



Order No.: 11919-U

Supersedes: 6274-U

IN THE MATTER OF THE

Canada Labour Code

- and -

International Longshoremen's Association, Local 1654,

International Longshoremen's Association, Local 1879,

applicants,

- and -

Maritime Employers Association,
Montréal, Quebec,

employer,

- and -

International Union of Operating Engineers, Local 793,

intervenor.

WHEREAS the Canada Labour Relations Board (CLRB), by order no. 5893-U dated September 25, 1991, certified the International Longshoremen's Association, Local 1654 (Local 1654) as the bargaining agent for a unit of employees of the Maritime Employers Association (the MEA) (the longshoring bargaining unit) comprising:

all employees of the employers in the longshoring industry in the Port of Hamilton employed as longshoremen, save and except the employees of St-Lawrence Warehousing Limited operating as Seaway Terminals who are represented by the International Union of Operating Engineers, Local 793, and who are represented by

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Teamsters' Local Union No. 938 and Teamsters' Local Union No. 879 for bulk cargo activities.

AND WHEREAS Local 1654 is party to a collective agreement with the MEA, which expired on December 31, 2023;

AND WHEREAS the CLRB, by order no. 6274-U dated July 28, 1993, certified the International Longshoremen's Association, Local 1879 (Local 1879) as the bargaining agent for a unit of employees of the MEA (the checking bargaining unit) comprising:

all employees of employers employed in the checking of cargo in the longshoring industry in the Port of Hamilton.

AND WHEREAS Local 1879 is party to a collective agreement with the MEA, which expired on December 31, 2023;

AND WHEREAS both Local 1654 and Local 1879 belong to the International Longshoremen's Association (ILA) and are subject to the ILA's Constitution;

AND WHEREAS the MEA represents employers engaged in the longshoring industry in the Port of Hamilton, Ontario, and is party to collective agreements with Local 1654 and Local 1879;

AND WHEREAS the Canada Industrial Relations Board (the Board) has received an application from Local 1654 and Local 1879 (the applicants), pursuant to section 43 of the *Canada Labour Code* (the *Code*), seeking a declaration that, as a result of a merger, Local 1654 succeeds Local 1879 as the bargaining agent for the checking bargaining unit of employees of the MEA;

AND WHEREAS the Board has received an application from the applicants, pursuant to sections 18, 18.1 and 34 of the *Code*, seeking to review the bargaining unit structure, such that the bargaining unit description for Local 1654 at the Port of Hamilton, Ontario, would include both the employees in the longshoring bargaining unit currently represented by Local 1654 and the employees in the checking bargaining unit formerly represented by Local 1879 and now represented by Local 1654;

AND WHEREAS the MEA consents to the application pursuant to section 43 of the *Code*;

AND WHEREAS the MEA opposes the application pursuant to sections 18, 18.1 and 34 of the *Code*;

AND WHEREAS, following investigation of the application and consideration of the submissions of the parties concerned, and for the reasons set out in *Maritime Employers*

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Association, 2024 CIRB 1124 (RD 1124), the Board is satisfied that the merger has occurred pursuant to section 43 of the *Code*;

AND WHEREAS, following investigation of the application and consideration of the submissions of the parties concerned, and for the reasons set out in RD 1124, the Board declines to review the bargaining unit structure and dismisses the application pursuant to sections 18, 18.1 and 34 of the *Code*.

NOW, THEREFORE, it is hereby declared by the Canada Industrial Relations Board that the International Longshoremen's Association, Local 1654 is now the successor bargaining agent and, as such, has acquired all the rights, privileges and duties of the International Longshoremen's Association, Local 1879 with respect to the certified bargaining unit described as follows:

all employees of employers employed in the checking of cargo in the longshoring industry in the Port of Hamilton.

ISSUED at Ottawa, this 25th day of April, 2024, by the Canada Industrial Relations Board.

Sylvie M.D. Guilbert
Vice-Chairperson

Reference: File No. 036482-C