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# **ONTARIO LABOUR RELATIONS BOARD ANNUAL REPORT 2001-2002**



**June 2002**  
**Chair – Kevin Whitaker**

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## *Chair's Message*

On April 17, 1944 the Chair and six members were sworn in as the first appointees of the new Ontario Labour Relations Board. The new Board administered one statute – the *Labour Relations Act*. Under the *Act*, the Board's powers were limited. The Board had the jurisdiction to certify unions, direct conciliation, grant consent to prosecute employers in the Courts for unfair labour practices and to direct that employers establish grievance procedures. The new Board was created as an alternative to the Courts. It was expected to be expert in labour relations - practical, expeditious and informal. In its first year, the Board handled about 500 applications.

In 2002, the Board administers and supervises some twenty different pieces of legislation. We have a budget in excess of ten million dollars and over 125 staff. The Board processes four to five thousand applications each year dealing with every possible aspect of labour and employment relations. We regulate and supervise employment standards, occupational health and safety and collective bargaining in most sectors of the economy. Hearings occur every weekday and on weekends and evenings where necessary.

In its fifty-eight years of existence, the Board has grown from a small agency to become the most significant labour relations tribunal on the continent. Every other jurisdiction in North America looks to the Board for leadership in jurisprudence and process.

Despite the significant changes in mandate, authority and size, the Board's goal is and has always been, to provide rapid, practical, cost-effective, labour and employment problem solving. We effectively mediate and settle the vast majority of disputes brought before us. Those that can't be settled are decided in a variety of ways. We utilize a broad range of adjudication processes that are tailored to the specific type of problem at hand.

For the last ten years, the Board has pioneered the Consultation process as an alternative to the more formal Hearing process. We now use the Consultation process to mediate and adjudicate a large number of disputes under a variety of statutes which include the *Labour Relations Act*, the *Crown Employees Collective Bargaining Act*, the *Occupational Health and Safety Act*. Our Consultation process allows matters to be dealt with far more expeditiously than the Hearing process. Practical outcomes are yielded in a short period of time with a minimal commitment of resources. As an example, during the recent public service strike in the spring of 2002, the Board decided hundreds of essential service disputes under the *Crown Employees Collective Bargaining Act* using the Consultation process. In most of these, the parties received a decision within seventy-two hours of the filing of the application with little or no formal evidence being required.

This Report will in a number of ways, tell you what it is that we have been doing over the past year. Some significant points are:

1. an overall disposition time that has been reduced for the second year in a row;
2. settlement rates remain at a high of 85.5%;
3. for the fourth year in a row, we have disposed of more cases than we received – in other words, there is no backlog;
4. 94% of our representation votes were conducted within seven days of the date of application;
5. we spent less money than we budgeted for.

At the time of writing, I am just about to complete my first year of a three year term. I returned to the Board as Chair in the middle of this past fiscal year and have spent a considerable amount of time meeting with different groups in the labour relations and employment community. I am grateful for your suggestions and criticisms.

My predecessor Rick MacDowell, resigned last September having completed twenty five years of exemplary public service at the Board. I wish to thank Rick for his singular contribution to labour relations in this country. His past stewardship of the Board has made the transition to a new Chair all the easier. I plan to continue the work done by Rick in improving our quality of service and in maintaining the high professional standards our users have come to expect.

I look forward to continuing to serve the Province in my new capacity and would welcome your comments, thoughts, and suggestions.

Kevin Whitaker  
Chair

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# OLRB Annual Report 2001-2002

Chair – Kevin Whitaker



## Accountability Statement

The OLRB's Annual Report for the fiscal year ending March 31, 2002 was prepared under my direction for submission to the Minister of Labour in accordance with the *Agency Establishment and Accountability Directive – February 2000*, as issued by Management Board of Cabinet .

## Preface

The Public Accounts of Ontario are the annual financial statements that are prepared in compliance with the requirements of Section 13 of the *Ministry of Treasury and Economics Act*. The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry of Labour's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the OLRB verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

The Annual Report of the Ministry of the Labour, which is to be released in the fall of each year, in the form of its Business Plan, contains the Minister's mission and accountability statements, the consolidated financial/allocation statements of the Ministry and a comparison of actual performance results to desired results set out in the Ministry business plan.

As an agency of the Ministry of Labour, the OLRB's Annual Report is subject to the minimum reporting requirements established in the *Agency Establishment and Accountability Directive*, including:

- financial statements that have been audited or subject to the appropriate level of external assurance;
- analysis of operational performance;
- analysis of financial performance;
- names of appointees and term of appointments
- performance measures, targets achieved/not achieved and action to be taken.

**This report covers the fiscal year April 1, 2001 to March 31, 2002.**

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# I Organizational Overview

- Core Business, Legislative Authority, Mandate
- OICs and Staff

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## OLRB - Core Business

**The Board is an independent tribunal mandated to handle a variety of different applications, under a number of different pieces of legislation, including:**

- *Colleges Collective Bargaining Act*, R.S.O. 1990, c. C.15
- *Community Small Business Investment Funds Act*, S.O 1992, c.18.
- *Crown Employees Collective Bargaining Act*, 1993, S.O. 1993, c. 38
- *Education Act*, R.S.O. 1990, c. E.2
- *Employment Standards Act*, R.S.O. 1990, c.E.14
- *Environmental Bill of Rights Act*, 1993, S.O. 1993, c. 28
- *Environmental Protection Act*, R.S.O. 1990, c. E.19 which gives the Board jurisdiction under the following legislation:
  - \* *Environmental Assessment Act*, R.S.O. 1990, c. E.18
  - \* *Environmental Protection Act*, R.S.O. 1990, c. E.19
  - \* *Ontario Water Resources Act*, R.S.O. 1990, c. O.40
  - \* *Pesticides Act*, R.S.O. 1990, c. P.11
  - \* *Fisheries Act*, R.S.C. 1970, c. F-14
- *Fire Protection and Prevention Act*, 1997, S.O. 1997, c.4
- *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H.14
- *Labour Relations Act*, 1995, S.O. 1995, c. 1, Sch. A
- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.7
- *Public Sector Labour Relations Transition Act*, 1997, S.O. 1997, c. 21
- *Public Service Act*, R.S.O. 1990, c. P.47
- *Smoking in the Workplace Act*, R.S.O. 1990, c. S.13

The Ontario Labour Relations Board (the “Board”) was established by section 2 of the *Labour Relations Act, 1948* and is continued by subsection 110(1) of the *Labour Relations Act, 1995* S.O. 1995, C1, as amended. The Board is an adjudicative agency of the Government of Ontario and its staff is appointed under the *Public Service Act*.

The Board is an independent, adjudicative tribunal issuing decisions based upon the evidence presented and submissions made to it by the parties, and upon its interpretation and determination of the relevant legislation and jurisprudence. It plays a fundamental role in the labour relations regime in Ontario and encourages harmonious relations between employers, employees and trade unions by dealing with matters before it as expeditiously and as fairly as reasonably possible.

**The Board's primary work is administering the *Labour Relations Act, 1995*, which regulates many aspects of collective bargaining in Ontario. The legislative policy underlying the Act is set out in section 2:**

2. The following are the purposes of the Act:

1. To facilitate collective bargaining between employers and trade unions that are the freely designated representatives of the employees.
2. To recognize the importance of workplace parties adapting to change.
3. To promote flexibility, productivity and employee involvement in the workplace.
4. To encourage communication between employers and employees in the workplace.
5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.
6. To encourage co-operative participation of employers and trade unions in resolving workplace issues.
7. To promote the expeditious resolution of workplace disputes.

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, 14 full-time and 5 part-time Vice-Chairs, and 9 full-time Board Members. These individuals draw upon specialized expertise in labour relations in hearing and determining cases before them. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic. However, it is important to recognize that legal rights are in issue, the statutory framework is often complex, and, these days, it is common for parties to be represented by lawyers.

Under section 114(1) of the *Labour Relations Act, 1995*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and a privative clause in the Act limits the scope of judicial review. The Board does have the power to reconsider any of its decisions, although it exercises this jurisdiction carefully in the interests of finality and fairness. The Board is also entitled to determine its own practices and procedures and to make rules. Those rules and the forms for commencing or responding to cases are available on the OLRB's website [www.gov.on.ca/lab/olrb/eng/homeeng.htm](http://www.gov.on.ca/lab/olrb/eng/homeeng.htm) or, directly, from the Board at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1, in both paper form and computer disk.

