

ONTARIO LABOUR RELATIONS BOARD

Between:

The General Contractors' Section of the
Toronto Construction Association,

Applicant,

- and -

Labourers' International Union of
North America, Local 506,

Respondent,

- and -

Erectors Division, Ontario Precast
Concrete Manufacturers' Association,

Intervener #1,

- and -

Labourers' International Union of North
America, Ontario Provincial District
Council,

Intervener #2.

BEFORE: G. W. Reed, Q.C., Chairman, and Board Members
E. Boyer and F. W. Murray.

APPEARANCES AT THE HEARING: S. C. Bernardo and G. Becigneul
for the applicant; R. Koskie and G. Cragg for the respondent;
no one appearing for Intervener #1; no one appearing for
Intervener #2; R. Baldwin and C. W. Humphreys for Bradsil
Contracting; R. Baldwin for Whitney Construction Ltd.; G. Atlin,
Q.C., for Team Construction; W. M. Temple and J. F. O'Connell
for Codeco Inducon.

DECISION OF THE BOARD:

1. This is an application for accreditation in which the
applicant seeks to be accredited as the bargaining agent for a
unit of employers. It is clear from the evidence before the
Board that the respondent is entitled to bargain on behalf
of more than one employer in the sector of the construction
industry and in the geographic area which form the subject
matter of this application. The Board therefore finds that it
has jurisdiction under section 113 of the Act to entertain this
application.

2. On the basis of all the evidence the Board is satisfied that the applicant is an employers' organization within the meaning of section 106(d) of The Labour Relations Act, and that it is a properly constituted employers' organization for the purposes of section 115(3) of the Act.

3. In support of its application the applicant filed employer Authorizations on behalf of 282 employers. The applicant has also filed in support of its representation documents a duly completed Form 62. The Board is satisfied that the evidence of representation meets the requirements set out in section 96 of the Board's Rules of Procedure. 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. Having regard to the Interim Report of the Examiner dated 27 September, 1972, and to his final report dated 10 May, 1973, the Board finds that:

"all employers of employees for whom the Respondent has bargaining rights in Metropolitan Toronto, The Regional Municipality of York and the County of Peel, the Township of Esquesing and the Towns of Oakville and Milton in the County of Halton and the Township of Pickering in the County of Ontario in the Industrial, Commercial and Institutional Sector save and except Employers of employees employed in all phases of industrial plant maintenance and repair, Employers of employees employed as Journeymen Stone Cutters and Planermen working at or out of the Employers' premises and Employers of employees throughout the Province of Ontario:

- (a) in all phases of erection, installation and finishing of precast concrete products and other related components in the building and construction industry;
- (b) in all phases of insulation and waterproofing work with mastic, asphalt and other related products in the building and construction industry;
- (c) in all phases of drilling and saw-cutting of concrete, masonry or other similar substances or materials in the building and construction industry;

- (d) in all phases of post-tensioning and prestressing in the building and construction industry;
- (e) in the construction of railroad sidings and spur lines"

constitute an appropriate unit of employers for collective bargaining.

5. The Board notes the agreement of the parties with regard to employers of employees for whom the respondent has bargaining rights in Board Area No. 8, that the Sportsmen's Show, the Canadian National Exhibition and the Toronto Board of Education are not employers included in the unit of employers because they were not, at the relevant date, engaged in the construction industry.

6. During the inquiry conducted by the Examiner the respondent trade union raised for the first time the question as to whether certain groups of employers should be treated as constituting one employer for the purposes of the Act including the present application because, it was alleged, at all material times associated or related activities or businesses were being carried on by the employers in each group, under common control or direction within the meaning of section 1(4) of the Act. A hearing was held for the purpose of considering the jurisdiction of the Board respecting the application of section 1(4) of the Act and, assuming such jurisdiction, to show cause why the Board should consider the application of the said section in all of the circumstances of this application.

7. After considering the argument presented at the hearing along with the written submissions of the parties subsequent to the hearing, we are satisfied that the Board has jurisdiction to inquire and, further, in the light of the jurisprudence referred to in argument ought to inquire into the matters raised by the respondent under section 1(4) of the Act. In so holding we are not to be understood as saying that the Board must necessarily apply the section in the circumstances of this case. That is a question which the Board may be called on to determine after having heard the evidence and submissions of the parties during the inquiry.

