



ONTARIO LABOUR RELATIONS BOARD

Labour Relations Act, 1995

OLRB Case No: 3155-18-U
Unlawful Strike

Inteva Products Canada ULC, Applicant v Unifor Local 1090, Unifor Canada, Josh Coles, Steve Batchelor, Shane Wark, Corey Dalton, Rick Welsh, Brian Smith, and Greg Auchterlonie, Responding Parties v General Motors of Canada Company, and Lear Corporation, Intervenors

OLRB Case No: 3396-18-U
Unlawful Strike

General Motors of Canada Company, Applicant v Unifor Local 1090, Unifor, Josh Coles, Steve Batchelor, Shane Wark, Corey Dalton, Rick Welsh, Brian Smith, Greg Auchterlonie, Jerry Dias, Unifor Local 222, Colin James, and Greg Moffatt, Responding Parties

COVER LETTER

TO THE PARTIES LISTED ON APPENDIX A:

The Board is attaching the following document(s):

Decision - February 22, 2019

DATED: February 22, 2019

Catherine Gilbert
Registrar

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OLRB Case No: **3155-18-U**

Inteva Products Canada ULC, Applicant v Unifor Local 1090, Unifor Canada, Josh Coles, Steve Batchelor, Shane Wark, Corey Dalton, Rick Welsh, Brian Smith, and Greg Auchterlonie, Responding Parties v General Motors of Canada Company, and Lear Corporation, Intervenors

OLRB Case No: **3396-18-U**

General Motors of Canada Company, Applicant v Unifor Local 1090, Unifor, Josh Coles, Steve Batchelor, Shane Wark, Corey Dalton, Rick Welsh, Brian Smith, Greg Auchterlonie, Jerry Dias, Unifor Local 222, Colin James, and Greg Moffatt, Responding Parties

BEFORE: Bernard Fishbein, Chair

APPEARANCES: Nancy Ramalho, Mari Maimets and Michael Leonard appearing on behalf of Inteva Products Canada ULC; David Bannon, Evan Taylor, Jeff Scratch, Chris Tomson and James Williams appearing on behalf of General Motors of Canada Company; Farah Baloo, Jessica Clement, Greg Moffatt, Colin James, Josh Coles, Greg Auchterlonie, Corby Dalton and Anthony Dale appearing on behalf of Unifor and its Locals 222 and 1090; Lorenzo Lisi and Jeff Mayer appearing on behalf of Lear Corporation

DECISION OF THE BOARD: February 22, 2019

1. These are two applications brought pursuant to section 100 of the *Labour Relations Act, 1995*, S.O. 1995, c.1, as amended (the "Act") alleging an unlawful strike by Unifor, its Locals 222 and 1090, Jerry Dias, its National President, Greg Moffat, the Oshawa plant chair of Local 222, Colin James, president of Local 222, and various other officials of Unifor and the Locals.

2. Board File No. 3155-18-U was filed by Inteva Products Canada ULC ("Inteva") on January 15, 2019 ("the Inteva application") relating to activities at its plant in Whitby, Ontario. General Motors of Canada Company ("GM") intervened in the Inteva application. Inteva is a supplier to GM at its assembly plant in Oshawa ("the GM plant"). It was scheduled for a hearing on January 16, 2019 but was adjourned on agreement of the parties on that date before any hearing was convened by the Board.

3. Board File No. 3396-18-U was filed by General Motors of Canada Company ("the General Motors application") on February 11, 2019, relating, *inter alia*, to activities at its assembly plant in Oshawa. Contemporaneous with the filing of the General Motors application, the parties requested the Inteva application be rescheduled for hearing. Lear Corporation ("Lear"), which is also a supplier to the GM plant filed an intervention in the Inteva application, relating, *inter alia*, to activities at its plant in Whitby, Ontario ("the Lear plant").

4. Both applications came on for hearing on February 21, 2019. At that time, after hearing the objections of Unifor and the other responding parties, the applications were consolidated in an oral ruling. The parties (commendably) agreed that it was not necessary to hear any *viva voce* evidence as the underlying facts were not in dispute (although at the end of the day Unifor purported to clarify that such agreement was only with respect to the General Motors application and not the Inteva application – but the differences are not salient for the purposes of the determinations I have made here). To be perfectly clear, it was not in dispute that what would amount to an unlawful strike had occurred and that it had been "procured" (as counsel for GM put it) by Unifor. What was in dispute was what, if anything, the Board should do about it – or put another way, whether the Board should exercise its discretion to grant any of the relief requested.

5. At the end of a lengthy day of submissions, I indicated that I would issue a "bottom-line" ruling as soon as I could. Having considered all the representations and the authorities the referred to me, I have determined to exercise the Board's discretion to make the following declarations and orders:

- (a) A declaration that members of Unifor and Locals 222 and 1090 have engaged in unlawful strikes contrary to the Act, and in particular at the GM plant, the Inteva plant and the Lear plant;

- (b) A declaration that the responding parties Unifor and its Locals 222 and 1090, Messrs. Jerry Dias, Greg Moffat and Colin James have authorized, counselled, and encouraged such unlawful strikes contrary to the Act;
- (c) An order that Unifor, its Locals 222 and 1090, and Messrs. Dias, Moffat and Jones or any employee having notice of this decision cease and desist from engaging in, authorizing or counselling unlawful strikes or engaging in any act that is likely to cause employees at the Inteva, Lear or GM plant (or any other supplier of the GM plant) or any employees having notice of this decision to engage in any unlawful strike;
- (d) An order that these declarations and orders be posted at the GM, Inteva and Lear plants and have such notices posted for at least 30 days;
- (e) An order that Unifor, Local 222 and Local 1090, cause to be distributed a copy of this decision to all employees in the bargaining units represented by Unifor or its Locals at the GM, Inteva or Lear plants; and
- (f) An order that Unifor and its Locals 222 and 1090 Messrs. Dias, Moffat and Jones post this decision on their union building or union hall bulletin boards, on their respective websites, Facebook and Twitter accounts, and have them posted for at least 30 days following the date of this decision.

6. Again, because of the nature of these applications, and the lateness of the hour when the hearing concluded, I indicated that I would issue a "bottom-line" decision as soon as I was able. Should any party wish fuller, more expansive reasons of this decision, they should write to the Board so indicating no later than **Tuesday, February 26, 2019**.

"Bernard Fishbein"

for the Board

APPENDIX A

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