothers  
On Final Schedule "F"
- F-70 - Wilson Engineering & Fabricating Ltd.  
On Final Schedule "F"
- E-71 - Welson & Somerville Limited  
On Final Schedule "E"  
5 employees on Schedule "H"
- E-72 - John Patrick Zatti  
On Final Schedule "F"

12. Two employers E-19 - Canadian Machinery Movers Limited and E-31 - R. J. Cyr Co. Limited, who appeared at the hearing raised a question of the bargaining relationship they have with the respondent trade union. These employers appeared before the Board's Examiner appointed to inquire into the relationship with the respondent and reported to the Examiner that they had no relationship to Millwrighting. On the other hand, these employers did not deny that there existed between them and the respondent collective agreements and that they had employees within the year prior to the making of this application affected by those agreements. Accordingly, these employers are included in the unit of employers affected by the application.

13. Sixteen employers who filed Form 68 alleged in their Employer Interventions that they had no bargaining relationship with the respondent. These submissions were challenged by the respondent, and the respondent produced before the Board's Examiner appointed in this matter copies of collective agreements between each of these employers and the respondent trade union. These employers did not appear at the Board's hearing

in this matter to support their representations in Form 68, and accordingly, the Board proposes to adopt the evidence submitted by the respondent as dispositive of the status of these employers for the purposes of section 115 of the Act.

- E-34 - Emcor Inc.  
On Final Schedule "E"
- E-36 - Falcon Fabricators Limited  
On Final Schedule "E"  
1 employee on Schedule "H"
- E-43 - Gerrard Company Limited  
On Final Schedule "E"
- E-53 - Joy Manufacturing Company (Canada) Limited  
On Final Schedule "E"
- E-60 - Maaten Construction Co. Ltd.  
On Final Schedule "E"
- E-61 - Machining Limited  
On Final Schedule "E"
- E-68 - T. Moore Mechanical Contractors Ltd.  
On Final Schedule "E"
- E-76 - Newport Metal Industries Co. Limited  
On Final Schedule "E"
- E-79 - Pacific Contracting Ltd.  
On Final Schedule "E"
- E-83 - Prepost Company Limited  
On Final Schedule "F"
- E-91 - Simon - Day Ltd.  
On Final Schedule "E"  
4 employees on Schedule "H"
- E-96 - T & M Millwrighting  
On Final Schedule "E"  
2 employees on Schedule "H"
- F-1 - Acadia Engineering Limited  
On Final Schedule "E"  
3 employees on Schedule "H"
- F-34 - Hi-Lo Equipment (Canada) Ltd.  
On Final Schedule "F"
- F-42 - Kingston and Salmon Ltd.  
On Final Schedule "F"
- F-54 - Overhead Crane Service and Supply Co. Ltd.  
On Final Schedule "F"

14. In accordance with the foregoing considerations the Board has drawn up the following lists of employers in the unit of employers. Those on Final Schedule "E" are employers who have had employees within the year preceding the making of this application. Those on Final Schedule "F" are employers who have not had employees affected by the application in that yearly period:

FINAL SCHEDULE "E"

Acme Building and Construction Limited  
Adam Clark Company Ltd.  
Albion-Lane Electric Limited  
Aldershot Industrial Installation Ltd.  
Algoma Maintenance & Services Limited  
Allied Conveyors Limited  
Arc Way Welding 1972 Ltd.  
Assinck Bros. Limited  
August Equipment Ltd.  
Beamer & Lathrop (Que) Ltd.  
Barnett-McQueen Company Limited  
Bedard-Girard Limited  
Black & McDonald Limited  
Blenkhorn and Sawle Limited  
Bowers Installation Limited  
Canadian Machinery Movers Limited  
Canadian Mechanical Handling Systems Ltd.  
Cecchetto & Sons Limited  
Central Rigging & Contracting Ltd.  
Colby Custom Fabricating Co. Ltd.  
Comstock International Ltd.  
Crabtree-Vickers (Canada) Limited  
Dewar Insulations Inc.  
Dominion Bridge Company Limited  
Durall Construction Limited  
R. J. Cyr Co. Limited  
Eichleay Corporation International  
W. H. Ellinger Limited  
Emcor Inc.  
Essex Machine Installations Company  
Falcon Fabricators Limited  
Fenton Welding Services  
E. S. Fox Limited  
Frankel Structural Steel Limited  
Gerrard Company Limited  
A. P. Green Refractories (Canada) Ltd.  
Henderson Machinery Moving & Installation Limited  
George O. Hill Supply Limited  
James Howden & Parsons of Canada Limited  
Industrial Electrical Contractors Limited  
Joy Manufacturing Company (Canada) Limited  
Lackie Bros. Limited  
Lamson Conveyors Division of Diehold Company  
of Canada Ltd.  
Lake-Land Mechanical Contractors Ltd.  
Local Mechanical Erectors Ltd.

