

ONTARIO LABOUR RELATIONS BOARD

Between:

The Ontario Erectors Association,
Applicant,

- and -

The International Association of
Bridge, Structural and Ornamental
Ironworkers, Local Union 721,
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 -

Labourers' International Union of
North America, Local 506,
Intervener #4,

- and -

Erectors Division, Ontario Precast
Concrete Manufacturers' Association,
Intervener #5,

- and -

Ontario Hoist and Crane Association,
Intervener #6.

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 Alan McIsaac for the respondent; H.A. Beresford and G.A. Pickell for intervener #1 and intervener #2; no one appearing for intervener #3; Peter Hitchin and Tony Neil for intervener #4; B.W. Binning, R. Werry and R.V. Bradley for intervener #5; Philip Epstein for intervener #6, and Metro Hoisting and Equipment Limited, Urban Construction Equipment, T.C.E. Limited; J.C. Murray and T. Thompson for Pigott Investments Limited; J.B. Noonan and Steven Brent for Brentmuir Investments Limited; R. Werry and B.J. Anderson for National Weaving Limited (C.P.I.); B.W. Binning and R. Werry for All Railing Iron Works, Art Ornamental, Connie Steel Products Ltd., Downsview Ironworks Ltd., Etobicoke Iron Works Ltd., Milvan Ironworks Limited, Model Railings Co. Ltd., Ontario Railing, Roman Railing Co. Ltd. and Romy Steel; A.P. Tarasuk and J. Bansfield for Chubb-Mosler and Taylor Safes, A Division of Chubb-Mosler Limited; H.A. Beresford and G.A. Pickell for Toronto Board of Education.

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 employer's 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 one hundred and eighty-one (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 one hundred and eighty-one (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 721 the geographical area set out in Article 3.1 of the agreement is:

"The District of Muskoka and all the counties of Dufferin, Durham, Haliburton, Northumberland, Ontario, Peel, Peterborough, Prince Edward, Simcoe, Victoria, and York, and in the county of Hastings the Townships of: - Marmora, Rawdon, Sidney, and Thurlow. Also, in the county of Halton - the premises of the Ford Motor Company."

The applicant has applied for a unit of employers relating to the above geographic area in the industrial, commercial and institutional and heavy engineering sector of the construction industry. The respondent in its reply claimed that the appropriate unit of employers should read as follows:

"the industrial, commercial and institutional sector, heavy engineering sector and residential sector"

At the hearing in this matter however the respondent abandoned its position with respect to these other sectors of the construction industry, and accordingly the Board finds that the appropriate sectors of the construction industry for the present application are the industrial, commercial and institutional and heavy engineering sector of the construction industry.

5. The intervening Ontario Hoist and Crane Association appeared at the hearing and lead evidence in support of a request to be excluded from the unit of employers. In one sense the problem raised by this Association is a minimal problem because the evidence is that ninety per cent of the work performed by its members is not work in the sectors found to be appropriate in paragraph 4 above, but rather is work in the residential sector of the construction industry which is not covered by this order. On the other hand, the evidence in support of the members of this Association being excluded from this order is that the ironworkers who erected the type of cranes used by the members of its Association required special training in order to become efficient in the erection of such cranes. We are of the view however, that such a consideration is not relevant in separating a group of employees and employers from an otherwise appropriate bargaining pattern. We therefore reject the argument by counsel for the Ontario Hoist and Crane Association that the members of that Association should be excluded from the unit of employers insofar as it relates to the sectors affected by this application.

6. At the hearing in this matter counsel for certain of the other interveners raised the question of the meaning of the word "ironworker" in the description of the appropriate unit of employers, and in particular whether that term included the total jurisdiction reflected in the jurisdictional provisions of the collective agreement between the applicant and the respondent. In accreditation cases as in certification cases, the Board has consistently taken the view that such problems as jurisdictional disputes can be dealt with pursuant to section 81 of the Act, and that such

representation cases such as certification cases and accreditation cases are not the appropriate places to make what are in effect jurisdictional dispute decisions. Accordingly, the Board in the present case is of the view that no useful purpose would be served in attempting to define the term ironworker or to relate that term to the jurisdictional clause in the collective agreement.

