



## ONTARIO LABOUR RELATIONS BOARD

OLRB Case No.: **1144-14-R**

Labourers' International Union of North America, Local 183, Applicant  
v. **Normac Kitchens Limited**, Responding Party v. Group of  
Employees

**BEFORE:** Harry Freedman, Vice-Chair

**DECISION OF THE BOARD:** May 30, 2016

1. The Board in its decision dated May 6, 2016 in this construction industry certification application being dealt with under section 128.1 of the construction industry provisions of the *Labour Relations Act, 1995*, S.O. 1995, c.1, as amended (the "Act") found, based on the list of employees who were in the bargaining unit on the date the application was filed as agreed by the applicant and responding party and the information and membership evidence filed by the applicant, that at least 40% but not more than 55% of those employees were members of the applicant on the application date.

2. The Board in its earlier decision in this matter dated February 13, 2015 (2015 CanLII 6632 (ON LRB); [2015] OLRD No. 331) determined the description of the appropriate bargaining unit. As a result of the Board's determination with respect to the degree of membership in the applicant among the employees in the bargaining unit, the Board in its May 6<sup>th</sup> decision directed that a representation vote be taken on May 25, 2016<sup>1</sup> of the employees in the following bargaining unit:

all construction labourers, carpenters and carpenters' apprentices in the employ of the responding party in the City of Toronto, the Regional Municipalities of Peel and York, the Towns of Oakville and Halton Hills and that portion of the Town of Milton within the

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<sup>1</sup> The applicant and responding party had agreed to request that the Board conduct the representation vote on May 25, 2016.

geographic Townships of Esquesing and Trafalgar, and the Towns of Ajax and Pickering in the Regional Municipality of Durham, in all sectors of the construction industry other than the industrial, commercial and institutional sector, save and except non-working foremen and persons above the rank of non-working foreman.

3. No statement of desire to make representations regarding any outstanding issues in dispute has been filed with the Board within the time fixed under Rule 11.3 of the Board's Rules of Procedure following the taking of the representation vote pursuant to the Board's direction of May 6, 2016.

4. On the taking of the representation vote directed by the Board pursuant to section 128.1(12) of the Act, not more than 50% of the ballots cast by employees in the bargaining unit were cast in favour of the applicant.

5. The application is therefore dismissed pursuant to section 128.1(14)(e) of the Act.

6. The Board directs the parties' and the employees' attention to section 128.1(15) of the Act. Should an application for certification be filed within one year of the date of this decision, the effect, if any, of this decision and section 128.1(15) of the Act on that subsequent application may be determined, if necessary, at that time.

7. The Registrar will destroy the ballots cast in the representation vote taken in this matter following the expiration of 30 days from the date of this decision unless a statement requesting that the ballots should not be destroyed is received by the Board from one of the parties before the expiration of such 30 day period.

8. The Board directs the responding party to post copies of this decision immediately, adjacent to the "Notice of Vote" posted previously. These copies must remain posted for a period of 45 business days.

"Harry Freedman"

for the Board