## Order in Council (OIC) Appointments:

<b>CHAIR</b>	<b>CURRENT TERM</b>	<b>ORIGINAL APPT. DATE</b>
Kevin Whitaker	Sep 20/01 – Sep 19/04	Sep 20/01 – C; Mar 22/95 – VC PT - June 24/98 - Dec 22/99
<b>ALTERNATE CHAIR</b>	Jan 1/99 – Aug 12/02	Jan 1/99 – Alt; Aug 13/97 – VC
<b>VICE-CHAIRS (Full Time)</b>		
Christopher J. Albertyn	Oct 7/97 – Oct 6/02	Oct 7/94; PT up to Mar 8/95
Anthony F. Brown	Apr 29/02 – Apr 28/05	April 29, 1999
Harry Freedman	Jul 8/01 – Jul 7/04	July 8, 1998
Diane L. Gee	Jan 13/00 – Jan 12/03	January 13, 1994
Patrick M. Kelly	May 17/02 – May 16/05	May 17, 1999
John M. Lewis	Apr 29/02 – Apr 28/05	April 29, 1999
David A. McKee	Apr 29/02 – Apr 28/05	April 29, 1999
Mary Anne McKellar	Jan 24/01 – Jan 23/04	January 24, 2001
Brian C. McLean	Jul 8/01 – Jul 7/04	July 8, 1998
Stephen Raymond	May 3/00 – May 3/03	May 3, 2000
Caroline Rowan	May 6/02 – May 5/05	May 6, 1999
Timothy W. Sargeant	Feb 28/02 – Feb 27/05	February 28, 1996
Marilyn Silverman	Apr 29/02 – Apr 28/05	April 29, 1999
Inge M. Stamp	Sep 21/99 – Sep 20/02	Sep 21/87 – VC; Sep 13/82-M
Laura Trachuk	Feb 3/02 – Feb 2/05	February 3, 1993
<b>VICE-CHAIRS (Part Time)</b>		
Pamela A. Chapman	Jul 23/99 – Jul 22/02	Jul 23/93; PT – Sep 1/98
<b>BOARD MEMBERS</b>	<b>CURRENT TERM</b>	<b>ORIGINAL APPT. DATE</b>
<b>EMPLOYERS – Full Time</b>		
Jerry G. Knight	Aug 13/97 – Aug 12/02	August 13, 1997
Glenn A. Pickell	Mar 25/01 – Mar 24/04	March 25, 1998
James A. Ronson	Jul 26/97 – Jul 25/02	July 26, 1979
Judith A. Rundle	Jul 17/01 – Jul 16/04	July 17, 1986
<b>EMPLOYEES – Full Time</b>		
Alan Haward	Mar 25/01 – Mar 24/04	March 25, 1998
George S. McMenemy	Nov 5/01 – Nov 4/04	November 5, 1992
Rene R. Montague	Mar 5/01 – Mar 5/04	March 6, 1986
David A. Patterson	Apr 2/01 – Apr 1/04	April 2, 1986
Hugh Peacock	Nov 13/01 – Nov 12/04	November 13, 1986

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The OLRB's operations and staff can be broadly divided into The Board, Administration, Field Services (mediation), and Legal Services. The administrative, field, and legal staff are civil service appointments. **The Board is composed of a Chair, an Alternate Chair, Vice-Chairs and Board Members. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council as Order in Council appointments (OIC).**

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## Board Staff

### **ADMINISTRATION:**

#### ***Office of the Director and Registrar***

The Director and Registrar is the chief administrative officer of the Board. He is responsible for the overall administration of the Board's businesses: operations, mediation and adjudication. The Director and Registrar oversees the effective processing and scheduling of each case, and communicates with the parties in matters relating to the mediation of cases, scheduling of hearings or on particular problems in the processing of any given case. Every application received by the Board enters the system through the Director and Registrar's office.

#### ***Manager of Administration***

The Manager of Administration is responsible for the efficient operation of the Board through the effective and efficient coordination of the procurement and budget functions, human resources functions, client services, Information and Information Technology, and the provision of administrative direction for all shared/common services.

#### ***Library Services***

In December 1998 the Ontario Labour Relations Board Library was merged with the Workplace Safety and Insurance Appeals Tribunal Library and the Pay Equity Commission Library to form the new Ontario Workplace Tribunals Library. The library is situated in the same building as the Board – 505 University Avenue – currently on the 7<sup>th</sup> floor.

Library holdings related to the OLRB include all reported OLRB decisions from 1944 to date, all judicial reviews of OLRB decisions from 1947 to date, all bargaining unit certificates issued by the OLRB from 1962 forward. In addition, the Library has a collection of all Employment Standards review decisions from 1970 to date and all Occupational Health and Safety appeal decisions from 1980 to date. Textbooks, journals and case reports in the areas of labour, administrative and constitutional law are also held.

#### ***FIELD SERVICES (mediation)***

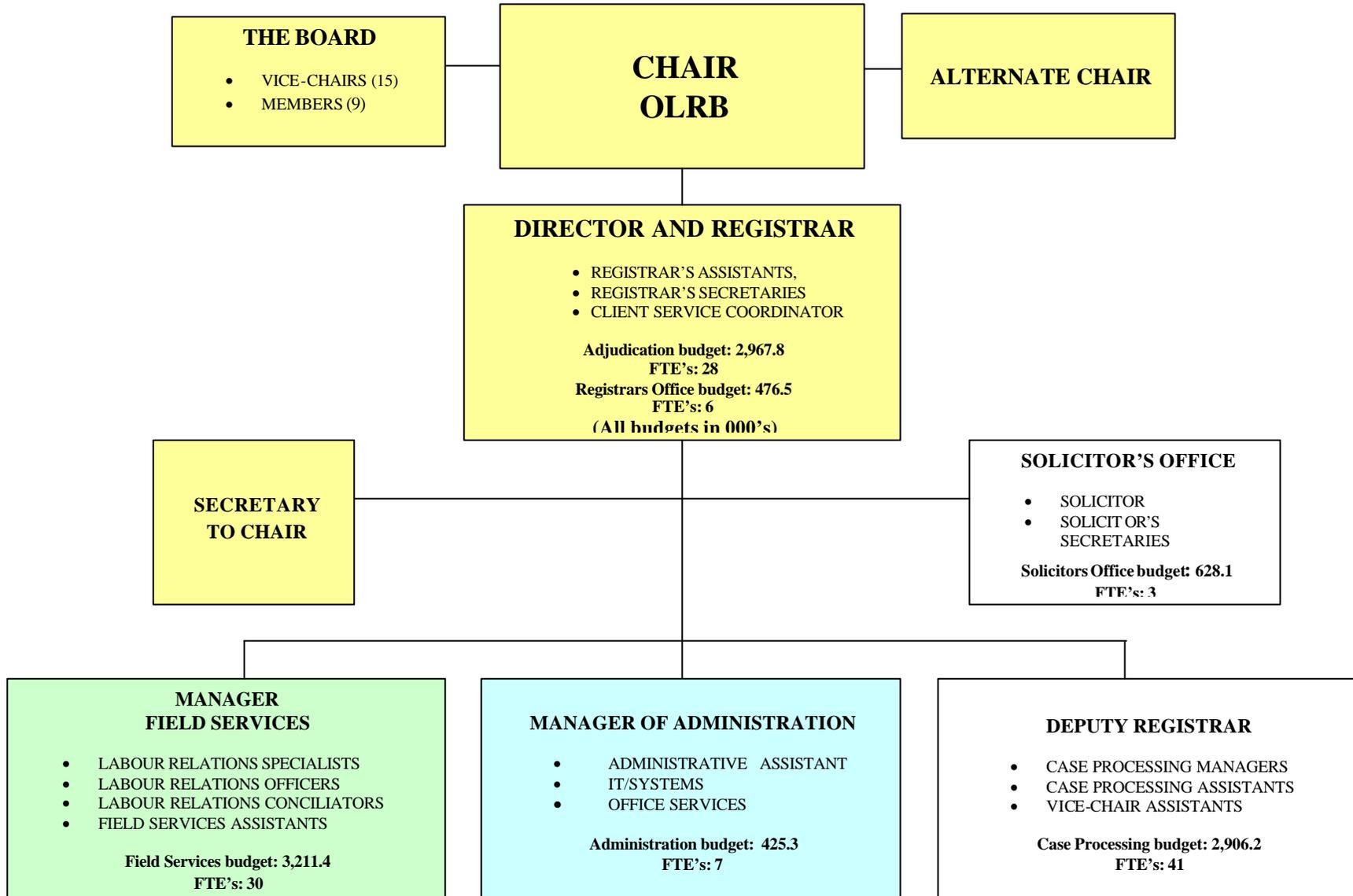
The Board is a pioneer in the area of alternative dispute resolution. The Manager of Field Services, eleven Labour Relations Specialists, and fourteen Labour Relations Officers, are responsible for mediating settlements in all of the Board's cases. In fiscal 2000/2001 LROs facilitated settlements in more than 85% of all disposed cases. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also, along with the Board's Conciliation Officers, carry out the Board's pre and post vote phone mediation program and conduct representation and final offer votes.

#### ***LEGAL SERVICES***

Legal Services to the Board are provided by the Solicitors' Office, which consists of two Board Solicitors. The Solicitors provide legal research, advice, opinions and memoranda to the Chair, Vice-Chairs, Board Members, Labour Relations Officers and administrative staff. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Board's Solicitors also represent the Board in court proceedings, including applications for judicial review.

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# ONTARIO LABOUR RELATIONS BOARD



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## II Executive Summary – Overview of Results

### Operational Performance:

- Caseload analysis
- Caseload and statistical tables

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### **OLRB - Operational Performance:**

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### **CASELOAD ANALYSIS, CASE MANAGEMENT EFFICIENCIES and STATISTICAL TABLES/GRAPHS 2001-2002**

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#### **Caseload Analysis**

In fiscal year 2001-2002, the Board had a total caseload of **5,395** applications, appeals and complaints.

The Board received 3,900 new cases and 1,495 cases were carried over from the previous year. Of the total caseload, 3,958 were disposed of during the year and 1,495 were pending in various stages of processing/mediation/adjudication at March 31, 2002.

