

ONTARIO LABOUR RELATIONS BOARD

Between:

The Ontario Erectors Association,

Applicant,

- and -

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

Respondent,

- and -

Electrical Power Systems Construction
Association,

Intervener #1,

- and -

Hydro-Electric Power Commission of
Ontario,

Intervener #2,

- and -

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

Intervener #3,

- and -

Erectors Division, Ontario Precast
Concrete Manufacturers' Association,

Intervener #4.

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

APPEARANCES AT THE HEARING: Robin B. Cumine and W. Jemison
for the applicant; Aubrey E. Golden, Maurice A. Green and
Pat Doyle for the respondent; H.A. Beresford and G.A. Pickell
for intervener #1 and #2; no one appearing for intervener #3;
B.W. Binning, R. Werry and R.V. Bradley for intervener #4.
B.W. Binning, R. Werry and R.V. Bradley for Pre-Con Company,
Employer No. 39-91.

DECISION OF THE BOARD:

1. This is an application for accreditation. The applicant and the respondent Local Union are parties to an agreement dated May 1, 1971, and in effect until April 30, 1973. That agreement is an agreement between the applicant and five Locals, one of which is the respondent Local in the present application. This agreement was in effect at the time when this application was made and the Board therefore finds that it has the jurisdiction under section 113 of the Act to entertain this application.

2. The applicant employers' organization is an association whose constitution was revised in September 1971. Prior to 1971 the applicant association had been known as The Structural Steel Erection Contractors Association of Ontario and under that name had engaged in collective bargaining for a number of years. The revision of the constitution in 1971 gave the applicant association the specific objects of:

- (b) To act as bargaining agent for its members in negotiating and entering into collective bargaining agreements with The International Association of Bridge, Structural and Ornamental Ironworkers and the International Union of Operating Engineers (Hoisting Division) or any Local Union of either, covering those employees of the members of the Association who are engaged in work at construction sites in Ontario.
- (c) To become an accredited employers' organization under The Labour Relations Act and to regulate the relations between employer members and employees in the construction industry and to represent such employer members in collective bargaining within any sector of the construction industry in any geographical area, as defined in The Labour Relations Act.

On the basis of the evidence before it the Board finds that the applicant is an employers' organization within the meaning of section 106(d) of the Act, and further that it is a properly constituted organization for the purposes of section 115(3) of the Act.

3. The applicant filed with the Board documentary evidence of representation on behalf of 181 employers. The evidence of representation is in two forms. For a number of employers the applicant has filed the documents by which an individual employer applies for membership in an applicant. The applicant also filed evidence of representation in the Form of Power of Attorney in which the individual employer appoints the applicant association as agent and representative for collective bargaining. The applicant also filed a duly completed Form 62, Declaration Concerning Representation Documents. The Board therefore further finds that the applicant has submitted acceptable documentary evidence of representation on behalf of 181 employers.

4. The collective agreement referred to in paragraph 1 provides in Article 3 for a number of territorial boundaries for the 6 Locals of The International Association of Bridge, Structural and Ornamental Ironworkers in the Province of Ontario. With respect to the respondent Local 700 the geographical area set out in Article 3.1 of the agreement is:

"All of the counties of Elgin, Essex, Kent, Lambton and Middlesex."

The applicant has applied for a unit of employers which relates to the geographic area set out in the collective agreement pertaining to the respondent Local and in the industrial, commercial and institutional sector and in the heavy engineering sector. The various parties to the application have agreed that these two sectors are the appropriate sectors for accreditation in the present case. Accordingly, the Board further finds that all employers of ironworkers for whom the respondent has bargaining rights in the Counties of Elgin, Essex, Kent, Lambton and Middlesex in the industrial, commercial and institutional and heavy engineering sector of the construction industry, constitute a unit of employers appropriate for collective bargaining.

5. For the purposes of clarity the Board further notes that the term ironworkers does not include rodmen.

6. After the hearing in this matter, the Board appointed an Examiner to consult with the parties and receive their filings with respect to various individual employers. The Examiner has reported to the Board and the parties have made no statement of objections and desire to make representations on the Report of the Examiner. The Examiner's Report contains the representations of the parties with respect to certain individual employers and it also refers to 2 exhibits in the form of letters filed with the Examiner. As a result of the Report of the

Examiner, the Board is now in a position to deal with all of the employers on the list of employers:

7. 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. The list consists of two hundred and thirteen (213) employers. 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 Form 68, Employer Filing, together with its Schedule "H".

