

ONTARIO LABOUR RELATIONS BOARD

Between:

The Ontario Erectors Association,  
Applicant,

- and -

The International Association of  
Bridge, Structural and Ornamental  
Ironworkers, Local Union 765,  
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 and Maurice A. Green  
for the respondent; H.A. Beresford and G.A. Pickell for  
intervener #1 and intervener #2; no one appearing for  
intervener #3; B.W. Binning, R. Werry and R.V. Bradley for  
intervener #4.

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 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 applied 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 700 the geographical area set out in Article 3.1 of the agreement is:

"All of the counties of Addington, Carlton, Dundas, Frontenac, Glengarry, Grenville, Lanark, Leeds, Lennox, Prescott, Renfrew, Russell, Stormont, and all of the county of Hastings except the Townships of: - Marmora, Rawdon, Sidney and Thurlow.

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 Addington, Carlton, Dundas, Frontenac, Glengarry, Grenville, Lanark, Leeds, Lennox, Prescott, Renfrew, Russell, Stormont, and all of the county of Hastings except the Townships of: - Marmora, Rawdon, Sidney and Thurlow 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 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.

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 one hundred and eighty-nine (189) 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 four 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. 41-5 - James United Steel 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. 41-4 - Hodgsons Steel & Iron is removed as a duplication of No. 80 - Hodgson Steel and Ironworks; No. 41-7 - Mead-Morrison Industrial Equipment Limited is removed as a duplication of No. 106 - Mead-Morrison Industrial Equipment Limited.

10. At the Examiner's meeting, the parties agreed that Employer No. 98 - W.A. McDougall Ltd. is in bankruptcy and should be removed from the list of employers. Also, Employer No. 84 - Jensen Steel Ltd. should 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. 32 - Calorific Construction Limited
- No. 34 - Casey Mech. Ltd.
- No. 48 - R.J. Cyr Co. Limited
- No. 53 - Dundas Iron & Steel Ltd.
- No. 59 - Finch Metal Fab. Ltd.
- No. 68 - Gerard Construction (Ontario) Limited
- No. 95 - Loaring Construction Company Limited
- 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. 141 - Roxson Contractors Ltd.
- No. 145 - Sky-Hook Construction Limited
- No. 149 - Specialty Welding & Maching Company Limited
- No. 159 - J.M. Takacs Co. Ltd.
- No. 164 - Vancan Metal Erectors Limited
- 41-2 - Economic Structural Steel
- 41-12 - Schockbeton Que. Inc.

12. The parties did not challenge the representation of two employers who claimed in their filings that the respondent does not have bargaining rights for their employees. Therefore, No. 4 - Acadia Engineering & Fabricators and No. 88 - Kahkonen Construction Limited 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 3 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 2 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 "E"  
with 5 employees
- No. 30 - Cdn. Mech. Handl. Systems Ltd. -  
will appear on Final Schedule "F"
- No. 36 - Cem-Al Erectors Limited - will appear  
on Final Schedule "F"
- No. 37 - Central Que. Steel Ltd. - will appear  
on Final Schedule "E" with 4  
employees
- No. 40 - Cleland Metal Prod. Ltd. - will appear  
on Final Schedule "F"
- No. 49 - Dependable Erectors - will appear on  
Final Schedule "F"
- No. 54 - Earl's Welding - will appear on Final  
Schedule "F"
- No. 55 - F & W Steel Fab. Ltd. - will appear  
on Final Schedule "F"
- No. 57 - Ferguson Glass Limited - will appear  
on Final Schedule "F"
- No. 61 - Foresteel Ind. Ltd. - will appear on  
Final Schedule "F"
- 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 "F"
- No. 80 - Hodgson Steel and Ironworkers - will  
appear on Final Schedule "F"
- No. 82 - G.I. Installations Ltd. - will appear  
on Final Schedule "F"
- 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 "E" with 4 employees
- No. 96 - Lord and Cie Limited - will appear on Final Schedule "E" with 5 employees
- No. 110 - Midland Ross - will appear on Final Schedule "E" with 3 employees
- No. 114 - Nadrofsky Steel Erect. Ltd. - will appear on Final Schedule "F"
- No. 115 - Naidanac Mech. Ltd. - will appear on Final Schedule "F"
- No. 117 - Nevis Steel Const. Ltd. - will appear on Final Schedule "F"
- No. 129 - Petro-Chemical Fab. - will appear on Final Schedule "F"
- No. 130 - Phoenix Steel Prod. Ltd. - will appear on Final Schedule "E" with 3 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 "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. 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 "F"