*Note: The section numbers referred to below correspond to the Labour Relations Act, 1995, S.O. 1995, c.1, Schedule A ("Bill 7").*

#### ***Labour Relations Officer Activity***

Labour Relations Specialists and Officers are the Board's professional mediators. They are assigned to every Board case in an effort to facilitate settlements in matters brought before the Board, without the need for formal litigation before the Board itself. (**Table 3**)

Of those cases in which activity was completed and cases disposed by the end of the year, **88.5%** of these cases were settled with the assistance of Labour Relations Officers. Officers referred 456 cases to the Board for decisions or proceedings; and settlement efforts were continuing in 1,437 cases at March 31, 2002.

#### ***Vice-Chair/Adjudicator Decisions***

Vice-Chairs wrote **6,274 decisions** covering 4,374 cases between April 1, 2001 and March 31, 2002.

***Disposition Time – Major Categories***

**Table 6** provides statistics on the time taken by the Board to process the 3,178 cases disposed of in 2001-2002, excluding cases in which proceedings were adjourned sine die. Information is shown separately for the three major categories of cases handled by the Board – certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements – and for the categories combined.

**Overall median times** to proceed from filing to disposition for the 3,178 cases was **45 days**. **Median times were reduced from last fiscal for the three major categories of cases:** 611 certification applications were processed in a median of 21 days; 684 complaints of contravention of the Act took 63 days; 360 referrals of construction industry grievances required 11 days, and the remaining 1,523, for all other categories combined, took 62 days.

***Certification of Bargaining Agents***

**In 2001-2002, the Board received 624 applications for certification of trade unions as bargaining agents of employees, a decrease of 26.6 percent from 2000-2001. (Table 1)**

In addition to the 624 applications received, 198 cases were carried over from last year, making a total certification caseload of 822 in 2001-2002. Of the total caseload, 686 were disposed of and 136 cases were pending at March 31, 2002. Of the 686 dispositions, certification was granted in 307 cases; 198 cases were dismissed; one case was terminated; and 180 cases were settled. The certified cases represented 44.7 percent of the total dispositions. **(Table 1)**

**Of the 505 applications that were either certified or dismissed, final decisions in a number of cases were based on the results of representation votes. Of the 514 votes conducted, 444 involved a single union on the ballot, and 70 were held between two unions. Applicants won in 315 of the votes and lost in the other 199. (Table 5)**

A total of 33,733 employees were eligible to vote in the 514 elections, of whom 28,900 or 85.7 percent cast ballots. In the 315 votes that were won and resulted in certification, 13,555 or 79.7 percent of the 17,013 employees eligible to vote cast ballots, and of these voters, 10,852 or 80.1 percent favoured union representation. In the 199 elections that were lost and resulted in dismissals, 15,345 employees participated, and, of these, 5,857 or 38.2 percent voted for union representation. **(Table 5)**

Eight unions, each with more than 25 applications, accounted for 63.0 percent of the total filings: Labourers (77 cases), Canadian Auto Workers (75 cases), Carpenters (63 cases), Teamsters (46 cases), Canadian Union of Public Employees (CUPE) (43 cases), IWA-Canada (35 cases), Food and Commercial Workers (27 cases), and United Steelworkers (27 cases). In contrast, 17 unions filed fewer than 5 applications each. These unions together accounted for 6.1 percent of the total certification filings. **(Table 7)**

**Table 8** gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 86.1 percent of the applications received, concentrated in construction (189 cases) and health and welfare services (108 cases). These two groups comprised 55.3 percent of the total non-manufacturing applications. The 87 applications involving establishments in manufacturing industries comprised 13.9 percent of the new applications.

### ***Size and Composition of Bargaining Units***

Small units continued to be the predominant pattern of union organizing efforts through the certification process in 2001-2002. The average size of the 307 bargaining units in the 307 applications that were certified was 53 employees, compared with 68 employees in 2000-2001. The 54 units in construction certifications averaged eight employees, and the 253 units in non-construction certifications averaged 63 employees. Sixty-seven point seven (67.7) percent of the total certification applications involved units of fewer than 40 employees, and 32.2 percent applied to units of fewer than 10 employees. The total number of employees covered by the certification applications granted decreased to 16,255 from 36,901 in 2000-2001. (**Table 9**)

Of the employees covered by the certification applications granted, 2,030, or 12.5 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 524 employees. Full-time and part-time employees were represented in units covering 13,701 employees, including units that did not specifically exclude employees working 24 hours or less a week. (**Tables 11 and 12**)

Seventy-seven point zero (77.0) percent of the employees, or 12,512, were employed in production and related occupations; 435 were in office, clerical and technical occupations - mainly in education and related services. Professional employees, found mostly in health and welfare services, accounted for 848 employees; and 2,460 were in units that included employees in two or more classifications. (**Tables 13 and 14**)

### ***Disposition Time – Certifications Granted***

A median time of 24 calendar days was required to complete the 307 certification applications granted from receipt to disposition. For non-construction certification, the median time was 21 days for 253 cases; and for construction certification, the median time was 30 days for 54 cases. (**Table 10**)

Ninety-one point two (91.2) percent of the 307 certification applications granted were disposed of in 84 days (3 months) or less. (**Table 10**).

### ***Termination of Bargaining Rights***

In 2001-2002, the Board received 180 applications under sections 63, 65, 66, 67, and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 47 cases were carried over from 2000-2001. (**Table 1**)

Of the 227 cases processed, bargaining rights were terminated in 86 cases, 46 cases were dismissed, 38 cases were settled and 53 cases were pending at March 31, 2002.

One hundred and three representation votes were held on 132 cases that were either granted or dismissed. A total of 4,329 employees were eligible to vote in the 103 elections that were held, of whom 3,246 or 75.0 percent cast ballots. Of those who cast ballots, 335 voted for continued representation by unions and 1,164 voted against. (**Table 5**)

### ***Representation Votes***

In 2001-2002, the Board's Labour Relations Officers and Conciliators conducted a total of 712 representation votes among employees in one or more bargaining units. Of the 712

votes conducted, 588 involved certification applications, and 124 were held in applications for termination of existing bargaining rights. (**Table 4**)

Of the certification votes, 489 involved a single union on the ballot, and 98 involved two unions.

A total of 42,992 employees were eligible to vote in the 712 elections that were conducted, of whom 35,269 or 82.0 percent cast ballots. Of those who participated, 50.0 percent voted in favour of union representation. In the 588 elections in certification applications, 82.9 percent of the eligible voters cast ballots, with 51.2 percent of the participants voting for union representation.

In the 124 votes in applications for termination of bargaining rights, 74.8 percent of the eligible voters cast ballots, with only 39.5 percent of those who participated voting for the incumbent unions.

### ***Final Offer Votes***

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are assigned to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 36 requests dealt with by the Board during the fiscal year, 11 cases were granted, 14 cases were dismissed, seven cases were settled, and the remaining four cases were pending at March 31, 2002. (**Table 1**)

In the 25 votes held, employees accepted the employer's offer in 11 cases and rejected the offer in 14 cases.

### ***Declaration of Successor Trade Union***

In 2001-2002, the Board dealt with 47 applications for declarations under section 68 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction. Affirmative declarations were issued by the Board in 41 cases, one case was settled, two cases were dismissed, and the remaining three cases were pending at March 31, 2002. (**Table 1**)

### ***Declaration of Successor or Common Employer***

In 2001-2002, the Board dealt with 294 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 23 cases, 15 applications were dismissed, 124 cases were settled and 132 cases were pending at March 31, 2002. (**Table 1**)

***Declaration/Direction of Unlawful Strike***

In 2001-2002, the Board dealt with 28 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. Eighteen cases were settled, six cases were granted, one case was dismissed and the remaining three cases were pending at March 31, 2002. **(Table 1)**

The Board dealt with 10 applications seeking directions under section 144 of the Act against alleged unlawful strikes by construction workers. Of these, one case was granted, seven cases were settled and the remaining two were pending at March 31, 2002. **(Table 1)**

***Declaration/ Direction of Unlawful Lock-out***

Two applications seeking declarations under section 101 of the Act regarding an alleged unlawful lock-out by non-construction employers were processed in 2001-2002. One case was granted and the remaining case was pending at March 31, 2002.

One application seeking a declaration under section 144 of the Act regarding an alleged unlawful lock-out in the construction industry were processed in 2001– 2002. The case was settled. **(Table 1)**

***Consent to Prosecute***

In 2001-2002, the Board dealt with four applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act. Three cases were settled and the remaining case was pending at March 31, 2002. **(Table 1)**

***Complaints of Contravention of Act***

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes settlements facilitated by its labour relations officers.

