

ONTARIO LABOUR RELATIONS BOARD

Between:

Electrical Contractors Association,
Quinte-St. Lawrence,

Applicant,

- and -

The International Brotherhood of
Electrical Workers, Local Union
115,

Respondent.

BEFORE: R. A. Furness, Vice-Chairman, and Board Members
H. J. F. Ade and P. J. O'Keefe.

APPEARANCES AT THE HEARING: B. R. Baldwin and J. R. Belanger
appearing for the applicant and J. R. Soroka appearing for the
respondent.

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 is dated May 26, 1975. This collective agreement became effective on May 1, 1975, and expires on April 30, 1977, 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 April 13, 1971, given by the Minister of Financial and Commercial Affairs for the Province of Ontario. These Letters Patent create the Electrical Contractors Association, Quinte-St. Lawrence a corporation without share capital. The applicant also filed a copy of its Supplementary Letters Patent dated May 22, 1974, given by the Minister of Consumer and Commercial Relations for the Province of Ontario and 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 also filed in support of its application 42 documents entitled "Employer Authorization". These documents appoint the applicant to represent the employer as its bargaining agent with the respondent and they further appoint the applicant as 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. Of these 42 documents, three were duplications of "Employer Authorizations" with respect to two employers.

4. The collective agreement referred to in paragraph one applies to and is effective within the counties of Prince Edward, Hastings, Lennox and Addington, Frontenac, the united counties of Leeds and Grenville and the united counties of Stormont, Dundas and Glengarry. 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; residential; sewers and watermains; roads; heavy engineering; and pipeline. In all the circumstances of this application the Board finds that all employers of journeymen electricians and apprentices for whom the respondent has bargaining rights in the counties of Prince Edward, Hastings, Lennox and Addington, Frontenac, the united counties of Leeds and Grenville and the united counties of Stormont, Dundas and Glengarry in the industrial, commercial and institutional sector; the residential sector; the sewers and watermains sector; the roads sector; the heavy engineering sector and the pipeline 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. Five employers failed to file returns. Having regard to the representations before it, the Board makes the following determination pursuant to section 115 of The Labour Relations Act:

- No. 8 Campbell and Kennedy Electric Limited -
remove from list of employers because
respondent does not have bargaining
rights with respect to this employer.

- No. 21 Labelle Electric of Belleville Limited - remove from list of employers because respondent does not have bargaining rights with respect to this employer.
- No. 30 Ralph M. Moore Industrial Installations Limited - remove from list of employers because respondent does not have bargaining rights with respect to this employer.
- No. 33 Robert G. Wells Ltd. - remove from list of employers because respondent does not have bargaining rights with respect to this employer.
- No. 36 Taylor Instrument Companies of Canada Limited - remove from list of employers because respondent does not have bargaining rights with respect to this employer.

7. Two employers filed replies and claimed that the respondent is not entitled to bargain on behalf of the employees of the employer affected by the application. Having regard to the representations before it, the Board makes the following determinations pursuant to section 115 of The Labour Relations Act:

- No. 9 Cana Industrial Contractors Ltd. - remove from list of employers because respondent does not have bargaining rights with respect to this employer.
- No. 10 Comstock International Ltd. - Final Schedule "E".

8. 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 August 1, 1975, 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"

Ainsworth Electric Co. Limited
Andreynolds Company Limited
Bay Electric Co.
Belleville Acme Electric Limited
B G Checo Engineering (Ontario) Limited

Black & McDonald Limited
Comstock International Ltd.
Elco Electric Limited
Evans & Hale Limited
The Federal Electric Contractors Limited
Guild Electric (Ontario) Limited
Industrial Electric Contractors Limited
J. S. Electric Limited
K. R. McGowan Electric Limited
Keith Hay Electric Limited
Lyndel Electrical Contractors Limited
Maxim Electrical Construction Company Limited
Mill Electric Limited
Ontario Electrical Construction Company Limited
Plan Electric Co.
Power Cable Installations (Toronto) Limited
Power Installations (Sarnia) Limited
R. E. Cavanagh Electric Co. Limited
Ralph M. Moore (Eastern) Limited
Raycor Electric Limited
St. Lawrence Mechanical Contractors Ltd.
The State Electric Company Limited
Univex (Canada) Limited
Vankesteren Electrical Contractors Limited

Final Schedule "F"

Aatco Electrical Contractors Ltd.

The Board finds that the 29 employers on Final Schedule "E" were those employers who had employees in the year immediately preceding the making of the application, and the number 29 is the number of employers to be ascertained by the Board under section 115(1)(a) of The Labour Relations Act.

9. 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 28 of the 29 employers on Final Schedule "E". The 28 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. The employer Industrial Electric Contractors Limited has filed three replies with respect to each of three locations from which it conducts business. However, the Board finds that this employer exists as a single corporate entity and the Board has therefore listed this employer only once on Final Schedule "E". Nevertheless, in determining number of employees in the following paragraph, the Board has included with respect to Industrial Electric Contractors Limited the number of employees with respect to all three locations.

10. 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. On the basis of all the evidence before it, the Board finds that there were 278 employees affected by this application during the payroll period immediately preceding August 1, 1975. The 278 employees is the number of employees to be ascertained by the Board under section 115(1)(c) of The Labour Relations Act.

11. The Board further finds that the 28 employers represented by the applicant employed 262 of these 278 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.

12. 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 August 1, 1975, 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

January 28, 1976.