8. It would appear that the Board has been unable to effect service on 9 employers at the address given by the applicant or the respondent. For instance, the registered letters sent by the Board to these employers were returned marked by the Post Office "Moved" or "Unknown". Accordingly, No. 2 - ABC Steel Bldgs. Ltd., No. 45 - Crittall-Fenestra, No. 107 - Medway Metalwork Ltd., No. 38-8 - Del Pallaro Construction, No. 38-18 - Jennies Welding & Supplies Ltd., No. 38-19 - London Steel Industries, No. 38-25 - Mustang Contractors Ltd., No. 38-32 - Spur Contracting, No. 38-37 - Yellow Jacket Welding Company Ltd., are removed from the list of employers in the unit of employers.

9. It would also appear that certain employers on the list are duplications of other employers on the list. Thus, No. 38-3 - Canadian Bridge Division is removed as a duplication of No. 77 - Hawker Industries Limited, Canadian Bridge Division, and No. 38-29 - Riverside Fabricating Ltd. is removed as a duplication of No. 38-28 - Riverside Fabricating Ltd.

10. At the Examiner's meeting the parties agreed that Employer No. 98 - W. A. McDougall Ltd. would be removed from the list of employers as being bankrupt. Also Employer No. 84 - Jensen Steel Ltd. would be removed from the list of employers as not being in the construction industry.

11. However, the parties did challenge the filings of the remaining employers who claimed in their filings that the respondent does not have bargaining rights for their employees. In this regard, exhibits were filed with the Examiner by the parties to show that the respondent has bargaining rights for the employees of the challenged employers. Thus, they are placed on Final Schedule "F".

No. 5 - Acme Welding
No. 26 - Burke's Welding Ltd.
No. 32 - Calorific Construction Limited
No. 34 - Casey Mech. Ltd.
No. 59 - Finch Metal Fab. Ltd.
No. 68 - Gerard Construction (Ontario) Limited
No. 95 - Loaring Construction Company Limited
No. 102 - McKenzie Black Fabricating Co. Ltd.
No. 103 - Manfin Steel Company Limited

- No. 109 - Metro Welding
- No. 112 - T. Moore Mechanical Contractors Ltd.
- No. 122 - Northwestern Structural Steel Limited
- No. 126 - The Ralph M. Parsons Company
- No. 133 - Prepost Company Limited
- No. 141 - Roxson Contractors Ltd.
- No. 145 - Sky-Hook Construction Limited
- No. 149 - Specialty Welding & Maching Company Limited
- No. 159 - J.M. Takacs Co. Ltd.
- 38-23 - Mark Construction Limited
- 38-26 - Pre-Con Company, Woodstock Division, Erection Department
- 38-36 - Wil-Ken Steel Services Ltd.

12. The parties did not challenge the representation of 5 employers who claimed in their filings that the respondent does not have bargaining rights for their employees. Therefore, No. 4 - Acadia Engineering & Fabricators, No. 88 - Kahkonen Construction Limited, No. 38-33 - Stelfa Company Limited, No. 38-13 - J.G. Fitzpatrick Construction Ltd., and No. 38-14 - General Erections Services are removed from the list of employers.

13. A number of employers failed to file returns. In these circumstances, the parties have agreed that the disposition of these employers for the purpose of section 115 of the Act is as follows:

- No. 3 - Abicon Limited - will appear on Final Schedule "F"
- No. 9 - Allied Ind. Piping Co. - will appear on Final Schedule "F"
- No. 12 - Art Wire & Iron Co. Ltd. - will appear on Final Schedule "E" with 4 employees
- No. 21 - Bond Structural Steel (1965) Ltd. - will appear on Final Schedule "F"
- No. 25 - Brocklesby Transport Ltd. - will appear on Final Schedule "E" with 5 employees
- No. 27 - Canadian Erectors Ltd. - will appear on Final Schedule "E" with 5 employees
- No. 28 - Canadian Installation Co. Ltd. - will appear on Final Schedule "F"
- No. 37 - Central Que. Steel Ltd. - will appear on Final Schedule "F"

