



ONTARIO LABOUR RELATIONS BOARD

OLRB Case No: **0388-26-R**

Carpenters' Regional Council, United Brotherhood of Carpenters and Joiners of America, Applicant v **Eurosheds Inc.**, Responding Party

BEFORE: Neil Keating, Vice-Chair

DECISION OF THE BOARD: May 13, 2026

1. This is an application for certification filed under the construction industry provisions of the *Labour Relations Act, 1995*, S.O. 1995, c.1, as amended (the "Act") that the applicant elected to have dealt with under section 128.1 of the Act. This application was filed on May 5, 2026. The applicant has applied to represent its standard craft bargaining unit in the ICI sector province wide as well as in all other sectors of the construction industry in Board Area 1 (the County of Essex and the Municipality of Chatham-Kent). The parties agree that this application relates to only one active jobsite on the application filing date, located at 955 East West Road, Pelee Island, Ontario (in Board Area 1).

2. I am satisfied that in an earlier proceeding under the Act the applicant has been found to be a trade union and Doug Letto, Legal Counsel for the applicant has declared the applicant is a council of trade unions that represents trade unions that according to established trade union practice pertain to the construction industry. Therefore, having regard to section 113 of the Act, the Board's records and the applicant's declaration, the Board finds that the applicant is a trade union within the meaning of section 1(1) and a council of trade unions within the meaning of section 126(1) of the Act. Having regard to the information provided by the applicant the Board is satisfied that Locals 18, 27, 93, 1072, 249, 397, 494, 675, 785, 1030, 1256, 1669, 1946, 2041, 2222 and 2486 are constituent trade unions of that council and that each of them vested appropriate authority in the council to enable it to discharge the responsibilities of a bargaining agent.

3. The Board also finds that the applicant is an affiliated bargaining agent of a designated employee bargaining agency. Pursuant to the designation issued by the Minister under section 153(1) of the Act on March 21, 2024, the designated employee bargaining agency is the United Brotherhood of Carpenters and Joiners of America and the Carpenters' Regional Council, United Brotherhood of Carpenters and Joiners of America.

4. The applicant has filed photocopies of the membership evidence it relies on in this application. Those photocopies are clear and were reviewed by the Board. The applicant is directed to retain the original membership evidence relied on in this application as it may be required to produce it, at a later date.

5. The responding party filed its response with the Board within the time stipulated by Rule 25.5 of the Board's Rules of Procedure and provided the Board with the requisite information in accordance with subsection 128.1(3) of the Act. It seems apparent that the responding party filed its response with the assistance of artificial intelligence software and, perhaps, as a result, raised numerous issues that are not germane to this application and otherwise provide some contradictory information.

6. The responding party disputes the number of employees in the bargaining unit on the application filing date. It also gives notice under section 8.1 of the Act. A section 8.1 notice has no relevance in a card-based application such as this, as it relates only to vote-based applications and the consequences of a section 8.1 notice on determinations after the taking of a representation vote. The 8.1 notice is dismissed. Additionally, the responding party made extensive submission regarding potential vote arrangements, which are not relevant to this application.

7. Further, the responding party does not agree that the applicant's applied for bargaining unit is appropriate for the purposes of collective bargaining. Among other things, the responding party states that the inclusion of the ICI sector in the applicant's proposed bargaining unit is "factually and sectorally misaligned". It takes the position that the one active jobsite, identified above, was "within the residential sector" and therefore it is inappropriate to include the ICI in the bargaining unit. It has been clearly established in the Board's case law that a trade union is entitled, in an application that pertains to the ICI sector, to apply to represent a bargaining unit that includes the ICI

sector in the Province of Ontario and all sectors in the applicable geographic area(s) in circumstances where no employees were at work in the ICI sector on the application filing date (see, for example, *Labourers' International Union of North America v. Labelle Brothers Construction*, 2007 CanLII 29177 (ON LRB)). The inclusion of the ICI sector, therefore does not operate as an impediment to finding the applicant's applied for bargaining unit to be appropriate.

8. The responding party spent much time in its response explaining the nature of its business operations and it appeared to take the position that it is not a construction employer. This position is undermined by the responding party's admission that the work performed on the application filing date was work within the residential sector of the construction industry and by virtue of it indicating there were individuals employed in the construction industry bargaining unit sought by the applicant. Specifically, the responding party stated that "On the Application Filing Date, May 5, 2026, employees were engaged in the final assembly of a prefabricated unit at a private residence on Pelee Island, which is residential work, not ICI work" and it listed four individuals on the schedule "A" list of employees. Having regard to the foregoing, the Boards finds that the responding party is not a non-construction employer, within the meaning of the Act. The work described is classic carpenters' work.