8. However the fact that further inquiry is necessary does not mean that an accreditation order may not issue prior to the inquiry. If the Board is satisfied that the applicant has the necessary majorities under section 115(2) of the Act whether or not the groups of employers involved are found to constitute one employer for the purposes of this application, we see no reason for further delaying of an accreditation order which may otherwise properly issue.

9. As a result of materials filed by the applicant and the respondent, a list of 1,050 names of employers who might be affected by this application was drawn up by the Board. On the basis of this list notice in Form 67 was sent by registered mail to each employer for whom an address was given on March 8th, 1972. By the employer date set by the Board in this application March 24, 1972, it was apparent that under 25% of the employers had made filings as required by section 87 of the Board's Rules of Procedure. The Board then instituted the extraordinary procedure of appointing a number of examiners to conduct inquiries respecting the information required by the Board from the employers who had failed to comply with the Rules of Procedure. In addition a telegram was sent to some 461 employers who had not made the required filing. This tactic proved to be successful and the Board is able to obtain filings from approximately 900 of the 1,050 employers.

10. After the hearing in this matter the filings were referred to a Board examiner, Mr. J. R. Henderson, who met with the parties and sorted out the massive amount of paper connected with this application. This culminated in Examiner's Reports dated 27 September, 1972, and 10 May, 1973. We would like to express our appreciation to Mr. Henderson for his efforts in connection with this report.

11. As a result of the filings by the individual employers and the aforementioned report of the Examiner, the Board has dealt with each of the 1,050 employers named on the original list of employers to which notice was given. We have included with this decision an appendix of even date which sets forth in detail the manner in which each employer, where problem arose, was dealt with. On the basis of the materials before the Board and the analysis of these materials in the addendum of these decisions the Board has drawn up the final Schedule E and final Schedule F.

FINAL SCHEDULE "E"

A. F. Forming Company Limited
Abe Dick Masonry Limited
Accoustics Services (Toronto)
Adam Clark Company Ltd.
Agatha Excavating Contractors Ltd.
Ajax Engineers Limited
Aka Works Limited
John Albanese Stonework Contractor Ltd.
Ally Construction Co. Limited
Alps Construction Co.
Alspan Wrecking Limited
M. Alzner Const.
Amber Mechanical Limited
Amherst Crane Rentals Ltd.
Anchor Shoring Limited

A.E. Anderson Limited
Anderson-Smythe Ltd.
Anglo Construction Company
Antrim Construction Ltd.
Anvil Construction Limited
Armoured Floor (1961) Ltd.
The Asbestos Covering Company Limited
Associated Forming Cont.
Associated Forming Contractors Ltd.
Attenborough Architectural Electric Limited
The Austin Company Limited
Aykroyd Construction (1965) Limited
Wray Backus Cont. Ltd.
O. M. Baird & Co. Ltd.
Ball Brothers Limited
Bankfield Construction Limited
A. Barei Const.
C. H. Baum & Sons Ltd.
Beaver Cook & Leitch Limited
Beco Equipment Limited
Canfo Construction Limited,
operating as Beehive Construction
Begg & Daigle Limited
K. A. Bennett
Bennett & Wright Contractors Limited
Berno Excavating & Grading Ltd.
Bird Construction Company Limited
Black & McDonald
H. L. Blachford Limited
W. T. Borer Construction Limited
Bramalea General Contracting (Peel) Limited
Breen Mechanical and Electrical Contractors Limited
Bridgeview Construction
Ed Broders Construction Ltd.
Brown & Houston Ltd.
G. E. Buckingham Contracting Ltd.
Cadconex Enterprises Ltd.
Cadet Construction Limited
Cameron McIndoo Limited
Campbell-Yustin Limited
Camston Limited
Canada Construction Limited
Canada Square Corporation Limited
Canadian Dredge & Dock Company Limited
Comstock International Limited
Canadian Johns-Manville Co. Limited
Canadian Refractories Division,
Dresser Industries Canada Ltd.
Canadian Stebbins Engineering & Mfg. Co. Limited
E.G.M. Cape & Company Ltd.
Cape-Ryco
Paul Carruthers Construction
The Carter Construction Company Limited