- No. 40 - Cleland Metal Prod. Ltd. - will appear on Final Schedule "F"
- No. 49 - Dependable Erectors - will appear on Final Schedule "E" with 4 employees
- No. 54 - Earl's Welding - will appear on Final Schedule "E" with 8 employees
- No. 55 - F & W Steel Fab. Ltd. - will appear on Final Schedule "F"
- No. 57 - Ferguson Glass Limited - will appear on Final Schedule "E" with 1 employee
- No. 61 - Foresteel Ind. Ltd. - will appear on Final Schedule "F"
- No. 63 - E.S. Fox Limited - will appear on Final Schedule "E" with 0 employees
- No. 69 - A.J. Goodale Ltd. - will appear on Final Schedule "F"
- No. 70 - Great Lakes Fabricating - will appear on Final Schedule "F"
- No. 72 - Grightmire Steel Ltd. - will appear on Final Schedule "E" with 10 employees
- No. 73 - Gross Ornamental Iron - will appear on Final Schedule "F"
- No. 80 - Hodgson Steel and Ironworkers - will appear on Final Schedule "E" with 4 employees
- No. 82 - G.I. Installations Ltd. - will appear on Final Schedule "E" with 4 employees
- No. 86 - Joggast Steel Company - will appear on Final Schedule "F"
- No. 92 - Klimack Const. Ltd. - will appear on Final Schedule "F"
- No. 94 - Lalonde Welding Ltd. - will appear on Final Schedule "F"
- No. 96 - Lord and Cie Limited - will appear on Final Schedule "F"
- No. 110 - Midland Ross - will appear on Final Schedule "E" with 2 employees

- No. 114 - Nadrofsky Steel Erect. Ltd. - will appear on Final Schedule "E" with 6 employees
- No. 115 - Naidanac Mech. Ltd. - will appear on Final Schedule "E" with 6 employees
- No. 117 - Nevis Steel Const. Ltd. - will appear on Final Schedule "F"
- No. 129 - Petro-Chemical Fab. - will appear on Final Schedule "E" with 20 employees
- No. 130 - Phoenix Steel Prod. Ltd. - will appear on Final Schedule "E" with 4 employees
- No. 135 - R. & F. Metal Fabricators Ltd. - will appear on Final Schedule "F"
- No. 136 - Ranto Ent (Amherstburg) Ltd. - will appear on Final Schedule "E" with 25 employees
- No. 146 - Sky Metal Co. Ltd. - will appear on Final Schedule "F"
- No. 150 - Sombra Welding Ltd. - will appear on Final Schedule "E" with 3 employees
- No. 154 - Steele's Erect & Hoist Ltd. - will appear on Final Schedule "F"
- No. 157 - Sudbury Mech. & Elect. - will appear on Final Schedule "F"
- No. 160 - Thornby Metals Ltd. - will appear on Final Schedule "E" with 3 employees
- No. 161 - Travers Const. & Eng. Ltd. - will appear on Final Schedule "F"
- No. 164 - Vancan Metal Erectors Limited - will appear on Final Schedule "F"
- No. 170 - Wilson Engineering - will appear on Final Schedule "E" with 0 employees
- No. 171 - Windsor Metal Masters Ltd. - will appear on Final Schedule "E" with 20 employees
- 38-2 - Belford Cranes Service - will appear on Final Schedule "E" with 6 employees

- 38-9 - Dominion Maintenance Ltd. - will appear on Final Schedule "E" with 5 employees
- 38-11 - Eric's & Ed's Welding Shop - will appear on Final Schedule "E" with 3 employees
- 38-16 - Graphic Glass & Alum. Company Ltd. - will appear on Final Schedule "E" with 3 employees
- 38-20 - Machine Erectors - will appear on Final Schedule "F"
- 38-22 - Malen Steel & Salvage Company Ltd. - will appear on Final Schedule "E" with 4 employees
- 38-28 - Riverside Fabricating Ltd. - will appear on Final Schedule "E" with 2 employees
- 38-31 - Secord Industrial Sales - will appear on Final Schedule "E" with 3 employees
- 38-34 - Suburban Construction (Windsor) Ltd. - will appear on Final Schedule "E" with 5 employees
- 38-35 - Uprite Installations - will appear on Final Schedule "E" with 2 employees
- 38-38 - Admar Installations - will appear on Final Schedule "E" with 3 employees
- 38-39 - Riverside Mech. Erec. & Fabricating - will appear on Final Schedule "E" with 0 employees

14. On the basis of the foregoing considerations and the filings by individual employers, the Board has drawn up the following lists of employers. These employers listed on Final Schedule "E" are those who have indicated that they had employees affected by the application in the year preceding June 15, 1972, the date of the making of the application. Those on Final Schedule "F" have indicated that they have not had such employees.

