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EMPLOYER BARGAINING AGENCY DESIGNATION

The designation of The Labourers' International Union of North America and The Labourers' International Union of North America, Ontario Provincial District Council has been amended and the geographic application of the exclusion from that designation made pursuant to subsection 153 (2) of the *Labour Relations Act, 1995*, S.O. 1995, c.1, Schedule A, as amended, (hereinafter "*Labour Relations Act, 1995*"), (previously subsection 139(2) of *The Labour Relations Act*, R.S.O. 1980, c.228, as amended (hereinafter "*The Labour Relations Act*")) of the bargaining relationship between the Formwork Council of Ontario and the Ontario Form Work Association, which had been limited pursuant to subsection 153 (3) of the *Labour Relations Act, 1995*, as that subsection read on May 8, 2018, is no longer so limited, and now applies province-wide, so it has become necessary to amend the Employer Bargaining Agency Designation dated May 8, 2018 regarding the "Provincial Employer Bargaining Agency – Labourers".

THEREFORE, pursuant to my authority under subsection 153(5) of the *Labour Relations Act, 1995*, (previously subsection 139(5) of *The Labour Relations Act*) I hereby amend the above-mentioned Employer Bargaining Agency Designation so as to remove the geographic limitation to the paragraph setting out the exclusion between the Form Work Council of Ontario and the Ontario Form Work Association in the Designation, so that the designation reads as follows:

Pursuant to clause 153(1) (b) of the *Labour Relations Act, 1995* ("Act") 1995, I hereby designate the "Provincial Employer Bargaining Agency – Labourers", consisting of,

- (a) the Cement Finishing Labour Relations Association;
- (b) the Industrial Contractors Association;
- (c) the Construction Labour Relations Association of Ontario;
- (d) the Ontario Masonry Contractors Association; and
- (e) the Waterproofing Contractors Association,

as the employer bargaining agency to represent in bargaining in the industrial, commercial and institutional (“ICI”) sector of the construction industry in Ontario all employers whose employees are represented by,

- (f) The Labourers’ International Union of North America; or
- (g) The Labourers’ International Union of North America, Ontario Provincial District Council; or
- (h) Local Unions: 183, 247, 491, 493, 506, 527, 597, 607, 625, 749, 837, 1036, 1059, 1081 and 1089; or
- (i) any other Local of the Labourers’ International Union of North America which, in the future, may be chartered to represent construction labourers, including masons’ or bricklayers’ tenders, plasterers and plasterers’ apprentices, and all employees engaged in cement finishing, waterproofing or restoration work;

(hereinafter collectively referred to as “the Unions”) and all employers bound by or parties to,

- (j) a certificate of the Ontario Labour Relations Board granted to the Unions or any of them;
- (k) a voluntary recognition agreement between the Unions or any of them and any employers; or
- (l) a collective agreement to which the Unions or any of them have been or are party to or bound by,

covering the industrial, commercial and institutional sector of the construction industry in the Province of Ontario.

For purposes of clarity, it should be noted that even though the locals specified in clause (h) above are “affiliated bargaining agents” within the meaning of subsection 151(1) of the *Labour Relations Act, 1995*, certain of them have or may acquire bargaining rights or are, or may become, bound by, certain collective agreements affecting all sectors of the construction industry covering all employees engaged in concrete forming construction, namely the agreement between Locals 183 and 1081, and the Ontario Form Work Association and between Local 493 and Romm Construction Company Limited, whereby they represent employees who do not commonly bargain separately and apart from other employees.

Ministry of Labour

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Therefore, with respect to bargaining on behalf of employees of members of the Ontario Form Work Association and Romm Construction Company Limited, and such other employers for whom any of the local unions have or may acquire bargaining rights for all employees engaged in concrete forming construction, such locals are not “affiliated bargaining agents” within the meaning of subsection 151(1) of the *Labour Relations Act, 1995*, nor are they included in or covered by this designation under subsection 153(1) of the *Labour Relations Act, 1995*.

Pursuant to subsection 153(2) of the *Labour Relations Act, 1995*, I hereby exclude from this designation the bargaining relationship between the Formwork Council of Ontario and the Ontario Form Work Association.

Pursuant to subsection 153(2) of The *Labour Relations Act, 1995* (previously subsection 139(2) of *The Labour Relations Act*), I hereby exclude from this designation the bargaining relationship between the Metropolitan Toronto House Wreckers Association and The Labourers’ International Union of North America and The Labourers’ International Union of North America, Ontario Provincial District Council.

NOV 12/18
DATE

A handwritten signature in cursive script that reads 'Laurie Scott'.
Laurie Scott, Minister of Labour