Casey-Hewson Construction Ltd.
P. J. Casey
Catkey Const. Ltd.
Cavet Contracting Limited
Cem-Al Erectors Limited
Cem-Al Spray Limited
The Cementation Company (Canada) Limited
Dean Chandler Ins. Ltd.
Chemello Construction Limited
Clifford Masonry Limited
Clope Construction Company Limited
CMR Construction & Engineering Ltd.
Codeco Limited
H. Cohen & Co., Ltd.
Conason Const. Ltd.
P. R. Connolly Construction Limited
Contemporary Walls Ltd.
Division of Versatile Ltd.
Copa Plastering Ltd.
D. R. Crawford Construction Limited
Crestile Limited
Culham Construction Limited
Cullen Const. Co. Ltd.
Cunningham-Limp Limited
Custom Contractors (Oakville) Ltd.
Dafoe Metallocrete Floor Co. Ltd.
Edward Dalton Building Contractor
Dalton Engineering & Construction
Company Limited
David & Fetch (Canada) Ltd.
Delmond Construction Company
DeLuca & Mascarin Masonry Contractors Limited
Dewar Insulations Limited
Dickie Construction Company Limited
Dineen Construction Limited
Diplock Durable Floor Co. Ltd.
Direct Forming Ltd.
N. B. Dodd Construction Ltd.
Dominion Dewatering Ltd.
Dominion Lightning Rod Co. Limited
Dominion Masonry and Stone Contractors Limited
Donalco Services Limited
Dorval Construction Co.
Downs Mechanical Contractors Limited
Doyle Hinton Limited
Ivey-Dreger Construction Limited
Droge Construction Limited
Dufferin Materials & Const., Ltd.
Duncan Reynolds Limited
Durchard Mechanical Contractors Limited
Duroma of Canada Ltd.
Dynmark Limited

Eaglewood Construction Co. Limited
Eastern Concrete Forming Co. Limited
Eastern Construction Company Limited
Eichleay Corporation International
W. H. Ellinger Limited
Ellis-Don Limited
Ellwall & Sons Construction Ltd.
Elmont Construction Limited
M. Emsig & Sons Ltd.
Enavant Limited
English Electric-AEI Canada Ltd.
English & Mould Limited
Erin Equipment (Tor) Ltd.
Etherington Construction Limited
Even-Temp Radiant Limited
Fairwin Construction Company Limited
Faerhmann Construction Limited
Farquhar Construction Limited
Fassel Construction Co. Limited
D. W. Ferguson & Co. Ltd.
Flatley & Kay Lathing
Field Construction Limited
Filipowitch Masonry Contractors Ltd.
Findlay-Jones Insulation Co. Ltd.
Finestone Contracting (Toronto) Limited
Fischback & Moore of Canada Ltd.
Ford Mechanical
Foundation-Janin
Foundation Building Construction
a division of The Foundation Co. of Canada Limited
Four Seasons Drywall System & Acoustics Ltd.
Fran Kiri Forming Ltd.
Franki Canada Limited
Frederick Frank Const. Ltd.
The Frid Construction Company Limited
G I Instalations Limited
V. Gaidulis Masonry Contractor
Gallagher Bros. & Smith Contractors
J. P. Gallagher Plastering Co. Limited
W. G. Gallagher Construction Ltd.
Gardiner-Wighton Co. Limited
George & Asmussen Limited
Gerrits Plastering Limited
Gibson Willoughby Ltd.
Gillanders Construction Ltd.
Glomar Masonry Ltd.
John Goba Limited
Gradex Contractors Limited
Graham and Sibbett Co. Limited
Granolite Company Limited
Erminion Graziano Brick & Stone Work
Jack Greedy Limited
A.P. Green Refractories (Canada) Limited
Sidney Green Constr. Co. Ltd.
Grossi Carpentry Cont.
M. J. Guthrie Construction Ltd.
A.V. Hallam Lathing & Plastering Limited
Francis Hankin & Co. Limited
Harbridge & Cross Limited
Wm. R. Heath Co. Ltd.
Hi-Grade Welding Co. Ltd.
Holscott Construction Limited