FINAL SCHEDULE "E"

Art Wire & Iron Co. Ltd.
Assinck Bros. Limited
August Equipment Ltd.
Wm. Batten Structural Erectors Ltd.

Bomac Steel Co. Ltd.
Border Cities Wire & Iron Limited
Bridge & Tank Company of Canada Limited
Brocklesby Transport Ltd.
Canadian Erectors Ltd.
Comstock International Ltd.
Cdn. Mech. Handl. Systems Ltd.
Cannon Limited, Eastern Structural Division
Cem-Al Erectors Limited
Adam Clark Company Ltd.
Cripps Welding Service Ltd.
R.J. Cyr Co. Limited
Dependable Erectors
Dominion Bridge Co. Ltd.
Earl's Welding
A. Faustin Co. Ltd.
Ferguson Glass Limited
Roger Forest Inc.
E.S. Fox Limited
Frankel Structural Steel Limited
Norm Gander Installations
Grightmire Steel Ltd.
Guardian Glass Limited
Hawker Industries Limited, Canadian Bridge Division
John T. Hepburn Limited
Hodgson Steel and Ironworks
G.I. Installations Ltd.
Iona Erectors Limited
Jervis B. Webb Company of Canada
Joy Manufacturing Company (Canada) Limited
Kawneer Company Canada Limited
Kel-Gor Fab. Ltd.
Lackie Bros. Limited
McInnis Mechanical (Eastern) Limited
McKay-Cocker Construction Limited
R.W. McKay Construction Company Limited
Midland Ross
Moir Cartage Limited
Nadrofsky Steel Erect. Ltd.
Naidanac Mech. Ltd.
National Construction Corp. Ltd.
Niagara Structural Steel Co. Ltd.
Noront Steel Limited
Ontario Millwrights Ltd.
Petro-Chemical Fab.
Phoenix Steel Prod. Ltd.
Ranto Ent (Amherstburg) Ltd.
Rassaun Steel & Mfg. Co. Ltd.
Robertson-Irwin Limited
Ross Enterprises
Sheafer-Townsend Limited
Spencer Steel Limited
Sombra Welding Ltd.
Ste-Alco Limited
Steen Mechanical Contractors Limited

Thornby Metals Ltd.
Victoria Steel Prod. Ltd.
Westeel-Rosco Limited
John Wheelwright Ltd.
Wilson Engineering
Windsor Metal Masters Ltd.
York Steel Construction Limited
Belford Cranes Service
Canadian Machinery Movers Limited
Colbey Custom Fabricating Co. Ltd.
Dominion Maintenance Ltd.
Sarnia Cranes Limited
Eric's & Ed's Welding Shop
Essex Machine Installation Company
General Riggers & Erectors of Canada Ltd.
Graphic Glass & Aluminium Company Ltd.
Andy Hamilton Crane Service Limited
Donald A. MacKay Riggers Ltd.
Malen Steel & Salvage Company Ltd.
Riverside Fabricating Ltd.
Sarnia Erectors - Douglas C. Knocker Ltd.
Secord Industrial Sales Ltd.
Suburban Construction (Windsor) Ltd.
Upright Installations
Admar Installations
Riverside Mechanical Erection & Fabricating

FINAL SCHEDULE "F"

A-1 Steel Works (Div. of Alvan Fabricators Ltd.)
Abicon Limited
Acme Welding
S.D. Adams Welded Products Limited
Aldershot Industrial Installations Limited
Allied Conveyors Limited
Allied Ind. Piping Co.
Anstey & Gray Ltd.
Arc-Way Welding (1972) Limited
Bagwell Coatings Canada Ltd.
Barnett-McQueen Company Limited
Beamer & Lathrop (Quebec) Limited
Bingley Steel Works Limited
Bond Structural Steel (1965) Ltd.
Brayshaw's Steel Ltd.
Burke's Welding Limited
Canadian Installation Co. Ltd.
Calorific Construction Limited
Cape Installations Ltd.
Casey Mechanical Limited
Cecchetto & Sons Limited
Central Que. Steel Ltd.
Central Rigging & Contracting Ltd.
Cleland Metal Prod. Ltd.
Coastal Steel Construction Limited
Conaquip Limited