7. In view of the above consideration the Board further finds that all employees of ironworkers for whom the respondent has bargaining rights in the District of Muskoka and all the counties of Dufferin, Durham, Haliburton, Northumberland, Ontario, Peel, Peterborough, Prince Edward, Simcoe, Victoria, and York, and in the county of Hastings the Townships of: - Marmora, Rawdon, Sidney, and Thurlow, also, in the county of Halton - the premises of the Ford Motor Company in the industrial commercial and institutional and heavy engineering sector of the construction industry, constitute a unit of employers appropriate for collective bargaining.

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

9. 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 representation of the parties with respect to certain individual employers and it also refers to two 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.

10. 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 three hundred (300) 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".

11. It would appear that the Board has been unable to effect service on fourteen (14) employers at the address given by the applicant or the respondent. For instance the registered letters sent by the Board to the employers were returned marked by the post office "Moved" or "Unknown". Accordingly:

No. 2 - ABC Steel Bldgs. Ltd.
No. 45 - Crittall-Fenestra Inst. (East) Ltd.
No. 107 - Med-Way Metalwork Ltd.

No. 39-36 - Decor Metal Ltd.
No. 39-52 - General Welding Services
No. 39-61 - Kinneair Mfg. Co.
No. 39-72 - Mississauga Machinery Installations
No. 39-77 - Mustang Contractors Ltd.
No. 39-80 - North Steel Co.
No. 39-91 - Pre-Con Limited
No. 39-92 - Queensway Ironworks Ltd.
No. 39-113 - Torque Structural Erectors
No. 39-119 - Ward Ironworks
No. 39-126 - Uto Ornamental Company

are removed from the list of employers in the unit of employers.

12. It would appear also that certain employers on the list of employers are duplications of other employers on the list. Thus, No. 39-26 - Central Bridge of Canada (Toronto Iron Works Ltd.) is removed as a duplication of No. 163 - Toronto Ironworks; No. 39-85 - Northwestern Erectors is removed as a duplication of No. 39-94 Robertson-Yates Corporation Limited.

13. At the Examiner's meeting the parties agreed that Employer No. 98 - W.A. McDougall is bankrupt and should be removed from the list of employers. Also, Employer No. 84 - Jensen Steel Ltd., and Employer No. 39-106 - Superior Welding & Sheet Metal Co., should be removed from the list of employers as not being in the construction industry.

14. However, the parties did challenge the Filings of the remaining employers who claimed in their Filings that the respondent does not have bargaining rights. 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 Const. Ltd.
No. 34 - Casey Mechanical Limited
No. 48 - R.J. Cyr Co. Limited
No. 68 - Gerard Construction (Ontario) Limited
No. 95 - Loaring Construction Company Limited
No. 102 - MacKenzie Black Fabricating Co. Ltd.
No. 109 - Metro Welding
No. 112 - T. Moore Mechanical Contractors Ltd.
No. 122 - North Western Structural Steel Limited
No. 126 - The Ralph M. Parsons Company
No. 135 - R & F Metal Fabricators Ltd.
No. 145 - Sky-Hook Construction Limited
No. 149 - Specialty Welding & Machine Company Limited
No. 159 - J.M. Takacs Co. Ltd.
No. 39-2 - A & F Industries
No. 39-7 - All Railing Iron Works

No. 39-9 - Pecco Crane (Canada) Ltd.
No. 39-10 - Art Ornamental
No. 39-39 - Dineen Construction Limited
No. 39-40 - Downsview Ironworks Ltd.
No. 39-47 - Etobicoke Ironworks Ltd.
No. 39-50 - General Erection Services
No. 39-66 - Material Handling Erection Co. Ltd.
No. 39-68 - Metro Hoist & Equipment
No. 39-71 - Milvan Ironworks Limited
No. 39-73 - Model Railings Co. Ltd.
No. 39-79 - National Weaving Limited (CPI)
No. 39-87 - Ontario Railing
No. 39-95 - Roman Railing Co. Ltd.
No. 39-96 - Romy Steel
No. 39-102 - Schwenger Construction
No. 39-104 - Star Steel Limited
No. 39-108 - T.C.E. Limited
No. 39-109 - T & M Millwrighting

15. One employer listed above, No. 39-79 - National Weaving Limited (CPI), whose filing was challenged by the parties did not deny that the respondent had bargaining rights with respect to employees affected by this application. However, the employer does argue that the geographic scope of these bargaining rights in Board Area #8 is thus a smaller geographic area than that found to be appropriate in paragraph 7 supra. The Board has pointed out in applications for accreditation that they are not determinations of the geographic scope of existing or future bargaining rights. Accordingly this employer is placed on Final Schedule "F" as noted above.