W. G. How (Toronto) Ltd.
James Howden & Parsons of Canada Limited
Humphreys & Glasgow (Canada) Limited
I.C.R. Development Corporation Limited
Imoco-Gateway of Canada Ltd.
Inservac (1965) Limited
Interior Wall Systems Limited
Internorth Construction Co.
Robert D. Ironside & Associates Limited
J & X Builders Ltd.
Jacko & Burtnyk Limited
The Jackson-Lewis Company Limited
Janin Building & Civil Works Ltd.
J.D.S. Investments Ltd.
B.K. Johl Inc.
Johnson Altman
Wm. H. Johnston Construction Ltd.
Ross Johnstone Limited
Kamrus Construction Limited
Kelvin Construction Co. Limited
John Kerr Construction Limited
Kerstone Contractors Limited
Key Masonry & Stone Construction Ltd.
R. G. Kirby & Sons Limited
Konvey Construction Company Limited
Laing Construction and Equipment Limited
Laval Construction Company
Leader Masonry, & Forming Ltd.
Leeds Richardson Co. Ltd.
Liberman Lathing & Plastering
Linar Contractors Limited
J. E. Lipton Associates, Limited
Lisgar Construction, Division of
United Shelters Ltd.
Onco Contracting Limited
Long Branch Window & Metal Cleaning, Limited
Lucien Carpenters Ltd.
Lunar Company Limited
Lynch-Richards Const. Ltd.
T. F. Lynch Construction Limited
Gordon A. MacEachern Ltd.
Louis Maddock
Magil Construction Ltd.
Marlee Masonry Co.
W. E. Marshall Construction Ltd.
Armien J. Martin
E. S. Martin Construction Limited
F. & W. Massey Limited
V. K. Mason Construction Ltd.
Mason-Kewitt
Matern Contracting
R. McAlpine Limited, Tor. Bldg.
McCleary & Co. Ltd.
W. A. McDougall Ltd.
W. A. McDougall Construction Management Ltd.
Finley W. McLachlan Construction Co. Ltd.
McMullen & Warnock Limited
Mel-Ron Construction Limited
Mid-Air Construction Co. of Canada
Milne & Nichols Limited
Mollenhauer Limited

Monette Mechanical Contractors Ltd.
Morocas General Contractors Limited
Mothersdale Plumbing & Heating
Alfred Neil Enterprises Ltd.
Nelkin Constr. Ltd.
Noren Construction Company Limited
Norge Building Industries
North Heavy Equipment Repairs Ltd.,
Zorro Excavating & Grading Ltd.
Norman Lathing Limited
Northstead Holdings Ltd.
Olmarr Drywall and Acoustic Limited
Olympia & York Developments Limited
Ontario Acoustic & Drywall
Ontario Cork Company Limited
Ontario Formwork Limited
The Orlando Realty Corporation Limited
Ostvik Construction Limited
Overall Design Construction Limited
J. Robert Page Limited
Wm. Parker Construction Limited
J. Pasut Contractors Ltd.
Patram Construction Limited
Perfect Acoustic & Drywall Co. Ltd.
Perini Pacific Limited
Permacon (Ontario) Limited
Perwin Const. Co. Ltd.
A. Petersons Limited
William Petrie & Sons Limited
D. B. Phoenix Contractors Limited
W. C. Pietz Limited
Pigott Construction Company Limited
Pine Lathing & Plastering Co.
Plibrico (Canada) Limited
Plorins And Pedo Ltd.
Plyform Construction Company Ltd.
Pollock-McGibbon Ltd.
Polycoustics Limited
K. H. Preston Construction Limited
Process Mechanical Contractors Limited
Pyroteck Products Ltd.
R. and R. Precast Erectors Ltd.
John Rae & Sons Construction Ltd.
Ramer Masonry
R. A. Rawlinson Ltd.
Redfern Construction Company Limited
Revenue Properties Cent. Develop. Ltd.
James A. Rice Ltd.
Richard Richards Limited
E. J. Richardson & Company
R. Riske Construction Company Limited
Robertson-Yates Corporation Limited
Rockwin Construction Limited
Ronrica Const. Ltd.