In 2001-2002, the Board received 842 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 442 cases were carried over from 2000-2001. Of the 1,284 cases processed, 664 were settled, and 413 cases were pending at March 31, 2002. **(Table 1)**

In 783, or 89.9 percent, of the 871 dispositions, settlements and withdrawals of the complaint were secured by labour relations officers **(Table 3)**. Remedial orders were issued by the Board in 17 cases, 186 cases were dismissed, and 4 cases were terminated. **(Table 1)**

### ***Construction Industry Grievances***

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the Act. As with complaints of contravention of the Act, the Board encourages settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 2001-2002, the Board received 706 cases under this section. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 122 were carried over from 2000-2001. Of the total 828 processed, 669 were disposed of; of these, awards were made by the Board in 122 cases, 11 cases were dismissed, and 159 cases were pending at March 31, 2002. (**Table 1**)

In 621, or 92.8, percent of the 669 dispositions, settlements and withdrawal of the grievance were obtained by labour relations officers. (**Table 3**)

### ***MISCELLANEOUS APPLICATIONS AND COMPLAINTS***

#### ***Religious Exemption – Exemption from Union Security Provision in Collective Agreement***

Thirteen applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Three applications were settled, two cases was granted, and the remaining eight applications were pending at March 31, 2002. (**Table 1**)

#### ***Early Termination of Collective Agreements***

Twelve applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in 10 cases, and the remaining two cases were pending at March 31, 2002. (**Table 1**)

#### ***Union Financial Statements***

Six complaints were dealt with under section 92 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. Four applications were settled, one was dismissed, and the remaining case was pending at March 31, 2002. (**Table 1**)

#### ***Jurisdictional Disputes***

Forty-six complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in 10 cases, 12 cases were settled, two cases were dismissed, and 22 cases were pending at March 31, 2002. (**Table 1**)

#### ***Determination of Employee Status***

The Board dealt with 19 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Ten cases were settled by the

parties in discussions with labour relations officers. Two cases were granted, two cases were dismissed and the remaining five cases were pending at March 31, 2002. (**Table 1**)

### ***Referrals by Minister of Labour***

In 2001-2002, the Board dealt with 14 cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. Four applications were granted, one was dismissed, five were settled, and the remaining four cases were pending at March 31, 2002. (**Table 1**)

The Board also dealt with 14 cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act*. Two cases were granted, one case was dismissed, eight cases were settled, and the remaining three were pending at March 31, 2002. (**Table 1**)

### ***Trusteeship Reports***

Ten statements were filed with the Board during the year reporting that local unions had been placed under trusteeship.

### ***First Agreement Arbitration***

In 2001-2002, the Board processed 16 applications for directions to settle first agreements by arbitration. Two directions were issued, one case was dismissed, 12 cases were settled, and one case was pending at March 31, 2002. (**Table 1**)

### ***Occupational Health and Safety Act***

In 2001-2002, the Board received 97 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Thirty-six cases were carried over from 2000-2001.

Of the total 133 cases processed, 91 cases were disposed of. Of these, 84 cases were settled by the parties in discussions with labour relations officers (**Table 3**). Fifteen cases were dismissed, one case was terminated, and the remaining 42 were pending at March 31, 2002.

### ***Colleges Collective Bargaining Act***

Two complaint was dealt with under section 77 of the *Colleges Collective Bargaining Act* in 2001-2002; both cases were settled.

Two applications were dealt with under section 82 of the Act for decisions on the status of individuals as employees under the Act. One case was settled and the other was pending at March 31, 2002.

Statistics on the cases under the *Colleges Collective Bargaining Act* dealt with by the Board are included in **Table 1**.

### ***Appeals under The Employment Standard Act***

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, termination issues, and severance pay.

The Board dealt with 1,088 appeals during 2001-2002. Of the 744 cases that were disposed of, 49 were granted, 199 were dismissed, 438 cases were settled, 58 were terminated, and 344 cases were pending at March 31, 2002. (**Table 1**)

### ***Appeals under The Occupational Health and Safety Act***

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the Ontario Labour Relations Board.

Two hundred and twenty-eight appeals were dealt with by the Board in 2001-2002. Of the 145 cases that were disposed of, 4 appeals were granted, 25 were dismissed, 110 cases were settled, 6 were terminated and 83 cases were pending at March 31, 2002. (**Table 1**)

### ***Applications under The Crown Employees Collective Bargaining Act***

The *Crown Employees Collective Bargaining Act, 1993* governs the collective bargaining regime for employees in the public service, including provisions for essential and emergency services during a labour dispute. Under Part IV of the Act, the Board is authorized to adjudicate matters relating to essential service agreements.

In 2001-2002, the Board processed 147 applications under the *Crown Employees Collective Bargaining Act, 1993*. Of these, 20 cases were granted, 124 were settled, and three were dismissed. (**Table 1**)

### ***Applications under The Public Sector Labour Relations Transitions Act, 1997***

The *Public Sector Labour Relations Transition Act, 1997* established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring.

In 2001-2002, the Board processed 59 applications under the *Public Sector Labour Relations Transition Act, 1997*. Of the 59 cases processed, 10 cases were granted, one was dismissed, 40 were settled and 8 cases remained pending at March 31, 2002. (**Table 1**)

### ***Court Proceedings 2001-2002***

During the 2001-2002 fiscal year, there were 19 new applications for judicial review filed with the Ontario Superior Court of Justice (Divisional Court).

Fifteen matters were disposed of by the Divisional Court. Nine were dismissed (one matter included an application for a stay of proceedings; it too was dismissed). Six applications for judicial review were abandoned.

On March 31, 2002, there were 25 applications pending before the Divisional Court.

The Ontario Court of Appeal dismissed one appeal on the merits, and two applications for leave to appeal. One leave application was abandoned; one further leave application was pending. One leave application was granted (currently pending on the merits).

**Table 1**  
**Total Applications and Complaints Received, Disposed of and Pending**  
**Fiscal Year 2001-02**

Type of Case	Caseload			Disposed of Fiscal Year 2001-02					Pending March 31, 2002
	Total	Pending April 1, 2001	Received Fiscal Year 2001-02	Total	Granted*	Dismissed	Terminated	Settled	
								Withdrawn / Sine Die	
<b>Total</b>	<b>5,395</b>	<b>1,495</b>	<b>3,900</b>	<b>3,958</b>	<b>731</b>	<b>724</b>	<b>74</b>	<b>2,429</b>	<b>1,437</b>
CERTIFICATION OF BARGAINING AGENTS	822	198	624	686	307	198	1	180	136
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	227	47	180	174	86	46	4	38	53
ACCREDITATION	5	4	1	4	0	0	0	4	1
DECLARATION OF SUCCESSOR TRADE UNION	47	9	38	44	41	2	0	1	3
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	294	145	149	162	23	15	0	124	132
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	38	3	35	33	7	1	0	25	5
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	3	0	3	2	1	0	0	1	1
CONSENT TO PROSECUTE	4	1	3	3	0	0	0	3	1
CONTRAVENTION OF ACT	1,284	442	842	871	17	186	4	664	413
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	13	4	9	5	2	0	0	3	8
EARLY TERMINATION OF COLLECTIVE AGREEMENT	12	2	10	10	10	0	0	0	2
TRADE UNION FINANCIAL STATEMENT	6	4	2	5	0	1	0	4	1
JURISDICTIONAL DISPUTE	46	16	30	24	10	2	0	12	22
REFERRAL ON EMPLOYEE STATUS	19	5	14	14	2	2	0	10	5
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDA	28	7	21	21	6	2	0	13	7
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	0	1	0	0	0	0	0	1
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	828	122	706	669	122	11	0	536	159
COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT	133	36	97	91	0	15	1	75	42
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	1	1	0	0	0	0	0	0	1
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	2	1	1	0	0	0	0	0	2
FIRST AGREEMENT ARBITRATION DIRECTION	16	2	14	15	2	1	0	12	1
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	1	1	0	1	0	0	0	1	0
FINAL OFFER VOTE**	36	5	31	32	11	14	0	7	4
EMPLOYMENT STANDARDS ACT (APPEAL)	1,088	349	739	744	49	199	58	438	344
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	228	67	161	145	4	25	6	110	83
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT	59	19	40	51	10	1	0	40	8
CROWN EMPLOYEES COLLECTIVE BARGAINING ACT	147	1	146	147	20	3	0	124	0
PROJECT AGREEMENT APPLICATION	3	0	3	3	1	0	0	2	0
FIRE PROTECTION AND PREVENTION ACT	4	4	0	2	0	0	0	2	2

\* Includes cases in which a request was granted or a determination made by the Board.

\*\* For final Offer Votes, "Granted" indicates that the offer was accepted and "Dismissed" indicates a rejection.