16. The parties did not challenge the representation of nine (9) employers who claimed in their filings that the respondent does not have bargaining rights for their employees. Thus;

No. 4 - Acadia Engineering & Fabricators
No. 88 - Kahkonen Const. Ltd.
No. 39-20 - Brentmuir Investments Limited
No. 39-29 - Chubb-Mosler Limited
No. 39-32 - Gross Ornamental Ltd.
No. 39-44 - Ellis-Don Limited
No. 39-86 - Ontario Equipment Limited
No. 39-120 - Weston Crane Erection Co.
No. 39-127 - Hydro-Electric Power Commission of Ontario

are removed from the list of employers.

17. A number of employers who failed to file a return were agreed off the list by the parties. Therefore:

No. 39-42 - Eastern Construction
No. 39-58 - Huffman Bros.
No. 39-63 - Lakeview Hydro
No. 39-88 - Pickering Hydro

No. 39-112 - Toronto Hydro
No. 39-117 - Venture Metalcraft

are removed from the list of employers.

18. A number of other employers failed to file a return. 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 11 employees
- No. 21 - Bond Structural Steel (1965) Ltd. - will appear on Final Schedule "E" with 5 employees
- No. 25 - Brocklesby Transport Ltd. - will appear on Final Schedule "E" with 12 employees
- No. 27 - Canadian Erectors Ltd. - will appear on Final Schedule "F"
- No. 28 - Canadian Installation Co. Ltd. - will appear on Final Schedule "E" with 5 employees
- No. 30 - Cdn. Mech. Handl. Systems Ltd. - will appear on Final Schedule "E" with 8 employees
- No. 36 - Cem-Al Erectors Ltd. - will appear on Final Schedule "E" with 6 employees
- 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 5 employees
- No. 54 - Earl's Welding - will appear on Final Schedule "F"

- No. 55 - F & W Steel Fab. Ltd. - will appear on Final Schedule "E" with 4 employees
- No. 57 - Ferguson Glass Limited - will appear on Final Schedule "F"
- No. 61 - Foresteel Ind. Ltd. - will appear on Final Schedule "E" with 8 employees
- No. 63 - E.S. Fox Limited - will appear on Final Schedule "F"
- 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 "F"
- No. 73 - Gross Ornamental Iron - will appear on Final Schedule "E" with 12 employees
- No. 80 - Hodgson Steel and Ironworks - will appear on Final Schedule "F"
- 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. 90 - Kel-Gor Fab Ltd. - 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 "F"
- No. 114 - Nadrofsky Steel Erect Ltd. - will appear on Final Schedule "E" with 10 employees

- No. 115 - Naidanac Mech. Ltd. - will appear on Final Schedule "F"
- No. 117 - Nevis Steel Const. Ltd. - will appear on Final Schedule "E" with 6 employees
- No. 129 - Petro-Chemical Fab. - will appear on Final Schedule "F"
- No. 130 - Phoenix Steel Prod. Ltd. - will appear on Final Schedule "F"
- No. 136 - Ranta Ent (Amherstburg) Ltd. - will appear on Final Schedule "F"
- No. 140 - Ross Ent. Welding & Fab. - will appear on Final Schedule "F"
- No. 146 - Sky Metal Co. Ltd. - will appear on Final Schedule "F"
- No. 150 - Sombra Welding Ltd. - will appear on Final Schedule "F"
- No. 153 - Steel Building Sales - 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 4 employees
- No. 161 - Travers Const. & Eng. Ltd. - will appear on Final Schedule "F"
- No. 164 - Vancan Metal Erectors - will appear on Final Schedule "F"
- No. 170 - Wilson Engineering - will appear on Final Schedule "F"
- No. 171 - Windsor Metal Masters Ltd. - will appear on Final Schedule "F"
- No. 39-1 - A.B.C. Welding & Fabricating - will appear on Final Schedule "E" with 3 employees
- No. 39-4 - Active Welding Limited - will appear on Final Schedule "E" with 3 employees