Donald Ross Const. Ltd.
Rowe Bros. & Co. (Canada) Ltd.
Roxson Contractors Ltd.
A. E. Rule (1975) Ltd.
Ruliff Grass Limited
Rumble Contracting Limited
Richard & B. A. Ryan Limited
Sanders & Hardy Ltd.
Sayers & Associates Limited
Secant Constr. (Central) Ltd.
Serlon Constr. Ltd.
William Shaw Limited
Sheton Constr.
D. A. Sinclair Const. Ltd.
C. A. Smith Contracting Limited
Smithfield Masonry Contractors
Sovereign Construction Co. Limited
James D. Stanley Ltd.
Stanley-Taymouth Limited
Harold R. Stark Limited
W. A. Stephenson Construction Co. Limited
Stowe & Gould Limited
Strand Millwork Ltd.
C. Strauss Ltd.
Structural Formwork Limited
Suss Woodcraft Co. Ltd.
Taylor Engineering & Construction Company
Taylor Woodrow of Canada Limited
Robert Tesori Construction Limited
Anthiny Thomas
The Toronto-Dominion Bank
Trist Construction Co. Ltd.
Tulben Contracting Limited
Turncrest Construction Limited
Twin Masonry Limited
Uphill Construction Ltd.
Valley City Manufacturing Company Limited
Vanbots Construction Ltd. & Co.
Varamae Construction Limited
Victor Construction Limited
Victoria Industrial Park
Visa Construction Co. Limited
Vroom Const. Ltd.
Vyal Construction Limited
Michael Wade Construction Co. Ltd.
Walney Construction Limited
A. L. Watson Limited, Masonry Contrs.
J. Watt & Co. (Builders) Ltd.
R. G. Watters & Co. Ltd.
Weren Bros. Company Ltd.
Western Caissons (1969) Limited
West York Construction Limited
John Wheelwright Limited
George Wimpey Canada Limited

Winston Construction Limited
W. G. Wood Sales Company Ltd.
Zamparo Brothers
Zanini & Company Limited
Zorge Construction Company Limited
Zorro Excavating & Grading Ltd.
Acalor Chemical Construction (Canada) Limited
Anstey & Gray Limited
Belmont Concrete Finishing Co. Ltd.
Dewcon Structures Limited
Donaldson-Barron Ltd.
Emery Concrete Floor Company Limited
Erin Engineering Division
James Finlay Co. Ltd.
Frankel Formwork Company Limited
J. Gallo Ltd. Excavating & Grading
Harguy Construction (1968) Limited
Kalman Floor Company (Canada) Limited
The John L. Klug Corporation
McGrath Engineering Limited
Materials Handling Equipment Supply Co.
Melia Construction Co. Ltd.
The Mitchell Construction Company (Canada)
Niagara Mechanical Contractors, owned & operated
by A. Silverstein and Associates Limited
North Finch Developments
Normac Const. Ltd.
Parkway Sand & Gravel Ltd.
H. D. Payne & Sons Limited
Pinewood Construction
Prime Masonry Cont. Ltd.
W. A. Richardson & Son
Road Development Company
Division of Charles N. Wright Ltd.
J. D. Sherriff Construction Co.
Smith Bros. Builders (Toronto) Limited
Steen Mechanical Contractors Limited
Superior Components Ltd.
Trend Millwork and Cabinets Ltd.
Umacs Construction Limited
H. C. Weaver, Construction
Yonge & Apperley Limited

FINAL SCHEDULE "F"

Altman, Johnson & Co. Ltd.
Ardevan Construction Limited
Arnold Paving (Ontario) Limited
Babcock & Wilcox Canada Ltd.
Belbee Constructing