9. The information provided by the responding party regarding the number of individuals working in the applied for bargaining unit on the application filing date is somewhat contradictory. This is perhaps because the responding party, or the software it relied upon, conflated the date of application test used in construction industry applications for certification with the test used in non-construction applications. The responding party indicates that there were five people at work in the applied for bargaining unit on the application filing date but then says that two of them ought to be excluded by virtue of subsection 1(3)(b) of the Act. Additionally, the responding party says one "eligible" employee was on seasonal lay-off. The Schedule "A" employee list filed by the responding party consists of four names, including the two that the responding party asserts ought to be excluded from the bargaining unit by virtue of subsection 1(3)(b). The instructions on the Excel spreadsheet used by the responding party to file its Schedule "A" employee list are clear. Those instructions provide, in part: "List in alphabetical order (and by job site code, where more than one job site is identified) all employees who were **at work** on the application filing date in the bargaining unit requested by the applicant..." (emphasis in original). Considering all of this the Board assessed the applicant's level

of support in the applied for bargaining unit based on the two names the responding party included on the Schedule "A" employee list who were not subject to the subsection 1(3)(b) exclusion the responding party appeared to seek in relation to two names on the list.

10. The Board finds that this is an application for certification within the meaning of section 128 of the Act and is an application made pursuant to section 158(1) of the Act which provides that:

An application for certification as bargaining agent which relates to the industrial, commercial and institutional sector of the construction industry referred to in the definition of "sector" in section 126 shall be brought by either,

- (a) an employee bargaining agency; or
- (b) one or more affiliated bargaining agents of the employee bargaining agency,

on behalf of all affiliated bargaining agents of the employee bargaining agency and the unit of employees shall include all employees who would be bound by a provincial agreement together with all other employees in at least one appropriate geographic area unless bargaining rights for such geographic area have already been acquired under subsection (2) or by voluntary recognition.

11. The Board further finds, pursuant to section 158(1) of the Act, that all carpenters and carpenters' apprentices in the employ of the responding party in the industrial, commercial and institutional sector of the construction industry in the Province of Ontario and all carpenter and carpenters' apprentices in the employ of the responding party in all other sectors of the construction industry in the County of Essex and the Municipality of Chatham-Kent, save and except non-working forepersons and persons above the rank of non-working foreperson, constitute a unit of employees of the responding party appropriate for collective bargaining. The applicant has applied for, and is entitled to apply for, its standard bargaining unit.

12. On the basis of only the information provided in the application (including the information and membership evidence filed by the applicant) and the information provided under subsection 128.1(3) of the Act, the Board is satisfied that more than 55% of the employees in the bargaining unit were members of constituent locals of the applicant at the time the application was filed. Therefore, pursuant to section

12(3) of the Act, those individuals are deemed to be members of the applicant on the date the application was filed.

13. The applicant has asked that it be certified pursuant to section 128.1 relying solely on the number of persons in the bargaining unit who are members of the applicant. It is entitled to do so under section 128.1. There is nothing raised in the application or the response that would cause the Board to consider directing a representation vote.

14. The Board has received no objection from any employee within the time set in the Notice to Employees provided to the responding party for posting.

15. The Board is satisfied that it should certify the applicant.

16. Section 128.1(24) of the Act, which states as follows, provides for the issuance of more than one certificate if the applicant has the requisite support:

If an election under this section is made in relation to an application for certification that relates to the industrial, commercial and institutional sector of the construction industry referred to in the definition of "sector" in section 126,

...

- (b) if the Board certifies the trade unions on whose behalf the application for certification was brought as the bargaining agent of the employees in the bargaining unit under clause (13)(a), it shall issue one certificate that is confined to the industrial, commercial and institutional sector and another certificate in relation to all other sectors in the appropriate geographic area or areas;

...

Therefore, pursuant to section 128.1(24) of the Act, a certificate will issue to the applicant affiliated bargaining agent on its own behalf and on behalf of all other affiliated bargaining agents of the United Brotherhood of Carpenters and Joiners of America and the Carpenters' Regional Council, United Brotherhood of Carpenters and Joiners of America in respect of all carpenters and carpenters' apprentices in the employ of Eurosheds Inc. in the industrial, commercial and institutional

sector of the construction industry in the Province of Ontario, save and except non-working forepersons and persons above the rank of non-working foreperson.

17. Further, pursuant to section 128.1(24) of the Act, a certificate will issue to the applicant trade union in respect of all carpenters and carpenters' apprentices in the employ of Eurosheds Inc. in all sectors of the construction industry in the County of Essex and the Municipality of Chatham-Kent, excluding the industrial, commercial and institutional sector, save and except non-working forepersons and persons above the rank of non-working foreperson.

18. The Case Management Hearing scheduled by the Registrar and set out in the Notice of Hearing is hereby cancelled. The responding party is directed to post copies of this decision immediately in a location or locations where they are most likely to come to the attention of individuals in the bargaining unit. These copies must remain posted for a period of 45 business days.

"Neil Keating"
for the Board