- No. 39-8 - Ambassador Sales & Services - will appear on Final Schedule "E" with 6 employees
- No. 39-13 - Bathe & McLelland Constr. Ltd. - will appear on Final Schedule "E" with 3 employees
- No. 39-14 - Belford Crane Service - will appear on Final Schedule "E" with 10 employees
- No. 39-15 - Belmont Ironworks Limited - will appear on Final Schedule "F"
- No. 39-16 - Belmont Steel Erectors - will appear on Final Schedule "F"
- No. 39-17 - Berwil Ltd. - will appear on Final Schedule "F"
- No. 39-25 - Capital Construction Equip. Ltd. - will appear on Final Schedule "F"
- No. 39-28 - Charles Huffman Limited - will appear on Final Schedule "F"
- No. 39-30 - Climbing Crane Services - will appear on Final Schedule "E" with 5 employees
- No. 39-31 - Colorsplan Building - will appear on Final Schedule "E" with 4 employees
- No. 39-34 - Catalytic Inc. - will appear on Final Schedule "E" with 2 employees
- No. 39-35 - Custodis Canadian Chimneys Ltd. - will appear on Final Schedule "E" with 5 employees
- No. 39-55 - Hector McLean Enterprises Ltd. - will appear on Final Schedule "F"
- No. 39-57 - Hoist Equipment Rentals - will appear on Final Schedule "E" with 5 employees
- No. 39-59 - Jack Preston Steel Services - will appear on Final Schedule "F"
- No. 39-60 - Kawartha Welding - will appear on Final Schedule "E" with 2 employees
- No. 39-65 - Lucky Welding Ltd. - will appear on Final Schedule "E" with 3 employees

- No. 39-70 - Milrig Industries Limited - will appear on Final Schedule "F"
- No. 39-75 - Montreal Iron Works Corp. - will appear on Final Schedule "F"
- No. 39-76 - Murray Steel Structures - will appear on Final Schedule "F"
- No. 39-81 - Northcote Welding Co. - will appear on Final Schedule "E" with 4 employees
- No. 39-83 - Northumbrian Steel Ltd. - will appear on Final Schedule "F"
- No. 39-84 - North York Steel Fab. Limited - will appear on Final Schedule "E" with 10 employees
- No. 39-89 - Pickering Ornamental Iron Ltd. - will appear on Final Schedule "F"
- No. 39-93 - Quinte Machine & Repair Co. Ltd. - will appear on Final Schedule "E" with 10 employees
- No. 39-99 - Secord Industries Ltd. - will appear on Final Schedule "E" with 5 employees
- No. 39-101 - Service Ironworks - will appear on Final Schedule "E" with 5 employees
- No. 39-110 - Taylor Engineering - will appear on Final Schedule "E" with 6 employees
- No. 39-122 - York Ornamental Iron Ltd. - will appear on Final Schedule "E" with 5 employees
- No. 39-124 - Advance Rail - will appear on Final Schedule "E" with 5 employees
- No. 39-125 - Artistic Rail - will appear on Final Schedule "E" with 5 employees

18. On the basis of the foregoing considerations and the filing by individual employers the Board has drawn up the following lists of employers. Those 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"

Aldershot Industrial Installations Limited
Allied Conveyors Limited
Art Wire & Iron Co. Ltd.
Assinck Bros. Limited
August Equipment Ltd.
Bagwell Coatings Canada Ltd.
Wm. Batten Structural Erectors Ltd.
Bomac Steel Co. Ltd.
Bond Structural Steel (1965) Ltd.
Bridge & Tank Company of Canada Limited
Brocklesby Transport Ltd.
Canadian Installation Co. Ltd.
Comstock International Ltd.
Cdn. Mech. Handl. Systems Ltd.
Canron Limited, Eastern Structural Division
Cape Installations Ltd.
Cem-Al Erectors Limited
Central Rigging & Contracting Ltd.
Adam Clark Company Ltd.
Dependable Erectors
Dome Metal Erectors Limited
Dominion Bridge Co. Ltd.
Dundas Iron & Steel Ltd.
F & W Steel Fab Ltd.
A. Faustin Co. Ltd.
Finch Metal Fab. Ltd.
Roger Forest Inc.
Foresteel Ind. Ltd.
Frankel Structural Steel Limited
Norm Gander Installations
Gross Ornamental Iron
H.E. Erection Company
Francis Hankin & Company Limited
John T. Hepburn Limited
Hilkron Steel Construction Limited
Industrial Machinery Movers
G.I. Installations Ltd.
Jervis B. Webb Company of Canada
Joy Manufacturing Company (Canada) Limited
Kawneer Company Canada Limited
Kingston Mechanical Limited
Lackie Bros. Limited
Luxfer Prism Company Ltd.
McInnis Mechanical (Eastern) Limited
Manfin Steel Company Limited
Mathews Conveyor Company Ltd.
T. Moore Mechanical Contractors Ltd.
Nadrofsky Steel Erect. Ltd.
Nevis Steel Const. Ltd.
Niagara Structural Steel Co. Ltd.
Norak Steel Construction Ltd.
Noront Steel Limited
Norris Iron Works Limited