L. Belanger Construction Limited
Catalytic Const. of Canada
Celamor Forming Company
Cesaroni Bros.
Consolidated Maintenance Services
Zachary De Vuono Limited
W. H. Dodd Construction Company Limited
Dunker Construction Limited
Duron (Ontario) Ltd.
Farmco Inc. North Atlantic Ltd.
David Farn Construction Ltd.
Fischer Plastering Limited
Gambin Bros. Ltd.
Giamberdino, Nick & Bros.
Richard Grosso
J. Harris and Sons Limited
Hope Construction
M. & D. Kennedy Contrs. Ltd.
M. Lee Cont.
W. S. Marshall Contractors Ltd.
Melia Developments Limited
Medi-Group Masonry Ltd.
A. C. Murphy Construction Ltd.
Mutamp Investments Limited
John Nienhouse Company Limited
Northdown Drywall & Construction Limited
North Triangle Builders
Norton, J.A. & Co. Ltd.
Ontario Maintenance & Cleaning
Pro-Con Investments Limited
Bernard Protter Limited
D. W. Rankin Ltd.
The Reubin Corp. Ltd.
Skyview Forming Limited
Slough Construction and Properties Limited
Steinberg's Limited
Structform (Central) Ltd.
Tharuber & Brown Mechanical Contractors Limited
Tonel Masonry Ltd.
R. Turner & Sons Ltd.
Uniform Structures (1969) Ltd.
Williams Excavating
Aarvi Construction Co. Ltd.
Abraham, Roy Cont. Ltd.
Aeri McGarvey Plumbing & Heating Limited
A.C.T.O. Contracting Company
Adelaide Maintenance Ltd.
Advanced Wall System
Albany Contracting Company Charles Santagato Limited
Alder Excavating
Alm Excavating

Alspan Cont. Eastern Ltd.
Aluflex Partitions (Eastern-1970) Ltd.
Andeen Construction Ltd.
Con Drain Company Limited
Alvido Const. Co.
Kipling Properties Limited
Arch Construction (1967) Limited
Ardot Contracting Ltd.
Argo Const. Ltd.
Art Laboratory Furniture Limited
Atlas Bricklaying Co.
Atlas Excavators
Austin Drywall
Babcock Const. Ltd.
Bancliffe Const. & Contr.
G. A. Barber Mechanical Contractor Ltd.
Barclay Construction Limited
Fred Barthel Bricklayers
Walter Basner Construction
Bathe & McLelland Construction Ltd.
Bayly, R.B.
Bayly, R.B Assoc.
J. Beaton Excav. & Grad.
Beattie Contr.
W. Becker Construction
W. B. Bennett Paving & Materials Limited
Bield Construction Limited
George Boc Construction Co. Ltd.
Brad-Jay Investments Limited
Brady & Seidner Limited
Bridgeland Excav. & Grad. Ltd.
Burgess & Patterson Ltd.
Burmout Const.
Cadco Construction (York) Limited
Cameron & Phin Ltd.
Canada Electric Co. Limited
Canadian Gunite Company Limited
Canadian Lift Slab Co. Ltd.
Canadian Masonry
Candoni Stone Const. Ltd.
Canfo Const. Limited, operating as Beehive Construction
N. Carnovale & Sons Const. Ltd.
P. Casimiri Bros.
Caten Construction Limited
Central National Const.
Cheshire Maynard Ltd.
Cioci Construction Limited
Clements & Bellmore
T. Collini Company Limited
Colt Contracting Company Limited
Concept Structors Ltd.
Con Drain Company Limited
Fred Conforzi Const. Ltd.
Cooksville Investments Limited
Cooper Construction Company (Eastern) Limited
Custodis Canadian Chimney Co.
Custom Concrete Pumping Ltd.
Dalmine Scaffolding Limited