**Table 2**  
**Applications and Complaints Received and Disposed of**  
**Fiscal Years 1997-98 to 2001-02**

Type of Case	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	1997-98	1998-99	1999-00	2000-01	2001-02	Total	1997-98	1998-99	1999-00	2000-01	2001-02
<b>Total</b>	<b>21,483</b>	<b>5,023</b>	<b>4,501</b>	<b>3,960</b>	<b>4,099</b>	<b>3,900</b>	<b>21,828</b>	<b>4,414</b>	<b>4,557</b>	<b>4,197</b>	<b>4,702</b>	<b>3,958</b>
CERTIFICATION OF BARGAINING AGENTS	3,599	733	692	700	850	624	3,659	733	707	606	927	686
COMBINATION OF BARGAINING UNITS	0	0	0	0	0	0	7	7	0	0	0	0
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	754	168	163	114	129	180	755	159	160	125	137	174
ACCREDITATION	9	0	1	5	2	1	9	0	0	0	5	4
DECLARATION OF SUCCESSOR TRADE UNION	272	28	5	156	45	38	269	27	1	124	73	44
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	916	228	192	172	175	149	975	238	169	177	229	162
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	0	0	0	0	0	0	2	2	0	0	0	0
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	170	35	47	32	21	35	170	31	44	35	27	33
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	30	6	7	7	7	3	32	6	6	10	8	2
CONSENT TO PROSECUTE	23	3	6	4	7	3	27	6	4	5	9	3
CONTRAVENTION OF ACT	4,669	999	1,024	901	903	842	4,690	879	930	949	1,061	871
RIGHT OF ACCESS	3	3	0	0	0	0	3	1	1	0	1	0
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	28	3	8	1	7	9	26	7	3	6	5	5
EARLY TERMINATION OF COLLECTIVE AGREEMENT	71	20	14	10	17	10	69	19	15	9	16	10
TRADE UNION FINANCIAL STATEMENT	21	6	3	8	2	2	25	3	2	5	10	5
JURISDICTIONAL DISPUTE	140	35	22	29	24	30	142	31	25	21	41	24
REFERRAL ON EMPLOYEE STATUS	85	19	27	17	8	14	106	25	22	20	25	14
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	68	10	11	12	14	21	66	15	4	13	13	21
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	0	0	0	0	1	0	0	0	0	0	0
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	4,353	1,026	1,059	782	780	706	4,463	1,072	1,030	843	849	669
COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT	431	106	87	59	82	97	441	109	93	61	87	91
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	4	0	0	3	1	0	3	0	0	0	3	0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	3	0	0	1	1	1	1	0	0	0	1	0
FIRST AGREEMENT ARBITRATION DIRECTION	64	14	15	13	8	14	69	15	12	14	13	15
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	8	1	3	2	2	0	8	1	1	3	2	1
FINAL OFFER VOTE	109	17	19	27	15	31	109	15	20	20	22	32
EMPLOYMENT STANDARDS ACT (APPEALS)	4,146	1,191	758	658	800	739	4,065	660	976	815	870	744
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	1,055	341	188	212	153	161	1,197	353	183	286	230	145
COMPLAINT UNDER FAIRNESS FOR PARENTS AND EMPLOYEES ACT	1	1	0	0	0	0	1	0	1	0	0	0
EDUCATION QUALITY IMPROVEMENT ACT APPLICATION	23	1	22	0	0	0	23	0	23	0	0	0
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT	269	29	126	32	42	40	260	0	124	49	36	51
CROWN EMPLOYEES COLLECTIVE BARGAINING ACT	147	0	0	0	1	146	147	0	0	0	0	147
PROJECT AGREEMENT APPLICATION	6	0	1	1	1	3	6	0	0	1	2	3
APPLICATION FOR VOTE UNDER COMMUNITY SMALL BUSINESS INVESTMENT FUNDS, MINISTRY OF FINANCE	1	0	1	0	0	0	1	0	1	0	0	0
FIRE PROTECTION AND PREVENTION ACT	4	0	0	2	2	0	2	0	0	0	0	2

**Table 3**  
**Labour Relations Officer Activity in Cases Processed \***  
**Fiscal Year 2001-02**

Type of Case	Total Cases Assigned	Cases in Which Activity Completed			Referred to Board	Pending**
		Total	Number Settled	Percent		
<b>Total</b>	5,395	3,958	3,502	88.5	456	1,437
CERTIFICATION OF BARGAINING AGENTS	822	686	639	93.1	47	136
SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	294	162	141	87.0	21	132
REFERRAL ON EMPLOYEE STATUS	19	14	13	93.0	1	5
CONTRAVENTION OF ACT	1,284	871	783	89.9	88	413
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	828	669	621	92.8	48	159
COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT	133	91	84	92.3	7	42
ALL OTHER CASE TYPES	2,015	1,465	1,221	83.3	244	550

\*Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

\*\*Includes all cases in which the officer activity may or may not be complete but which was not disposed of by the end of the year.

**Table 4**  
**Results of Representation Votes Conducted \***  
**Fiscal Year 2001-02**

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	712	42,992	35,269	17,637
Certification of Bargaining Agents	588	38,218	31,699	16,228
Regular cases				
One union	355	27,134	21,990	9,203
Two unions	54	8,696	6,660	6,229
Three unions	1	240	238	132
Construction cases				
One union	134	1,360	1,467	408
Two unions	44	788	1,344	256
Termination of Bargaining Rights				
One union	124	4,774	3,570	1,409

\* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

**Table 5**  
**Results of Representation Votes in cases Disposed of \***  
**Fiscal Year 2001-02**

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
	Total	Appl. Won	Appl. Lost	In Votes			In Votes			In Votes		
				Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	617	389	228	38062	18777	19285	32146	15007	17139	18208	11187	7021
Certification	514	315	199	33733	17013	16720	28900	13555	15345	16709	10852	5857
Regular cases												
One union	343	220	123	24,340	10,634	13,706	21,350	8,699	12,651	10,181	6,150	4,031
Two unions	55	39	16	8,102	5,973	2,129	6,130	4,458	1,672	5,977	4,399	1,578
Construction cases												
One union	101	52	49	1,003	378	625	1,004	375	629	419	282	137
Two unions	15	4	11	288	28	260	416	23	393	132	21	111
Termination												
One union	103	74	29	4,329	1,764	2,565	3,246	1,452	1,794	1,499	335	1,164

\* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 4 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

**Table 6**  
**Time Required to Process Applications and Complaints Disposed of \*,**  
**by Major Type of Case, Fiscal Year 2001-02**

Time Taken (No. of Days)	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievances Cases		All Other Cases	
	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent	Dispo- sitions	Cumu- lative Percent
Total	3178	100.0	611	100.0	684	100.0	360	100.0	1523	100.0
Under 8 days .....	298	9.4	36	5.9	23	3.4	70	19.4	169	11.1
8-14 days .....	304	18.9	44	13.1	32	8.0	170	66.7	58	14.9
15-21 days .....	413	31.9	227	50.2	41	14.0	27	74.2	118	22.6
22-28 days .....	285	40.9	98	66.3	47	20.9	25	81.1	115	30.2
29-35 days .....	176	46.4	41	73.0	44	27.3	10	83.9	81	35.5
36-42 days .....	116	50.1	26	77.2	38	32.9	6	85.6	46	38.5
43-49 days .....	130	54.2	15	79.7	40	38.7	5	86.9	70	43.1
50-56 days .....	120	58.0	18	82.6	39	44.4	2	87.5	61	47.1
57-63 days .....	111	61.4	10	84.3	38	50.0	2	88.1	61	51.1
64-70 days .....	108	64.8	13	86.4	35	55.1	3	88.9	57	54.9
71-77 days .....	81	67.4	5	87.2	15	57.3	4	90.0	57	58.6
78-84 days .....	59	69.3	6	88.2	17	59.8	0	90.0	36	61.0
85-91 days .....	65	71.3	4	88.9	21	62.9	2	90.6	38	63.5
92-98 days .....	59	73.2	9	90.3	14	64.9	1	90.8	35	65.8
99-105 days .....	76	75.5	4	91.0	19	67.7	1	91.1	52	69.2
106-126 days .....	147	80.2	8	92.3	44	74.1	5	92.5	90	75.1
127-147 days .....	134	84.4	12	94.3	31	78.6	3	93.3	88	80.9
148-168 days .....	118	88.1	7	95.4	31	83.2	5	94.7	75	85.8
Over 168 days .....	378	100.0	28	100.0	115	100.0	19	100.0	216	100.0

\* Excludes cases in which proceedings were adjourned sine die

**Table 7**  
**Union Distribution of Certification Applications Received and Disposed of**  
**Fiscal Year 2001-02**

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed	Settled*
All Unions	624	608	307	198	103
AUTO WORKERS	1	1	0	1	0
BAKERY AND TOBACCO WORKERS	2	2	1	1	0
BREWERY AND SOFT DRINK WORKERS	4	4	2	2	0
BRICKLAYERS INTERNATIONAL	14	11	2	1	8
CANADIAN AUTO WORKERS	75	87	53	24	10
CANADIAN EDUCATIONAL WORKERS	1	1	0	1	0
CANADIAN OPERATING ENGINEERS	2	4	1	2	1
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	43	48	31	9	8
CARPENTERS	63	57	14	19	24
CHRISTIAN LABOUR ASSOCIATION	17	16	9	6	1
CLOTHING AND TEXTILE WORKERS	2	0	0	0	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	10	9	4	5	0
ELECTRICAL WORKERS (IBEW)	19	18	4	9	5
FOOD AND COMMERCIAL WORKERS	27	24	16	7	1
FOOD AND SERVICE WORKERS	3	4	3	0	1
GRAPHIC COMMUNICATION UNION	3	3	3	0	0
HOTEL EMPLOYEES	4	5	1	3	1
INDEPENDENT LOCAL UNION	5	3	1	0	2
INTERNATIONAL OPERATING ENGINEERS	14	13	4	7	2
INTERNATIONAL WOODWORKERS OF AMERICA	1	0	0	0	0
IWA – CANADA	35	35	21	9	5
LABOURERS	77	65	24	31	10
MACHINISTS	2	2	2	0	0
NEWSPAPER GUILD	5	3	0	3	0
OFFICE AND PROFESSIONAL EMPLOYEES	6	5	4	1	0
ONTARIO NURSES ASSOCIATION	6	5	4	1	0
ONTARIO PUBLIC SCHOOL TEACHERS	1	1	1	0	0
ONTARIO PUBLIC SERVICE EMPLOYEES	25	25	21	3	1
ONTARIO SECONDARY SCHOOL TEACHERS	4	4	1	2	1
PAINTERS	13	11	6	1	4
PLASTERERS	0	0	0	0	0
PLUMBERS	6	7	4	2	1
PRACTICAL NURSES FEDERATION OF ONTARIO	0	1	1	0	0
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	1	0	0	1
RETAIL WHOLESALE EMPLOYEES	5	4	1	0	3
SERVICE EMPLOYEES INTERNATIONAL	24	23	15	7	1
SHEET METAL WORKERS	6	6	4	1	1
STRUCTURAL IRON WORKERS	4	5	1	0	4
TEAMSTERS	46	51	27	21	3
THEATRICAL STAGE EMPLOYEES	1	0	0	0	0
TRANSIT UNION (INTL.)	2	2	2	0	0
UNITED STEELWORKERS	27	32	14	14	4
OTHER EMPLOYEES, INCLUDING EMPLOYEE ASSOCIATIONS	18	10	5	5	0