Ontario Millwrights Ltd.
The Ralph M. Parsons Company
Peel Steel (Northern) Limited
Pengelly Iron Works Limited
Plibrico (Canada) Ltd.
Prepost Company Limited
R & F Metal Fabricators Ltd.
Rassaun Steel & Mfg. Co. Ltd.
Robertson-Irwin Limited
Roxson Contractors Ltd.
Sentinel Reliance Products Ltd.
P.A. Sherwood Windows Ltd.
Ste-Alco Limited
Steel Building Sales
Steen Mechanical Contractors Limited
Thornby Metals Ltd.
Treblex Limited
The Toronto Iron Works Limited
Westeel-Rosco Limited
Weston Steel Products Limited
John Wheelwright Ltd.
Whitby Welding Ltd.
York Steel Construction Limited
A.B.C. Welding & Fabricating
Abel Metal Products (1971) Ltd.
Active Welding Limited
Admar Installations
Al's Welding Services
Ambassador Sales & Services
Ascon Construction Limited
Barlow's Cartage Limited
Bathe & McLelland Construction Ltd.
Belford Crane Service
Black & McDonald Limited
Bower Installations Ltd.
C.M. Windows Limited
Canada Millwrights Ltd.
Canadian Lift Slab Co. Ltd.
Canadian Panels Limited
Central Steel (Peterborough) Works
Climbing Crane Services
Colorspan Building
Catalytic Inc.
Custodis Canadian Chimneys Ltd.
Demag Material Handling Limited
Dual Hoists Erectors Ltd.
Eichleay Canada Ltd.
Embury Co. Ltd.
Enavant Limited
Foley Supply & Machine (1970) Limited
General Erection Services
Cottweis Iron Works Ltd.
H & K Steel Fabricating Limited
Henderson Machinery Moving & Installations Ltd.
Hoist Equipment Rentals
Kawartha Welding
L.T.D. Erection

Lawrenson Contracting Company
Lucky Welding Ltd.
McKnight Installations Ltd.
Metro Hoisting and Equipment Ltd.
Modern Railings & Metalcraft Ltd.
N.O.N. Associates
Northcote Welding Co.
Steel Building Sales
North York Steel Fabricators Limited
Quinte Machine & Repair Co. Ltd.
Robertson-Yates Corporation Limited
Sarnia Hoists Limited
Secord Industries Ltd.
Selbo Welding & Steel Erection Serv.
Service Ironworks
Skyway Equipment Co.
Steelerec Company
T & M Millwrighting
Taylor Engineering
Toronto Board of Education
United Crane & Hoist
Urban Construction Equipment
Venture Metal Crafts Ltd.
Waltham Steel Erectors Ltd.
Dynamic Erectors
York Ornamental Iron Ltd.
Zimcor Company
Advance Rail
Artistic Rail

FINAL SCHEDULE "F"

A-1 Steel Works (Div. of Alvan Fabricators Ltd.)
Abicon Limited
Acme Welding
S.D. Adams Welded Products Limited
Allied Ind. Piping Co.
Anstey & Gray Ltd.
Arc-Way (1972) Limited
Barnett-McQueen Company Limited
Beamer & Lathrop (Quebec) Limited
Bingley Steel Works Limited
Border Cities Wire & Iron Limited
Brayshaw's Steel Ltd.
Burke's Welding Limited
Canadian Erectors Ltd.
Calorific Construction Limited
Casey Mechanical Limited
Cecchetto & Sons Limited
Central Que. Steel Ltd.
Cleland Metal Prod. Ltd.
Coastal Steel Construction Limited
Conaquip Limited
Cooper's Crane Rental Limited