- No. 161 - Travers Const. & Eng. Ltd. - 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"
- 41-2 - Economic Structural Steel - will appear on Final Schedule "E" with 5 employees
- 41-6 - Louis Pickard Ltd. - will appear on Final Schedule "E" with 8 employees
- 41-8 - Moland Bros. (Lakehead) Ltd. - will appear on Final Schedule "F"
- 41-9 - Prebec Inc. - will appear on Final Schedule "E" with 15 employees
- 41-10 - Jack Preston Steel Services - will appear on Final Schedule "E" with 8 employees
- 41-11 - Sasso Steel Works - will appear on Final Schedule "F"
- 41-14 - Thomas Structural Steel - will appear on Final Schedule "E" with 5 employees
- 41-15 - Vimont Ornamental Ironworks - will appear on Final Schedule "E" with 12 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.  
Beamer & Lathrop (Quebec) Limited  
Bomac Steel Co. Ltd.  
Brocklesby Transport Ltd.



Burke's Welding Limited  
Canadian Erectors Ltd.  
Canadian Installation Co. Ltd.  
Cannon Limited, Eastern Structural Division  
Central Que. Steel Ltd.  
Central Rigging & Contracting Ltd.  
Adam Clark Company Ltd.  
Art Curris Ltd.  
Dominion Bridge Co. Ltd.  
A. Faustin Co. Ltd.  
Roger Forest Inc.  
Foresteel Ind. Ltd.  
Frankel Structural Steel Limited  
H.E. Erection Company  
John T. Hepburn Limited  
Jervis B. Webb Company of Canada  
Joy Manufacturing Company (Canada) Limited  
Lackie Bros. Limited  
Lalonde Welding Ltd.  
Lord and Cie Limited  
Marshall Steel Company Limited  
Midland Ross  
T. Moore Mechanical Contractors Ltd.  
Niagara Structural Steel Co. Ltd.  
Ontario Millwrights Ltd.  
The Ralph M. Parsons Company  
Phoenix Steel Prod. Ltd.  
Rassaun Steel & Mfg. Co. Ltd.  
Raymond (1973) Limited  
Robertson-Irwin Limited  
Sentinel Reliance Products Ltd.  
Standard Structural Steel Ltd.  
Steel Building Sales  
Steen Mechanical Contractors Limited  
John Wheelwright Ltd.  
Whitby Welding Ltd.  
York Steel Construction Limited  
M. Zagerman & Co. Ltd.  
Ascon Construction Limited  
Economic Structural Steel  
Louis Pickard Ltd.  
Prebec Inc.  
Jack Preston Steel Services  
Schockbeton Que. Inc.  
Thomas Structural Steel  
Vimont Ornamental Ironworks  
Chubb-Mosler and Taylor Safes, A Division  
of Chubb Industries Limited