\*Excludes cases in which proceedings were adjourned sine die

**Table 8**  
**Industry Distribution of Certification Applications Received and Disposed of**  
**Fiscal Year 2001-02**

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed	Settled*
All Industries	624	608	307	198	103
<b>Manufacturing</b>	<b>87</b>	<b>92</b>	<b>42</b>	<b>41</b>	<b>9</b>
CHEMICALS	2	2	2	0	0
CLOTHING	1	2	2	0	0
ELECTRICAL PRODUCTS	1	1	1	0	0
FABRICATED METALS	6	5	4	0	1
FOOD, BEVERAGES	17	18	10	7	1
FURNITURE, FIXTURES	2	2	1	1	0
MACHINERY	0	1	0	1	0
NON-METALLIC MINERALS	9	9	2	6	1
PAPER	1	1	0	1	0
PRINTING, PUBLISHING	7	6	3	3	0
RUBBER, PLASTICS	2	3	1	2	0
TRANSPORTATION EQUIPMENT	12	11	1	9	1
WOOD	8	8	6	2	0
OTHER MANUFACTURING	19	23	9	9	5
<b>Non-Manufacturing</b>	<b>537</b>	<b>516</b>	<b>265</b>	<b>157</b>	<b>94</b>
ACCOMMODATION, FOOD SERVICES	16	18	12	5	1
CONSTRUCTION	189	169	54	60	55
EDUCATION, RELATED SERVICES	22	22	13	4	5
ELECTRIC, GAS, WATER	3	0	0	0	0
FINANCE, INSURANCE CARRIERS	3	2	1	1	0
HEALTH, WELFARE SERVICES	108	124	90	23	11
LOCAL GOVERNMENT	17	18	11	5	2
MANAGEMENT SERVICES	1	2	1	1	0
MUNICIPAL	1	0	0	0	0
PERSONAL SERVICES	8	6	5	0	1
REAL ESTATE, INSURANCE AGENCIES	5	6	5	1	0
RECREATIONAL SERVICES	6	6	5	1	0
RETAIL TRADE	19	21	11	5	5
STORAGE	4	4	0	3	1
TRANSPORTATION	5	6	4	1	1
WHOLESALE TRADE	1	0	0	0	0
OTHER SERVICES	129	112	53	47	12

\* Excludes cases in which proceedings were adjourned sine die

**Table 9**  
**Size of Bargaining Units in Certification Applications Granted**  
**Fiscal Year 2001-02**

Employee Size *	Total		Construction **		Non-Construction	
	Number of Applications	Number of Employees	Number of Applications	Number of Employees	Number of Applications	Number of Employees
Total	307	16,255	54	418	253	15,837
0-9 employees	99	495	40	172	59	323
10-19 employees	66	889	12	152	54	737
20-39 employees	43	1,179	0	0	43	1,179
40-99 employees	66	4,215	2	94	64	4,121
100-199 employees	22	3,040	0	0	22	3,040
200-499 employees	7	1,788	0	0	7	1,788
500 employees or more	4	4,649	0	0	4	4,649

\* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 307 bargaining units were certified in the 307 applications in which certification was granted.

\*\* Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 10, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

**Table 10**  
**Time Required to Process Certification Applications Granted \***  
**Fiscal Year 2001-02**

Working Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
<b>Total</b>	<b>307</b>	<b>100.0</b>	<b>253</b>	<b>100.0</b>	<b>54</b>	<b>100.0</b>
Under 8 days .....	0	0.0	0	0.0	0	0.0
8-14 days .....	17	5.5	16	6.3	1	1.8
15-21 days .....	133	48.9	111	50.2	22	42.6
22-28 days .....	59	68.1	56	72.3	3	48.1
29-35 days .....	27	76.9	22	81.0	5	57.4
36-42 days .....	12	80.8	10	85.0	2	61.1
43-49 days .....	8	83.4	8	88.1	0	61.1
50-56 days .....	11	87.0	8	91.3	3	66.7
57-63 days .....	5	88.6	2	92.1	3	72.2
64-70 days .....	3	89.6	1	92.5	2	75.9
71-77 days .....	2	90.2	1	92.9	1	77.8
78-84 days .....	3	91.2	2	93.7	1	79.6
85-91 days .....	1	91.5	0	93.7	1	81.5
92-98 days .....	4	92.8	3	94.9	1	83.3
99-105 days .....	2	93.5	2	95.6	0	83.3
106-126 days .....	4	94.8	2	96.4	2	87.0
127-147 days .....	5	96.4	3	97.6	2	90.7
148-168 days .....	2	97.1	2	98.4	0	90.7
Over 168 days .....	9	100.0	4	100.0	5	100.0

\* Refers only to applications in which certification was granted. This table should not be confused with Table 6 which refers to all certification applications disposed of during the year regardless of the method of disposition.

**Table 11**  
**Employment Status of Employee in Bargaining Units Certified by Industry**  
**Fiscal Year 2001-02**

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	307	16,255	21	2,030	11	524	35	2,115	240	11,586
Manufacturing	42	3,011	5	319	0	0	5	597	32	2,095
CHEMICALS	2	17	0	0	0	0	0	0	2	17
CLOTHING	2	614	0	0	0	0	0	0	2	614
ELECTRICAL PRODUCTS	1	29	0	0	0	0	1	29	0	0
FABRICATED METALS	4	141	1	105	0	0	0	0	3	36
FOOD, BEVERAGES	10	615	1	67	0	0	1	120	8	428
FURNITURE, FIXTURES	1	96	1	96	0	0	0	0	0	0
NON-METALLIC MINERALS	2	38	0	0	0	0	0	0	2	38
PRINTING, PUBLISHING	3	231	0	0	0	0	0	0	3	231
RUBBER, PLASTICS	1	23	0	0	0	0	0	0	1	23
TRANSPORTATION EQUIPMENT	1	240	0	0	0	0	1	240	0	0
WOOD	6	556	1	31	0	0	2	208	3	317
OTHER MANUFACTURING	9	411	1	20	0	0	0	0	8	391
Non-Manufacturing	265	13,244	16	1,711	11	524	30	1,518	208	9,491
ACCOMODATION, FOOD SERVICES	12	782	0	0	0	0	4	242	8	540
CONSTRUCTION	54	418	0	0	0	0	0	0	54	418
EDUCATION, RELATED SERVICES	13	710	4	363	0	0	3	279	6	68
FINANCE, INSURANCE CARRIERS	1	11	0	0	0	0	0	0	1	11
HEALTH, WELFARE SERVICES	90	5,244	9	1,224	9	512	15	738	57	2,770
LOCAL GOVERNMENT	11	2,623	0	0	1	4	2	43	8	2,576
MANAGEMENT SERVICES	1	2	0	0	0	0	0	0	1	2
PERSONAL SERVICES	5	87	0	0	0	0	0	0	5	87
REAL ESTATE, INSURANCE AGENCIES	5	46	0	0	0	0	0	0	5	46
RECREATIONAL SERVICES	5	38	0	0	0	0	0	0	5	38
RETAIL TRADE	11	363	1	13	0	0	2	34	8	316
TRANSPORTATION	4	991	0	0	1	8	0	0	3	983
OTHER SERVICES	53	1,929	2	111	0	0	4	182	47	1,636