M.H.E. Contracting Limited  
Maaten Construction Co. Ltd.  
Machining Limited  
Mathews Conveyor Company Ltd.  
McInnis Mechanical (Eastern) Limited  
Moland Brothers (Lakehead) Ltd.  
T. Moore Mechanical Contractors Ltd.  
Morrison Engineering Limited  
A. U. Napier Co. Ltd.  
National Construction Corporation Limited  
Newport Metal Industries Co. Limited  
Ontario Millwrights Limited  
Pacific Contracting Ltd.  
Phoenix Steel Products Limited  
Power Installations (Sarnia) Ltd.  
Process Mechanical Contractors Limited  
Redpath Millwright Services Limited  
A. D. Ross & Company Limited  
Sadler Conveyor & Equipment Ltd.  
St. Lawrence Mechanical Contractors Ltd.  
Shaefer-Townsend Limited  
Silliman Company (Northern) Limited  
Simon - Day Ltd.  
State - E.C. (Central) Limited  
Steen Mechanical Contractors Limited  
Stoney Creek Mechanical Ltd.  
3 K Mechanical Contractors  
T & M Millwrighting  
Taylor Engineering & Contracting Co. Ltd.  
Trel of Sarnia Ltd.  
Travers Construction & Engineering Ltd.  
Watts & Henderson Limited  
Jervis B. Webb Co. of Canada Ltd.  
Westeel Rosco Ltd. (Northern Branch)  
Sutherland-Schultz Limited  
W. A. Stephenson Construction Co. Limited  
Allied Industrial Piping Company Limited  
Brayshaws Steel Limited  
Bridge & Tank Western Ltd.  
Combo Tank & Pipe Ltd.  
Con-Eng Contractors (1972) Limited  
Fab-Co. Metals Limited  
Roger Forest Inc.  
Francis Hankin & Co. Limited  
General Erection Services  
Mathias & Nicol Mechanical Division of  
Commonwealth Construction Company Ltd.  
Wm. Newton Contracting Ltd.  
Secord Manufacturing Limited  
Welson & Somerville Limited

FINAL SCHEDULE "F"

Anderdon Mechanical Contractor  
Coastal Steel Construction Limited

Cribb Construction Limited  
Fischback and Moore of Canada Ltd.  
Fraser-Brace Engineering Co. Ltd.  
(Commercial Division)  
Holcroft & Co. (Canada) Ltd.  
Iremo Corporation Limited  
King Mechanical Contractors Ltd.  
Mesley Machinery Movers & Erectors Limited  
Milrig Industries Limited  
Mojan Limitee  
Moore Industrial Inst. Ltd.  
Mustang Contractors Ltd.  
Naidanac Mechanicals Ltd.  
Neos Conveyor Inc.  
Onaping Power Instal. Ltd.  
Pelter Handling Equipment Co. Ltd.  
Prepost Company Limited  
Whitby Welding Limited  
Acadia Engineering Limited  
Alumar Boat Industries Limited  
Beckett Elevator Ltd.  
Belisle and Charron Mechanical Contractors  
Bray-Dor Industries Limited  
E.W. Bowman (Bowman America Corp.)  
F.W. Brunwin Welding Ltd.  
Canadian Erectors Limited  
Cape Installations Limited  
Corunna Fabricating Serv.  
Curran & Herridge Constr. Co. Ltd.  
Delta Projects Limited  
Dominion Hydro Mechanical Erectors Ltd.  
Dravo Construction Limited  
Drying Systems (Can) Ltd.  
Dynamic Erectors  
The Foundation Company of Canada Limited  
Gartshore Constr. Co. Ltd.  
Robert Globe Electric Ltd.  
L. Gordan Co. Ltd.  
Herbert Hahn Ltd.  
Hi-Lo Equipment (Canada) Ltd.  
Hoffer Mechanical Company Limited  
Humphreys & Glasgow (Canada) Ltd.  
Indumeco Ltd.  
Industrial Custom Iron Work  
R.M. Elliott Construction Ltd.  
Kingston and Salmon Ltd.  
N. L. Lever Ltd.  
Mackenzie Black Fabricating Co. Ltd.  
May-Day Construction  
Metcon Company  
Mosler Airmatic Systems Division  
National Conveyor Company Ltd.  
Nelson Installations  
Nipissing Mechanical Installation Limited  
Northland Meach. Sup. Co. Ltd.  
Overhead Crane Service and Supply Co. Ltd.

Petro Chemical Fabricating Company  
Richards-Wilcox of Canada Ltd.  
The Pfaudler Co. Div. of Sybrom Corp.  
C.A. Sawyer Welding Service Inc.  
Service Station Maintenance  
The State Electric Company Limited  
Thunder Bay Harbour Improvements Limited  
Wensing Brothers  
Wilson Engineering & Fabricating Ltd.  
John Patrick Zatti.

The Board finds that the 94 employers on Final Schedule "E" were those employers who had employees in the year immediately preceding the making of this application on August 16, 1972. The number 94 is the number of employers to be ascertained by the Board under section 115(1)(a) of the Act.

15. On the basis of all the evidence before us the Board finds that on the date of the making of this application the applicant represented 51 of the 94 employers on Final Schedule "E". The 51 employers is the number of employers to be ascertained by the Board under section 115(1)(b) of the Act. Accordingly, the Board is satisfied that a majority of the employers in the unit of employers are represented by the applicant.

16. The Schedule "H" which accompanied the Form 68, Employer Intervention, 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 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 the application. The Board is satisfied that the weekly payroll period immediately preceding August 16, 1972, is a satisfactory payroll period for the determination required by section 115(1)(c) of the Act.

17. On the basis of all the evidence before us and in accordance with the forgoing considerations the Board finds that there were 698 employees affected by the application during the payroll period immediately preceding August 16, 1972. The 698 employees is the number of employees to be ascertained by the Board under section 115(1)(c) of the Act.

18. The Board further finds that the 51 employers represented by the applicant employed 524 employees of the 698 employees affected by the application. The Board is therefore satisfied that the majority of employers represented by the applicant employed a majority of the employees affected by the application as ascertained in accordance with the provisions of section 115(1)(c) of the Act.

19. 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 the appropriate unit of employers in paragraph 7 and in accordance with the provisions of section 115(2) of the Act for such other employers for whose employees the respondent may after August 16, 1972, obtain bargaining rights through certification or voluntary recognition in the geographic area and sector set out in the unit of employers.

October 24, 1973

---

"D. E. Franks"  
for the Board