

ONTARIO LABOUR RELATIONS BOARD

Between:

The Terrazzo, Tile & Marble  
Guild of Ontario, Inc.,

Applicant,

- and -

Ontario Provincial Conference  
of the Bricklayers, Masons and  
Plasterers' International Union  
of America,

Respondent.

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

APPEARANCES AT THE HEARING: E. L. Stringer, Q.C., John  
Grossi and O. J. DeCarli appearing for the applicant; and  
A. M. Minsky and D. DeMonte appearing for the respondent.

DECISION OF THE BOARD:

1. Notice of this application was given to 61 employers in accordance with the Board's Rules of Procedure. At the continuation of hearing in this matter the applicant and the respondent agreed that the following employer should be removed from the list of employers in the unit of employers because the respondent was not entitled to bargain on behalf of its employees in the geographic area and sectors in a unit of employers:

No. 13 Colautti - Cross Holdings Ltd.

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

No. 6 Brock Terrazzo & Tile Co.  
Limited - Final Schedule "F"

No. 17 Conite Ltd. - Final Schedule "F"

No. 19 City Tile & Terrazzo Inc. -  
Final Schedule "F"

- No. 23 Duron Ontario Limited - Final Schedule "E"
- No. 30 Granolite Co. Ltd. - Final Schedule "E"
- No. 38 Mercury Terrazzo Co. Ltd. - Final Schedule "F"
- No. 40 (Natco Tile) North American Tile Corporation - Final Schedule "F"
- No. 41 Norcrete Limited - Final Schedule "E"
- No. 59 Western Terrazzo Marble & Tile Co. Limited - Final Schedule "F"

3. One employer, No. 55 - Trend Flooring (Eastern) Limited, claimed that another trade union has a collective agreement with respect to resilient floor layers. After considering the representations of the parties, the Board finds that the bargaining rights of the other trade unions are not in conflict with the bargaining rights which are affected by this application for accreditation. Accordingly, No. 55 will be dealt with as follows:

No. 55 Trend Flooring (Eastern) Limited - Final Schedule "E"

4. 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 11, 1974, the date of the making of this application. Those on Final Schedule "F" have indicated that they have not had such employees.

Final Schedule "E"

- Algoma Tile & Colocrete Co. Limited
- Ambassador Marble & Tile Limited
- Joe Arban Contractor Limited
- The Bernardo Marble, Terrazzo and Tile Company, Limited
- Bertoss Terrazzo & Tile Company Limited
- Brooks Marble & Tile Company Limited
- A. Buttazzoni & Son Limited
- Calligaro Tile Company Limited
- Canadian Tile & Terrazzo (Windsor) Limited

Capital Tile & Flooring Ltd.  
Centis Tile and Terrazzo Company Limited  
Central Terrazzo & Tile of Sudbury Limited  
Colautti Brothers Marble Tile and  
Carpet Inc.  
Oliver Comisso and Son Limited  
Connolly Marble, Mosaic and Tile  
Company Limited  
Delta Tile and Terrazzo Co. Limited  
Desco of Ontario Ltd.  
Durie Mosaic & Marble Ltd.  
Duron Ontario Limited  
Eastern Ontario Terrazzo & Tile Company  
Limited  
Fabbri Tile Inc.  
Federal Tile Company Limited  
E. Del Medico Limited carrying on business  
as Gem-Campbell Terrazzo Tile  
Granolite Co. Ltd.  
Heffernan Floor & Wall Products Limited  
Hill & Glasser Limited  
Kent Tile & Marble Co., Limited  
Leader Terrazzo Tile Mosaic Limited  
Maple Terrazzo Marble & Tile Limited  
Mardel Contracting  
Midgley & West Limited  
National Terrazzo & Marble Co. Ltd.  
Norcrete Limited  
Omega Vatri Consolidated Marble Limited  
House of Ceramics Limited operating  
Ontario Floor & Wall Co.  
Palazzi Bros. Tile Limited  
Rossini Tile Limited  
J. Sousa Contractor  
Spada Tile (Belleville) Limited  
Spada Tile Limited  
Star Tile Centre Limited  
Stradwick Industries Limited  
Terrazzo, Mosaic & Tile Company Limited  
Tertile (Ontario) Ltd.  
Tosca Terrazzo Limited  
Trend Flooring (Eastern) Limited  
Twin City Tile Company Limited  
Union Tile and Marble Co. Ltd.  
Wentworth Tile & Terrazzo Limited  
York Marble Tile & Terrazzo Limited

Final Schedule "F"

Brock Terrazzo & Tile Co. Limited  
Conite Ltd.  
City Tile & Terrazzo Inc.  
Duron Ontario Ltd. (Sudbury)  
Everlast Terrazzo & Tile Limited

Mercury Terrazzo Co. Ltd.  
(Natco) North American Tile Corporation  
Western Terrazzo Marble & Tile Co. Limited  
F. Cardarelli Contractors Ltd.

The Board finds that the 50 employers on Final Schedule "E" were those employers who had employees in the year immediately preceding the making of the application, and the number 50 is the number of employers to be ascertained by the Board under section 115(1)(a) of The Labour Relations Act.

5. On the basis of all the evidence before it, the Board finds that on the date of the making of the application the applicant represented 39 of the 50 employers on Final Schedule "E". The 39 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.

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

7. The Employer Filing further provides that an employer can claim that this payroll period is not the relevant period for the purposes of this application. A number of employers in this application have made such a representation to the Board in their filings. However, none of these employers either appeared at the hearings or suggested what would be the relevant period in their circumstances. Having regard to the representations before it, the Board proposes to use the payroll period immediately preceding the making of this application for such employers, namely:

No. 5 Bertoss Terrazzo & Tile Company Limited  
No. 9 Calligaro Tile Company Limited  
No. 16 Oliver Comisso and Son Limited  
No. 21 Desco of Ontario Ltd.  
No. 22 Durie Mosaic & Marble Ltd.  
No. 27 Fabbri Tile Inc.  
No. 39 National Terrazzo & Marble Co. Ltd.  
No. 43 House of Ceramics Limited operating  
Ontario Floor & Wall Co.  
No. 46 J. Sousa Contractor

For the remaining employers the Board is satisfied that the weekly payroll period immediately preceding July 11, 1974, is also a satisfactory payroll period for the determination in section 115(1)(c) of The Labour Relations Act. On the basis of all the evidence before it, and in accordance with the foregoing considerations, the Board finds that there were 561 employees affected by this application during the payroll period immediately preceding July 11, 1974. The 561 employees is the number of employees to be ascertained by the Board under section 115(1)(c) of The Labour Relations Act.

8. The Board further finds that the 39 employers represented by the applicant employed 509 of these 561 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.

9. 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 nine of the decision of the Board dated February 6, 1975, 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 11, 1974, obtain bargaining rights through certification or voluntary recognition in the geographic area and sector set out in the unit of employers.

"R. A. Furness"  
for the Board

May 27, 1975.