Daniels Construction Company Limited
(Division of A. J. Biffis Ltd.)
Danroy Construction Limited
Davenport Road Construction Limited
DeCaria Bros.
Deciantis Construction Limited
Dellini Const. Ltd.
V. V. DiMarco Properties Ltd.
Reuben R. Dennis
Anthony DeRose Limited
Deuces Masonry
S. DiMambro
F. J. Dohan (House Raising & Moving)
Dolmar Construction Limited
Dominic Supports and Forms Ltd.
Louis Donolo Incorporated
Ian Duchart Plumbing and Heating Ltd.
Dravo of Canada Limited
Steed & Evans Ltd. (Drope Division)
John T. Drynan & Heating Limited
C. J. Duguid Floor Covering Limited
Lawrence Dunne Contr.
Dynamic Construction Limited
Elco Const. (1967) Ltd.
M. R. Esson Plastering
Factory Maintenance Serv. Ltd.
Alfred Faehrmann Const.
F.C.P. General Contracting
Firebrick Contractors
Fluor Canada Ltd.
Flying Forming Ltd.
Forecast Const. Ltd.
Fribo-Flooring & Supplies
N. Gargarella & Co. Ltd.
E. Gaunt Construction
Gazzola Paving & Ex. Ltd.
Gillard and Fleming Ltd.
Gillward Construction Limited
S. P. Goodfellow Construction Limited
Gothic Construction Co.
Goulding Bros. Construction Limited
Granada Investments Ltd.
J. Granzotto Plumbing Limited
Greco Construction Co.
Green Hall Construction Limited
Gribath Masonry Ltd.
H. Griffiths Company Limited
Jack Hamilton Construction Ltd.
Harrison Construction (Ontario) Limited
Hartford Construction Company Ltd.
Havelock Construction
B. L. Hayes Limited
Heffernan Floor & Wall Products Limited
Hillmount Contractors
E. C. Hobson Ltd.
Humber Plumbing & Heating Limited
Douglas Hunter Developments
Jim Hunter
Hurley-Gregoris Construction
S W Huston Limited
R. P. Hyness Drain Ltd.

Icanda Ltd.
Industrial Concrete Forming Limited
Industrial Maintenance Co.
A. Jacobelli & Co.
E. G. Jacobs & Co.
Jane Forming Ltd.
H. Jennings Plumbing & Heating
Johannesen Constr.
Ian Johnston Floor Ltd.
Jones. Excavating
Jordon Construction Management Limited
James Kemp Construction Limited
Kingston Mechanical Limited
W. R. Kissack
Kovacs Construction Company Limited
R. Kramer Construction
John W. Krupowicz Ltd.
K.W.M. Constructors Limited
L. & L. Co. Ltd.
Lakeside Cont. Co. Ltd.
Leaseholds Const. Corp.
Leibel-Engel Construction Co. Ltd.
B. P. Lennon Construction Ltd.
Lisanti Const. Co. Ltd.
Lister Holdings Ltd.
Lucy Construction Co.
Lupac Contractors Limited
Lyn-Gale Const. Co. Ltd.
Robert McGill
McKay Crocker Constr. Ltd.
McLaughlin Haulage, Excavating & Grading
G. Stan McLintock Ltd.
McNair-McCausland Co. Ltd.
S. McNally & Sons, Limited
McNamara Corporation Limited
J. D. McRae Contractor
J. A. MacDonald Constr. Ltd.
Major Construction and Engineering Limited
Margell Mechanical Contractors Limited
Markglen Investments Limited
G & B Masonry
Matthews Group Limited
Mayers Cabinet & Interiors Limited
Mayers Custom Woodworking Co.
Harold Millard Constr. Co.
Millmink Developments Limited
Moir Const. Co. Ltd.
Aubrey Morgan Contracting Ltd.
James P. Morgan Ltd.
N & S General Contractors Limited
National Const. Corp. Ltd.
National Maintenance Company Limited
Newman Brothers Company Limited
Newmarch Mechanical Limited
New Style Const. Ltd.
Oakville Custom Swim Pools Ltd.
J. Osbourne Construction
Osin Construction (Etobicoke) Limited
P. & S. Const. Ltd.
Pan-Wal Mechanical Services Limited
Parmac Construction Limited
Franz Patella Inc.