**Table 12**  
**Employment Status of Employees in Bargaining Units Certified by Union**  
**Fiscal Year 2001-02**

	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	307	16,255	21	2,030	11	524	35	2,115	240	11,586
BAKERY AND TOBACCO WORKERS	1	67	1	67	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	2	32	0	0	0	0	0	0	2	32
BRICKLAYERS INTERNATIONAL	2	15	0	0	0	0	0	0	2	15
CANADIAN AUTO WORKERS	53	3,744	9	655	5	224	13	1,180	26	1,685
CANADIAN OPERATING ENGINEERS	1	5	0	0	0	0	0	0	1	5
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	31	1,761	2	911	5	279	2	41	22	530
CARPENTERS	14	186	1	96	0	0	0	0	13	90
CHRISTIAN LABOUR ASSOCIATION	9	130	1	16	1	21	0	0	7	93
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	4	122	0	0	0	0	0	0	4	122
ELECTRICAL WORKERS (IBEW)	4	55	0	0	0	0	1	29	3	26
FOOD AND COMMERCIAL WORKERS	16	404	0	0	0	0	2	102	14	302
FOOD AND SERVICE WORKERS	3	283	0	0	0	0	2	44	1	239
GRAPHIC COMMUNICATION UNION	3	56	0	0	0	0	0	0	3	56
HOTEL EMPLOYEES	1	5	0	0	0	0	0	0	1	5
INDEPENDENT LOCAL UNION	1	31	0	0	0	0	1	31	0	0
INTERNATIONAL OPERATING ENGINEERS	4	23	0	0	0	0	0	0	4	23
IWA – CANADA	21	1,001	2	51	0	0	1	26	18	924
LABOURERS	24	493	0	0	0	0	0	0	24	493
MACHINISTS	2	26	0	0	0	0	0	0	2	26
OFFICE AND PROFESSIONAL EMPLOYEES	4	181	0	0	0	0	1	70	3	111
ONTARIO NURSES ASSOCIATION	4	190	0	0	0	0	0	0	4	190
ONTARIO PUBLIC SCHOOL TEACHERS	1	18	0	0	0	0	0	0	1	18
ONTARIO PUBLIC SERVICE EMPLOYEES	21	1,115	2	110	0	0	5	180	14	825
ONTARIO SECONDARY SCHOOL TEACHERS	1	61	0	0	0	0	1	61	0	0
PAINTERS	6	53	0	0	0	0	0	0	6	53
PLUMBERS	4	36	0	0	0	0	0	0	4	36
PRACTICAL NURSES FEDERATION OF ONTARIO	1	21	0	0	0	0	0	0	1	21
RETAIL WHOLESALE EMPLOYEES	1	90	0	0	0	0	0	0	1	90
SERVICE EMPLOYEES INTERNATIONAL	15	587	0	0	0	0	2	46	13	541
SHEET METAL WORKERS	4	37	0	0	0	0	0	0	4	37
STRUCTURAL IRON WORKERS	1	10	0	0	0	0	0	0	1	10
TEAMSTERS	27	807	3	124	0	0	4	305	20	378
TRANSIT UNION (INTL.)	2	929	0	0	0	0	0	0	2	929
UNITED STEELWORKERS	14	1,145	0	0	0	0	0	0	14	1,145
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	5	2,536	0	0	0	0	0	0	5	2,536

**Table 13**  
**Occupational Groups in Bargaining Units Certified by Industry**  
**Fiscal Year 2001-02**

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
	All Industries	307	16,255	273	12,512	8	435	19	848	0	0	7
Manufacturing	42	3,011	42	3,011	0	0	0	0	0	0	0	0
CHEMICALS	2	17	2	17	0	0	0	0	0	0	0	0
CLOTHING	2	614	2	614	0	0	0	0	0	0	0	0
ELECTRICAL PRODUCTS	1	29	1	29	0	0	0	0	0	0	0	0
FABRICATED METALS	4	141	4	141	0	0	0	0	0	0	0	0
FOOD, BEVERAGES	10	615	10	615	0	0	0	0	0	0	0	0
FURNITURE, FIXTURES	1	96	1	96	0	0	0	0	0	0	0	0
PRINTING, PUBLISHING	3	231	3	231	0	0	0	0	0	0	0	0
RUBBER, PLASTICS	1	23	1	23	0	0	0	0	0	0	0	0
TRANSPORTATION EQUIPMENT	1	240	1	240	0	0	0	0	0	0	0	0
WOOD	6	556	6	556	0	0	0	0	0	0	0	0
OTHER MANUFACTURING	9	411	9	411	0	0	0	0	0	0	0	0
Non-Manufacturing	265	13,244	231	9,501	8	435	19	848	0	0	7	2,460
ACCOMODATION, FOOD SERVICES	12	782	12	782	0	0	0	0	0	0	0	0
CONSTRUCTION	54	418	54	418	0	0	0	0	0	0	0	0
EDUCATION, RELATED SERVICES	13	710	8	370	2	292	2	17	0	0	1	31
FINANCE, INSURANCE CARRIERS	1	11	1	11	0	0	0	0	0	0	0	0
LOCAL GOVERNMENT	11	2,623	4	59	3	14	3	253	0	0	1	2,297
HEALTH, WELFARE SERVICES	90	5,244	73	4,545	2	73	14	578	0	0	1	48
MANAGEMENT SERVICES	1	2	1	2	0	0	0	0	0	0	0	0
PERSONAL SERVICES	5	87	5	87	0	0	0	0	0	0	0	0
REAL ESTATE, INSURANCE AGENCIES	5	46	5	46	0	0	0	0	0	0	0	0
RECREATIONAL SERVICES	5	38	5	38	0	0	0	0	0	0	0	0
RETAIL TRADE	11	363	11	363	0	0	0	0	0	0	0	0
TRANSPORTATION	4	991	3	935	1	56	0	0	0	0	0	0
OTHER SERVICES	53	1,929	49	1,845	0	0	0	0	0	0	4	84

**Table 14**  
**Occupational Groups in Bargaining Units Certified by Union**  
**Fiscal Year 2001-02**

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
	All Unions	307	16,255	273	12,512	8	435	19	848	0	0	7
BAKERY AND TOBACCO WORKERS	1	67	1	67	0	0	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	2	32	2	32	0	0	0	0	0	0	0	0
BRICKLAYERS INTERNATIONAL	2	15	2	15	0	0	0	0	0	0	0	0
CANADIAN AUTO WORKERS	53	3,744	45	3,351	2	292	5	53	0	0	1	48
CANADIAN OPERATING ENGINEERS	1	5	1	5	0	0	0	0	0	0	0	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	31	1,761	27	1,703	3	47	1	11	0	0	0	0
CARPENTERS	14	186	14	186	0	0	0	0	0	0	0	0
CHRISTIAN LABOUR ASSOCIATION	9	130	9	130	0	0	0	0	0	0	0	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	4	122	3	114	1	8	0	0	0	0	0	0
ELECTRICAL WORKERS (IBEW)	4	55	4	55	0	0	0	0	0	0	0	0
FOOD AND COMMERCIAL WORKERS	16	404	16	404	0	0	0	0	0	0	0	0
FOOD AND SERVICE WORKERS	3	283	3	283	0	0	0	0	0	0	0	0
GRAPHIC COMMUNICATION UNION	3	56	2	54	0	0	0	0	0	0	1	2
HOTEL EMPLOYEES	1	5	1	5	0	0	0	0	0	0	0	0
INDEPENDENT LOCAL UNION	1	31	0	0	0	0	0	0	0	0	1	31
INTERNATIONAL OPERATING ENGINEERS	4	23	4	23	0	0	0	0	0	0	0	0
IWA – CANADA	21	1,001	19	763	0	0	2	238	0	0	0	0
LABOURERS	24	493	24	493	0	0	0	0	0	0	0	0
MACHINISTS	2	26	2	26	0	0	0	0	0	0	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	4	181	1	8	0	0	3	173	0	0	0	0
ONTARIO NURSES ASSOCIATION	4	190	0	0	0	0	4	190	0	0	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	1	18	1	18	0	0	0	0	0	0	0	0
ONTARIO PUBLIC SERVICE EMPLOYEES	21	1,115	16	904	1	32	3	162	0	0	1	17
ONTARIO SECONDARY SCHOOL TEACHERS	1	61	1	61	0	0	0	0	0	0	0	0
PAINTERS	6	53	6	53	0	0	0	0	0	0	0	0
PLUMBERS	4	36	4	36	0	0	0	0	0	0	0	0
PRACTICAL NURSES FEDERATION OF ONTARIO	1	21	0	0	0	0	1	21	0	0	0	0
RETAIL WHOLESALE EMPLOYEES	1	90	1	90	0	0	0	0	0	0	0	0
SERVICE EMPLOYEES INTERNATIONAL	15	587	14	583	0	0	0	0	0	0	1	4
SHEET METAL WORKERS	4	37	4	37	0	0	0	0	0	0	0	0
STRUCTURAL IRON WORKERS	1	10	1	10	0	0	0	0	0	0	0	0
TEAMSTERS	27	807	26	746	0	0	0	0	0	0	1	61
TRANSIT UNION (INTL.)	2	929	1	873	1	56	0	0	0	0	0	0
UNITED STEELWORKERS	14	1,145	14	1,145	0	0	0	0	0	0	0	0
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	5	2,536	4	239	0	0	0	0	0	0	1	2,297

**Table 15**

**CERTIFICATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN  
APRIL 1, 2001 AND MARCH 31, 2002**

	<b>Number of Cases</b>										<b>Total</b>
	<b>Number of Days between application date and date vote held</b>										
	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	
<b>Fiscal 01/02</b>											
<b>Industrial</b>	-	335	20	2	8	2	4	-	2	5	378
<b>Construction</b>	2	54	85	13	2	1	1	3	1	5	167
<b>Total</b>	2	389	105	15	10	3	5	3	3	10	545