Cooper's Crane Rental Limited
Curran & Herridge Construction Co. Ltd.
Art Currie Ltd.
Dewcon Structures Limited
Dome Metal Erectors Limited
Dundas Iron & Steel Ltd.
F & W Steel Fab. Ltd.
Ferro Erectors (Toronto) Limited
Finch Metal Fab. Ltd.
Foresteel Ind. Ltd.
The Foundation Company of Canada Limited
Fraser-Brace Engineering Company Limited
General Erectors & Mechanical Company Limited
Gerard Construction (Ontario) Limited
A.J. Goodale Ltd.
Great Lakes Fabricating
Great Lakes Steel Products
Gross Ornamental Iron
H.E. Erection Company
Francis Hankin & Company Limited
Hilkron Steel Construction Limited
Industrial Machinery Movers
Joggast Steel Company
Kingston Mechanical Limited
Klimack Const. Ltd.
Lalonde Welding Ltd.
Loaring Construction Company Limited
Lord and Cie Limited
Luxfer Prism Company Ltd.
MacKenzie Black Fabricating Co. Ltd.
Manfin Steel Company Limited
Marshall Steel Company Limited
Mathews Conveyor Company Ltd.
Mead-Morrison Industrial Equipment Limited
Mesley Mach. Movers
Metro Welding
T. Moore Mechanical Contractors Ltd.
Morrison Engineering Limited
Nevis Steel Const. Ltd.
Newman Structural Steel Limited
Norak Steel Construction Ltd.
Northwestern Structural Steel Limited
Norris Iron Works Limited
Overhead Crane Service and Supply Co. Ltd.
The Ralph M. Parsons Company
Peel Steel (Northern) Limited
Pengelly Iron Works Limited
Plibrico (Canada) Ltd.
Power Installations (Sarnia) Limited
Prepost Company Limited
Process Mechanical Contractors Limited
R. & F. Metal Fabricators Ltd.
Raymond (1973) Limited
Roxson Contractors Ltd.
Sentinel Reliance Products Ltd.
P.A. Sherwood Windows Ltd.

Sky-Hook Construction Limited
Sky Metal Co. Ltd.
N.L. Smith Mechanical Limited
Specialty Welding & Machine Company Limited
Standard Structural Steel Ltd.
Steel Building Sales
Steele's Erect & Hoist Ltd.
Stone & Webster Canada Limited
Sudbury Mech. & Elect.
Sutherland-Schultz Limited
J.M. Takacs Co. Ltd.
Travers Const. & Eng. Ltd.
Treblex Limited
The Toronto Iron Works Limited
Vancan Metal Erectors Limited
Weston Steel Products Limited
Whitby Welding Ltd.
M. Zagerman & Co. Ltd.
Albion Ltd.
C. & L. Rentals & Equipment Ltd.
Dahmer Steel Limited
Machine Erectors
Mark Construction Limited
Ralph M. Moore Industrial Installations Limited
Pre-Con Company, Woodstock Division, Erection
Department
Reliable Mechanical Contractors Inc.
Wil-Ken Steel Services Ltd.
Technical Research Enterprise

The Board finds that the eighty-five (85) employers on Final Schedule "E" are those employers who had employees in the year immediately preceding the making of this application, and the number eighty-five (85) 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 it the Board finds that on the date of the making of this application the applicant represented sixty-seven (67) of the eighty-five (85) employers on Final Schedule "E". The sixty-seven (67) 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 the majority of the employers in the unit of employers are represented by the applicant.

16. The entitlement of an employers' association to accreditation is based on a "double" majority. We have now dealt with the first of the majorities that an applicant must obtain - a majority of employers in the unit of employers. We now turn to the matter of whether these employers employed a majority of the employees affected by the application. 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 Act the payroll period immediately preceding the making of this 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 June 15, 1972 is a satisfactory payroll period for the determination in section 115(1)(c) of the Act. On the basis of the evidence before us and in accordance with the foregoing considerations the Board finds that there were three hundred and thirteen (313) employees affected by the application. During the payroll period determined in accordance with section 115(1)(c) of the Act the three hundred and thirteen (313) employees is the number of employees to be ascertained by the Board under section 115(1)(c) of the Act.

17. The Board finds that the sixty-seven (67) employers represented by the applicant employers' organization employed a total of two hundred and sixty-five (265) employees in the relevant weekly payroll period. The Board is therefore satisfied that the majority of employers represented by the applicant employed a majority of employees as ascertained in accordance with the provisions of section 115(1)(c) of the Act.

18. 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 4 above, and in accordance with the provisions of section 115(2) of the Act for such other employers for whose employees the respondent may after June 15, 1972, obtain bargaining rights through certification or voluntary recognition in the geographic area and sectors set out in the appropriate unit of employers.

"D. E. Franks"
for the Board

May 31, 1974