

ONTARIO LABOUR RELATIONS BOARD

Between:

The Sudbury Electrical Contractors
Association,

(Applicant),

- and -

Local Union 1687 of the International
Brotherhood of Electrical Workers,

(Respondent),

- and -

Electrical Division of the
Construction Association of
Thunder Bay,

(Intervener).

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

APPEARANCES: W. S. Cook, E. Woerner and Stephen P. Martin
appearing for the applicant; Arthur G. Matthews appearing
for the respondent and no one appearing for the intervener.

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 was effective from March 11, 1974, until December 31, 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 a corporation. In support of its application the applicant filed a copy of its letters patent dated December 15, 1971, given by the Minister of Financial and Commercial Affairs for the Province of Ontario.

These Letters Patent create The Sudbury Electrical Contractors Association a corporation without share capital. The applicant also filed a copy of its by-laws. On the basis of the material before it, 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 organization for the purposes of section 115(3) of The Labour Relations Act.

3. The applicant has also filed in support of its application twenty one documents entitled "Employer Authorization". These documents appoint the applicant to represent the employer as its bargaining agent and representative to make an application for accreditation under The Labour Relations Act. The applicant also filed in support of these documents a duly completed Form 62, 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 applies to and is effective within the districts of Sudbury, Algoma, Manitoulin, Nipissing, Timiskaming, Cochrane, Parry Sound (except townships of Humphrey, Conger, Christy, Foley, Cowper, McKellar, McDougall and Hagerman) and Patricia Portion of Kenora being east of the 87° meridian. The applicant and the respondent agree that this is the appropriate geographic area for accreditation in this application. The applicant and the respondent have also agreed that pursuant to this collective agreement employees have been employed in the following sectors of the construction industry: industrial, commercial and institutional, and, residential. In all the circumstances of this application the Board finds that all employers of journeymen electricians and electricians' apprentices for whom the respondent has bargaining rights in the districts of Sudbury, Algoma, Manitoulin, Nipissing, Timiskaming, Cochrane, Parry Sound (except townships of Humphrey, Conger, Christy, Foley, Cowper, McKellar, McDougall and Hagerman) and Patricia Portion of Kenora being east of the 87° meridian in the industrial, commercial and institutional sector and in the residential sector of the construction industry, constitute a unit of employers appropriate for collective bargaining.

5. Notice of this application was given to 38 employers in accordance with the Board's Rules of Procedure.

6. Fifteen 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 Allaire Electric & Mechanical Ltd.
- Final Schedule "E"
- No. 3 Alpha Electric (Sudbury) Ltd.
- Final Schedule "E"
- No. 10 E. S. Fox Company Ltd.
- Final Schedule "E"
- No. 12 Ember Electrical & Mechanical
- Final Schedule "F"
- No. 13 Fern's Electric
- Final Schedule "E"
- No. 14 Ferrigan Mechanical & Electrical
Contractors Limited
- Final Schedule "E"
- No. 15 General Erection Services
- Final Schedule "F"
- No. 17 John L. Robertson Co. Ltd.
- Final Schedule "F"
- No. 18 John T. Russell Electric
- Final Schedule "F"
- No. 23 Laforest Electric
- Final Schedule "E"
- No. 29 Moore Electric
- Final Schedule "E"
- No. 31 Orton High Voltage
- Final Schedule "F"
- No. 35 Super City Electrical
- Final Schedule "E"
- No. 36 Triplex Electric
- Final Schedule "F"
- No. 38 Young Electric (Sudbury) Ltd.
- Final Schedule "E"

7. On the basis of the foregoing and the filings by individual employers, the Board has prepared 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 July 14, 1975, the date of the amking of this application. Those on Final Schedule "F" have indicated that they have not had such employees.

Final Schedule "E"

Adam Clark Company Limited
Allaire Electric & Mechanical Ltd.
Alpha Electric (Sudbury) Ltd.
B G Checo Engineering (Ontario) Limited
B and H Electric
Charles J. Wilson Limited
Comstock International Limited
E. S. Fox Company Ltd.
E. & R. Beatty Electric Limited
Fern's Electric
Ferrigan Mechanical & Electrical
Contractors Limited
Guild Electric (Ontario) Limited
Kosmack & Price Ltd.
L. R. Vickell Company Limited
Laforest Electric
Laurentian Electric Limited
Lipsit and Pearson Limited
Lorie Electric
Mutual Electric Co. Ltd.
Nickel City Electric Ltd.
Moore Electric
Ontario Electrical Construction Co. Ltd.
PowerTel Utilities Contractors Limited
Quesnelle Electrics Co. Ltd.
Super City Electrical
Walter Maki Electric
Young Electric (Sudbury) Ltd.

Final Schedule "F"

Burman Electric Limited
Colley and Downey Electric Co. Ltd.
Ember Electrical & Mechanical
General Erection Services
John L. Robertson Co. Ltd.
John T. Russell Electric
Johnson Controls Ltd.
Kennedy Electric Ltd.
Orton High Voltage
Overall Design Construction Limited
Triplex Electric

The Board finds that the 27 employers on Final Schedule "E" were those employers who had employees in the year immediately preceding the making of the application, and the number 27 is the number of employees to be ascertained by the Board under section 115(1)(a) of The Labour Relations Act.

8. 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 19 of the 27 employers on Final Schedule "E". The 19 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.

9. 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 of 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 the application. On the basis of the evidence before it, the Board finds that there were 249 employees affected by this application during the payroll period immediately preceding July 14, 1975. The 249 employees is the number of employees to be ascertained by the Board under section 115(1)(c) of The Labour Relations Act.

10. The Board finds that the 19 employers represented by the applicant employed 201 of these 249 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.

11. 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 July 14, 1975, obtain bargaining rights through certification or voluntary recognition in the geographic area and sectors set out in the unit of employers.

"R. A. Furness"
for the Board

June 28, 1977.