

OPERATING ENGINEERS EMPLOYER BARGAINING AGENCY

CONSTITUTION

ARTICLE 1 - NAME

1.01 The name of the Agency shall be "Operating Engineers Employer Bargaining Agency".

ARTICLE 2 - MEMBERSHIP

2.01 Any employers' organization as defined in The Labour Relations Act which bargains on behalf of employers who employ members of Local 793 of the International Union of Operating Engineers within the industrial, commercial and institutional sector of the construction industry within the Province of Ontario shall be eligible for membership in the Agency on being approved for membership by two-thirds (2/3) of the then eligible voting members.

2.02 The following Employer Organizations are deemed to be members of the Agency:-

✓ Ontario Association of Foundation Specialists ✓

✓ Industrial Contractors Association of Canada

Labour Relations Bureau of Ontario General  
Contractors Association

✓ Ontario Erectors Association Incorporated

✓ Associated Earth Movers of Ontario

✓ Crane Rental Association of Ontario

✓ Eastern Ontario Crane Rental Group ✓

Heavy Equipment Services Section of the  
Windsor Construction Association ✓

2.03 Members of the Agency may be represented by one or more officers or senior employees of the employers' organization. Each such organization shall forward to the Secretary the names of such persons as are from time to time authorized to represent the organization.

### ARTICLE 3 - ASSESSMENTS

3.01 The membership shall determine from time to time the amounts payable by the members to provide for payment of the expenses of the Agency.

### ARTICLE 4 - OBJECTS

4.01 The objects of the Agency shall be:-

- (a) To act as an Employer Bargaining Agency as defined under The Labour Relations Act and specifically to represent the members in bargaining for a province-wide collective agreement with Local 793 of the International Union of Operating Engineers.
- (b) To assist in the administration of the province-wide collective agreement.
- (c) To do such other acts in order to carry out its function as an employer bargaining agency.

### ARTICLE 5 - SECRETARY

5.01 The membership shall appoint a secretary who shall be the only officer of the Agency. The Secretary shall record in permanent form the proceedings of all meetings of the Agency and shall perform such other duties as may be assigned from time to time by the membership.

ARTICLE 6 - MEETINGS OF MEMBERS

6.01 Notice of all meetings of the members shall be given by telephone at least two (2) days prior to the date of the meeting or by ordinary post to each member at least ten (10) days prior to the date of the meeting. Such notice shall be given by the Secretary or designee.

6.02 At all meetings of the Agency the presence in person or by proxy in writing deposited with the Secretary or designee of members carrying at least two-thirds (2/3) of the total number of votes shall constitute a quorum. Each member shall be entitled to vote as provided herein at all meetings of members of the Agency or as may be agreed upon by the members. The following voting provisions shall apply to the members as set out in Article 2.02:-

Ontario Association of Foundation Specialists...	five (5) votes
Industrial Contractors Association of Canada....	five (5) votes
Labour Relations Bureau of Ontario General Contractors Association.....	five (5) votes
Ontario Erectors Association Incorporated.....	five (5) votes
Associated Earth Movers of Ontario.....	five (5) votes
Crane Rental Association of Ontario.....	five (5) votes
Eastern Ontario Crane Rental Group.....	one (1) vote
Heavy Equipment Services Section of the Windsor Construction Association.....	one (1) vote

being thirty-two (32) votes in all.

6.03 All questions at meetings shall be decided by unanimous vote of the members present or represented by proxy, provided that if a question cannot be so resolved any member may request an adjournment in regard to that question and such question will be dealt with at

the next meeting and shall be decided by a two-thirds (2/3) majority vote of the members present or represented by proxy.

6.04 This constitution may be amended on the same voting procedure as set out in 6.03

#### ARTICLE 7 - BARGAINING

7.01 Collective Bargaining shall be conducted in such manner and by such persons as may be determined by the members from time to time.

7.02 No one shall be authorized to propose on behalf of or to purport to offer or to commit the members or any of them to a position on any issue during collective bargaining unless and until a decision on that issue shall have first been made by the members pursuant to Article 6.03.

7.03 Each association shall have the right to veto any change (other than total wage package change) to its schedule or any other provision elsewhere in the agreement specifically identified with that association if such change is less favorable to an employer.

If a wage issue involves a multiple total wage package at least two-thirds of the constituents in each total wage package group must be in favour.

PASSED by mail-in ballot of the Agency at Toronto

this 23 day of October 1995.

Jim Thompson

Secretary

By attaching our names hereto we hereby signify our approval of the Constitution attached hereto and acknowledge that we are bound by its provisions and will conform therewith.

ONTARIO ASSOCIATION OF FOUNDATION SPECIALISTS

PER: Manny Fine

INDUSTRIAL CONTRACTORS ASSOCIATION OF CANADA

PER: Tony Fanelli

LABOUR RELATIONS BUREAU OF ONTARIO GENERAL  
CONTRACTORS ASSOCIATION

PER: Jim Thompson

ONTARIO ERECTORS ASSOCIATION INCORPORATED

PER: William Jemison

ASSOCIATED EARTH MOVERS OF ONTARIO

PER: George Rumble

CRANE RENTAL ASSOCIATION OF ONTARIO

PER: Robert Hanna

EASTERN ONTARIO CRANE RENTAL GROUP

PER: Robert Dulepka

HEAVY EQUIPMENT SERVICES SECTION OF THE  
WINDSOR CONSTRUCTION ASSOCIATION

PER: \_\_\_\_\_