Cripps Welding Service Ltd.
Curran & Herridge Construction Co. Ltd.
Art Currie Ltd.
R.J. Cyr Co. Limited
Dewcon Structures Limited
Earl's Welding
Ferguson Glass Limited
Ferro Erectors (Toronto) Limited
The Foundation Company of Canada Limited
E.S. Fox 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 Prod.
Grightmire Steel Ltd.
Guardian Glass Limited
Hawker Industries Limited, Canadian Bridge Division
Hodgson Steel and Ironworks
Iona Erectors Limited
Joggast Steel Company
Kel-Gor Fab. Ltd.
Klimack Const. Ltd.
Lalonde Welding Ltd.
Loaring Construction Company Limited
Lord and Cie Limited
McKay-Cocker Construction Limited
R.W. McKay Construction Company Limited
MacKenzie Black Fabricating Co. Ltd.
Marshall Steel Company Limited
Mead-Morrison Industrial Equipment Limited
Mesley Mach. Movers
Metro Welding
Midland Ross
Moir Cartage Limited
Morrison Engineering Limited
Naidanac Mech. Ltd.
National Construction Corp Ltd.
Newman Structural Steel Limited
Northwestern Structural Steel Limited
Overhead Crane Service and Supply Co. Ltd.
Petro-Chemical Fab.
Phoenix Steel Prod. Ltd.
Power Installations (Sarnia) Limited
Process Mechanical Contractors Limited
Ranta Ent (Amherstburg) Ltd.
Raymond (1973) Limited
Ross Enterprises
Sheafer-Townsend Limited
Sky-Hook Construction Limited
Sky Metal Co. Ltd.
N.L. Smith Mechanical Limited
Spencer Steel Limited
Specialty Welding & Machine Company Limited

Sombra Welding Ltd.
Standard Structural Steel Ltd.
Steele's Erect & Hoist Ltd.
Stone & Webster Canada Limited
Sudbury Mech. & Elect.
Sutherland-Schultz Limited
J.M. Takacs Co. Ltd.
Travers Const. & Eng. Ltd.
Vancan Metal Erectors Limited
Victoria Steel Prod. Ltd.
Wilson Engineering
Windsor Metal Masters Ltd.
M. Zagerman & Co. Ltd.
A & F Industries
All Railing Iron Works
Pecco Crane (Canada) Ltd.
Art Ornamental
Belmont Ironworks Limited
Belmont Steel Erectors
Berwil Ltd.
Capital Equipment Limited
Charles Huffman Limited
The Devilbiss Company
Dineen Construction Limited
Downsview Ironworks Ltd.
Etobicoke Iron Works Ltd.
Finley W. McLachlan Ltd.
General Riggers & Erectors of Canada Ltd.
Hector McLean Enterprises Ltd.
Jack Preston Steel Services
Material Handling Erection Co. Ltd.
Milrig Industries Limited
Milvan Ironworks Limited
Model Railings Co. Ltd.
Montreal Iron Works Corp.
Murray Steel Structures
National Weaving Limited (C.P.I.)
Northumbrian Steel Ltd.
Ontario Railing
Pickering Ornamental Iron Ltd.
Pigott Investments Limited
Roman Railing Co. Ltd.
Romy Steel
Rullif Grass Limited
Schwenger Construction
Star Steel Limited
Swindell-Dressler
T.C.E. Limited

The Board finds that the one hundred and thirty-nine (139) employers on Final Schedule "E" are those employers who had employees in the year immediately preceding the making of this application, and the number one hundred and thirty-nine (139) is the number of employers to be ascertained by the Board under section 115(1)(a) of the Act.

19. 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 seventy-six (76) of the one hundred and thirty-nine (139) employers on Final Schedule "E". The seventy-six (76) 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.

20. The entitlement of an employer's organization 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 relevant payroll period is the weekly payroll period immediately preceding the making of the application, in this case the weekly payroll period immediately preceding June 15, 1972. The Board is satisfied that such a payroll period is the satisfactory payroll period for the determination in section 115(1)(c) of the Act.

21. On the basis of all the evidence before us and in accordance with the foregoing considerations the Board finds that there were nine hundred and two (902) employees affected by the application during the weekly payroll period immediately preceding June 15, 1972. The nine hundred and two (902) employees is the number of employees to be ascertained by the Board under section 115(1)(c) of the act.

22. The Board further finds that the seventy-six (76) employers represented by the applicant employed six hundred and nine (609) of these nine hundred and two (902) 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.

23. 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 7 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.

June 17, 1974

"D. E. Franks"
for the Board