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  
Bingley Steel Works Limited  
Bond Structural Steel (1965) Ltd.  
Border Cities Wire & Iron Limited  
Brayshaw's Steel Ltd.  
Bridge & Tank Company of Canada Limited  
Comstock International Ltd.  
Cdn. Mech. Handl. Systems Ltd.  
Calorific Construction Limited  
Cape Installations Ltd.  
Casey Mechanical Limited  
Cechetto & Sons Limited  
Cem-Al Erectors Limited  
Cleland Metal Prod. Ltd.  
Coastal Steel Construction Limited  
Conaquip Limited  
Cooper's Crane Rental Limited  
Cripps Welding Service Ltd.  
Curran & Herridge Construction Co. Ltd.  
R.J. Cyr Co. Limited  
Dependable Erectors  
Dewcon Structures Limited  
Dome Metal Erectors Limited  
Dundas Iron & Steel Ltd.  
Earl's Welding  
F & W Steel Fab. Ltd.  
Ferguson Glass Limited  
Ferro Erectors (Toronto) Limited  
Finch Metal Fab. Ltd.  
The Foundation Company of Canada Limited  
E.S. Fox Limited  
Fraser-Brace Engineering Company Limited  
Norm Gander Installations  
General Erectors & Mechanical Company Limited  
Gerard Construction (Ontario) Limited  
A.J. Goodale Ltd.  
Great Lakes Fabricating  
Great Lakes Steel Products  
Grightmire Steel Ltd.  
Gross Ornamental Iron  
Guardian Glass Limited  
Francis Hankin & Company Limited  
Hawker Industries Limited, Canadian Bridge Division  
Hilkron Steel Construction Limited  
Hodgson Steel and Ironworks  
Industrial Machinery Movers  
G.I. Installations Ltd.  
Iona Erectors Limited  
Joggast Steel Company

Kawneer Company Canada Limited  
Kel-Gor Fab. Ltd.  
Kingston Mechanical Limited  
Klimack Const. Ltd.  
Loaring Construction Company Limited  
Luxfer Prism Company Ltd.  
McInnis Mechanical (Eastern) Limited  
McKay-Cocker Construction Limited  
P.W. McKay Construction Company Limited  
MacKenzie Black Fabricating Co. Ltd.  
Manfin Steel Company Limited  
Mathews Conveyor Company Ltd.  
Mead-Morrison Industrial Equipment Limited  
Mesley Mach. Movers  
Metro Welding  
Moir Cartage Limited  
Morrison Engineering Limited  
Nadrofsky Steel Erect Ltd.  
Naidanac Mech Ltd.  
National Construction Corp. Ltd.  
Nevis Steel Const. Ltd.  
Newman Structural Steel Limited  
Norak Steel Construction Ltd.  
Noront Steel Limited  
Northwestern Structural Steel Limited  
Norris Iron Works Limited  
Overhead Crane Service and Supply Co. Ltd.  
Peel Steel (Northern) Limited  
Pengelly Iron Works Limited  
Petro-Chemical Fab  
Plibrico (Canada) Ltd.  
Power Installations (Sarnia) Limited  
Prepost Company Limited  
Process Mechanical Contractors Limited  
R. & F. Metal Fabricators Ltd.  
Ranto Ent (Amherstburg) Ltd.  
Ross Enterprises  
Roxson Contractors Ltd.  
Sheafer-Townsend Limited  
P.A. Sherwood Windows Ltd.  
Sky-Hook Construction Limited  
Sky Metal Co. Ltd.  
N.L. Smith Mechanical Limited  
Spencer Steel Limited  
Specialty Welding & Machine Company Limited  
Sombra Welding Ltd.  
Ste-Alco Limited  
Steele's Erect & Hoist Ltd.  
Stone & Webster Canada Limited  
Sudbury Mech. & Elect.  
Sutherland-Schultz Limited  
J.M. Takacs Co. Ltd.  
Thornby Metals Ltd.  
Travers Const. & Eng. Ltd.  
Treblex Limited

The Toronto Iron Works Limited  
Vancan Metal Erectors Limited  
Victoria Steel Prod. Ltd.  
Westeel-Rosco Limited  
Weston Steel Products Limited  
Wilson Engineering  
Windsor Metal Masters Ltd.  
Moland Bros. (Lakehead) Ltd.  
Sasso Steel Works  
Scofan Contractors Ltd.

The Board finds that the fifty-four (54) employers on Final Schedule "E" are the employers who had employees in the year immediately preceding the making of this application, and the number fifty-four (54) 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 forty-six (46) of the fifty-four (54) employers on Final Schedule "E". The forty-six (46) 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 two hundred and twelve (212) employees affected by the application. During the payroll period determined in accordance with section 115(1)(c) of the Act the two hundred and twelve 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 forty-six (46) employers represented by the applicant employers' organization employed a total of one hundred and fifty (150) 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.

June 5, 1974

"D. E. Franks"  
for the Board