Patterson-Wootton
The B. Phillips Company Limited
W. H. Peacock Plumbing & Heating Ltd.
Pearce Construction Co. Ltd.
Pearl & Russell Limited
Peerless Enterprises Division of Tectum Limited
The Permanent Floor Laying Company Limited
Petersen Erection Services
Fred Pigott Plumbing & Heating
C. A. Pitts General Contractor
Pleasure Valley Construction Limited
E. J. Pompilio Construction Co.
Pressure Concrete Services Ltd.
Charles Puschel Construction Limited
Purton Construction Company Ltd.
Ragnar Benson, Inc.
G. J. Raney Limited and C. T. Brady Limited
Art Raymond Woodwork
Raymond Concrete Pile Co. Ltd.
Raymond International Co. Ltd.
Regina Const. Ltd.
R. Reusse Const. Co. Ltd.
Rindfleisch Contracting Limited
B. A. Robinson Plumbing & Heating Ltd.
J. H. Ross Construction Co. Ltd.
Saba Construction Limited
R. Sacco Const. Co.
J. B. Salt Co.
Sandon Construction Co.
Sarnia Bridge Co. Ltd.
Scaffold Riggers Co. Ltd.
Schwenger Construction Limited
L. C. Scott Construction Company
Philip Selzer
J. C. Senneca Contracting
Service Maintenance
Seymour Plg. & Htg. Contrs. Ltd.
Max Sharp & Sons Const. Ltd.
A. N. Shaw & Sons Limited
Sheafer-Townsend Limited
Shields-Snow Limited
Shormont Contracting Limited
M. Simon General Contr.
Sklar Construction Company
Spalsom Limited
Stamp Construction
Starnino Construction Limited
Starnock Const. Ltd.
Steed and Evans Limited
Sterling Engineered Welderies (1957) Limited
Stewart & Hinan Construction Limited
Sturdy Steel Products Corp.
T.C.E. Limited
Tiara Excavating & Grading Limited
Till Construction, Part of Traditional
Interiors Ltd.
W. Timko Const.
The R. Timms Construction & Engineering Ltd.
The Tope Const. Co. Ltd.
Toronto Steeplejack Ltd.

Tower Carpentry & Forming Limited
Tower Investments Corporation Limited
Geo. Townsend Drain Co.
Triple-A Manufacturing Company Ltd.
Tru-Line Const.
United Shelters Ltd.
Valentine Enterprises
Valleyfield Const. Ltd.
Van Hoof Construction (Whitby) Limited
Vernoy Excavating
Viceroy Construction Company Limited
Clyde Viola
Walker & Alfano Construction Limited
Wembly Construction
Windsor Construction Limited
Winterton Installations
J. Wintjes Const.
Winton & Winton Leaseholds (Eastern) Limited
Woburn Mechanical Cont.
Wolfond Const. Ltd.
Yellow Jacket Welding Company Limited
York Drain Const. Co.

12. The Board finds that the 386 employers on Final Schedule "E" were those employers who had employees in the year immediately preceding the making of the application, and the number 386 is the number of employers to be ascertained by the Board under section 115(1)(a) of the Act.

13. On the basis of all the evidence before us the Board finds that on the date of the making of the application the applicant represented 235 of the 386 employers on Final Schedule "E". The 235 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.

14. In Paragraph #7 (supra) the Board left the matter of whether certain employers constitute one employer within the meaning of Section 1(4) of the Act open to further evidence and representations by the parties. The allegations in regard to Section 1(4) deal with four separate instances where it is claimed that two companies ought to be dealt with as one employer for the purposes of Section 115(2) of the Act. In each of these four separate instances, one of the two employers appears on Final Schedule "E" above and these employers are also claimed by the applicant as represented by them. The four remaining employers have not been dealt with so far in this application. In these circumstances it is obvious that regardless of whether or not the Board finally applies Section 1(4) in any or all of the four instances alleged the determination in paragraph #13 will not be varied.

15. The Schedule "H" which accompanied the Form 68, Employer Intervention (or Employer Filing), filed by the individual employers sets out the number of employees that the employer intervener (or 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 September 17, 1971, is a satisfactory payroll period for the determination in section 115(1)(c) of the Act. On the basis of all the evidence before us and in accordance with the foregoing considerations the Board finds that there were 2,130 employees affected by the application during the payroll period immediately preceding September 17, 1971. The 2,130 employees is the number of employees to be ascertained by the Board under section 115(1)(c) of the Act.

16. The Board further finds that the 235 employers represented by the applicant employed 1,479 of these 2,130 employees. The Board is therefore satisfied that the majority of the 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. For reasons analogous to those given in paragraph #14 above, the Board is satisfied that the finding in this paragraph cannot be affected by the outcome of the matters relating to Section 1(4) of the Act.

17. 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 #4, and in accordance with the provisions of section 115(2) of the Act for such other employers for whose employees the respondent may after September 17, 1971 obtain bargaining rights through certification or voluntary recognition in the geographic area and sectors set out in the unit of employers.

February 18, 1975.

"G. W. Reed"
for the Board.