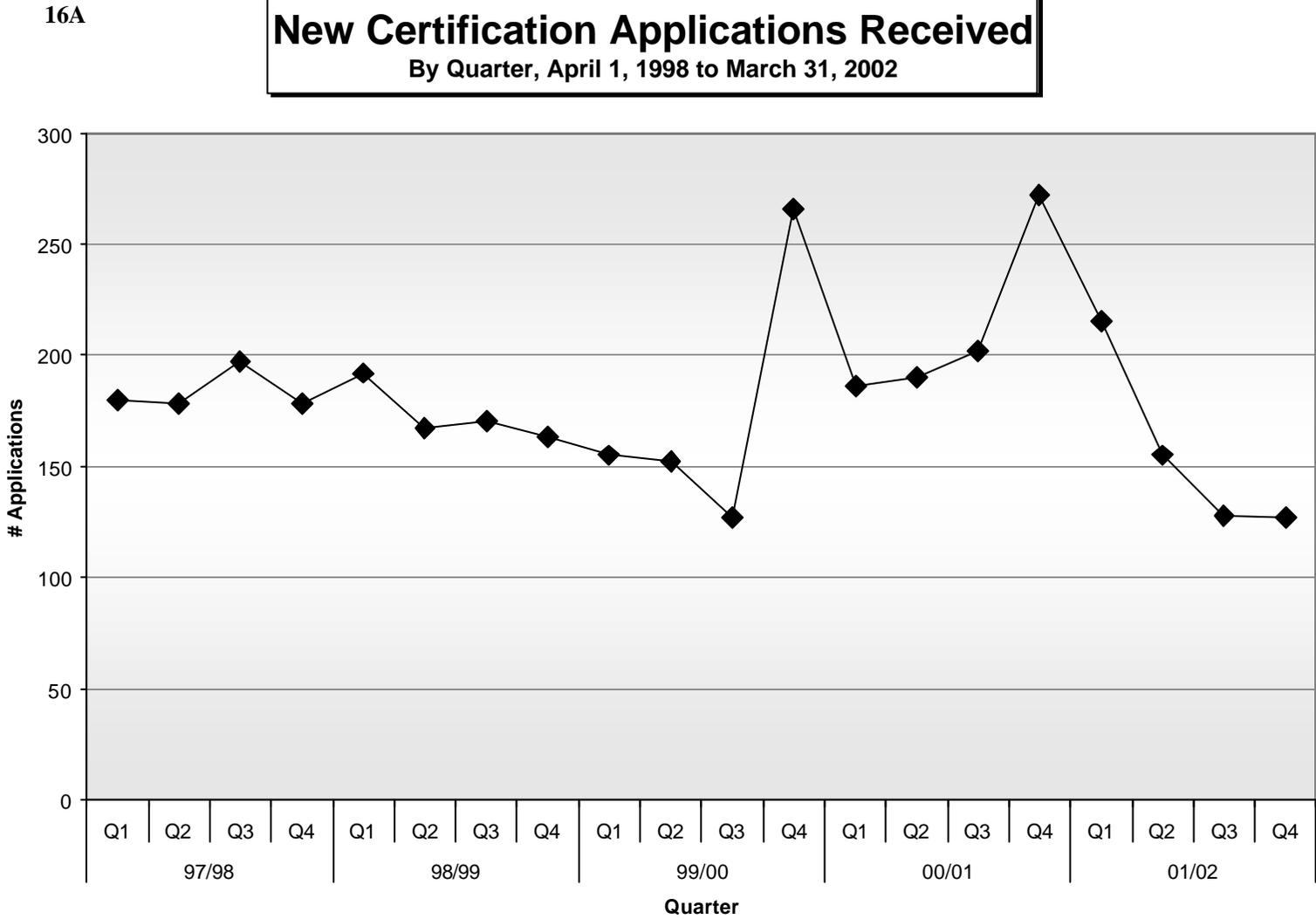
	<b>Percentage of Cases</b>									
	<b>Number of Days between Application date and date vote held</b>									
	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
<b>Industrial</b>	-	88.62	5.29	.53	2.12	.53	1.06	-	.53	1.32
<b>Construction</b>	1.2	32.34	50.9	7.78	1.2	.6	.6	1.80	.6	2.99

	<b>Summary</b>		
	<b>Percentages of votes held within</b>		
	5 days or less	7 days or less	10 days or less
<b>Industrial</b>	88.62	94.44	98.15
<b>Construction</b>	33.54	92.22	94.62

**Table 16****NEW CERTIFICATION APPLICATIONS RECEIVED****By Quarter, April 1, 1998 to March 31, 2002**

<b>Fiscal Year</b>	<b>1st</b>	<b>2nd</b>	<b>3rd</b>	<b>4th</b>	<b>TOTAL</b>
<b>97/98</b>	180	178	197	178	733
<b>98/99</b>	192	167	170	163	692
<b>99/00</b>	155	152	127	266	700
<b>00/01</b>	186	190	202	272	850
<b>01/02</b>	215	155	128	127	625
<b>TOTAL</b>	928	842	824	1006	3600

**New Certification Applications Received**  
 By Quarter, April 1, 1998 to March 31, 2002



**Table 17**

**TERMINATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN  
APRIL 1, 2001 AND MARCH 31, 2002**

	Number of Cases										Total
	Number of Days between application date and date vote held										
Under	5	6	7	8	9	10	11-15	16-20	Over	20	
Fiscal 01/02	-	62	12	17	11	4	-	2	1	2	111

Under	Percentage of Cases									
	Number of Days between Application date and date vote held									
5	6	7	8	9	10	11-15	16-20	Over	20	
-	55.86	10.81	15.32	9.91	3.6	-	1.8	.9	1.8	

**Summary**  
**Percentages of votes held within**

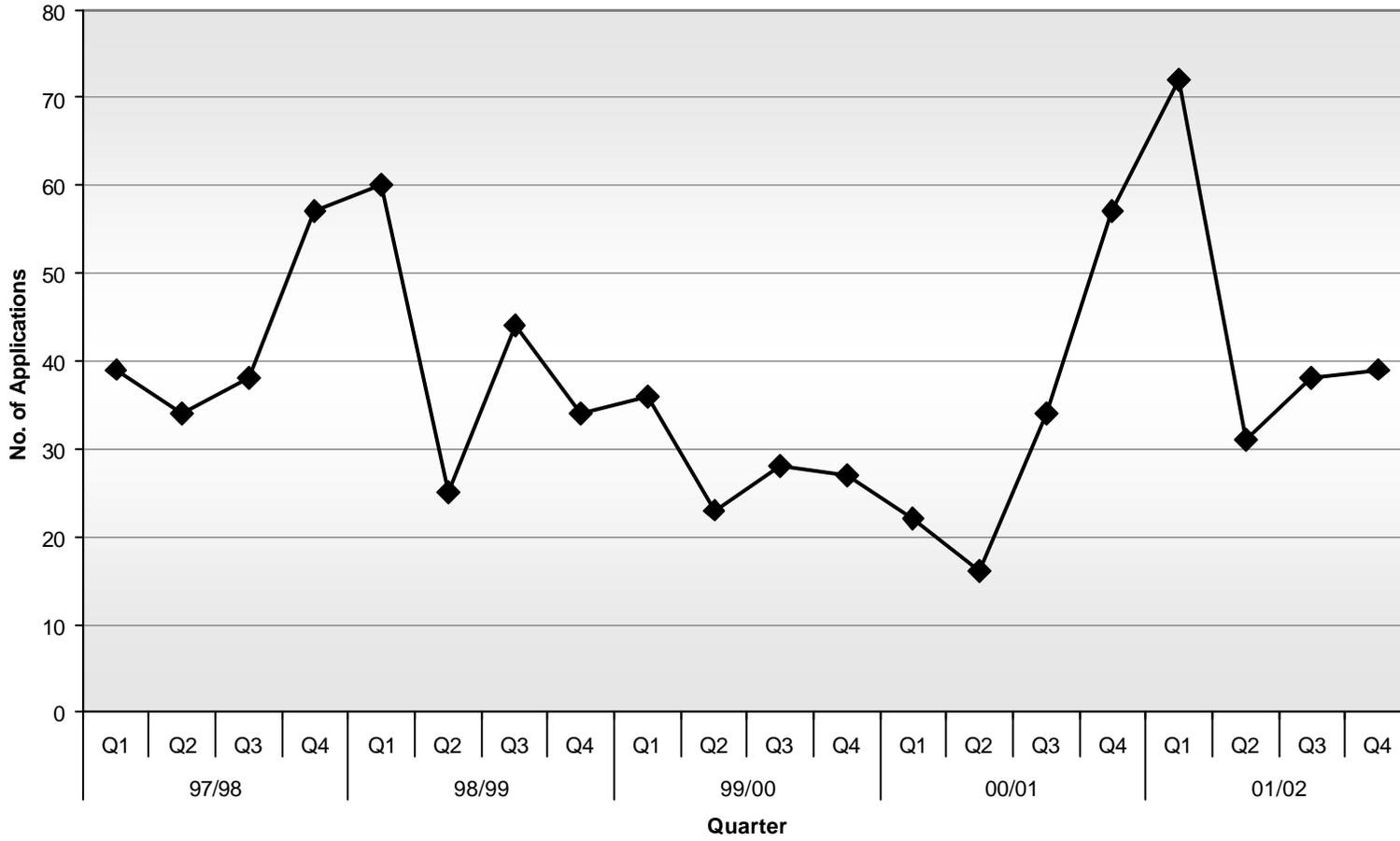
5 days or less	7 days or less	10 days or less
55.86	81.99	95.5

**Table 18****NEW TERMINATION APPLICATIONS RECEIVED****By Quarter, April 1, 1998 to March 31, 2002**

<b>Fiscal Year</b>	<b>1st</b>	<b>2nd</b>	<b>3rd</b>	<b>4th</b>	<b>TOTAL</b>
<b>97/98</b>	39	34	38	57	168
<b>98/99</b>	60	25	44	34	163
<b>99/00</b>	36	23	28	27	114
<b>00/01</b>	22	16	34	57	129
<b>01/02</b>	72	31	38	39	180
<b>TOTAL</b>	229	129	182	214	754

18A

**New Termination Applications Received**  
 By Quarter, April 1, 1998 to March 31, 2002

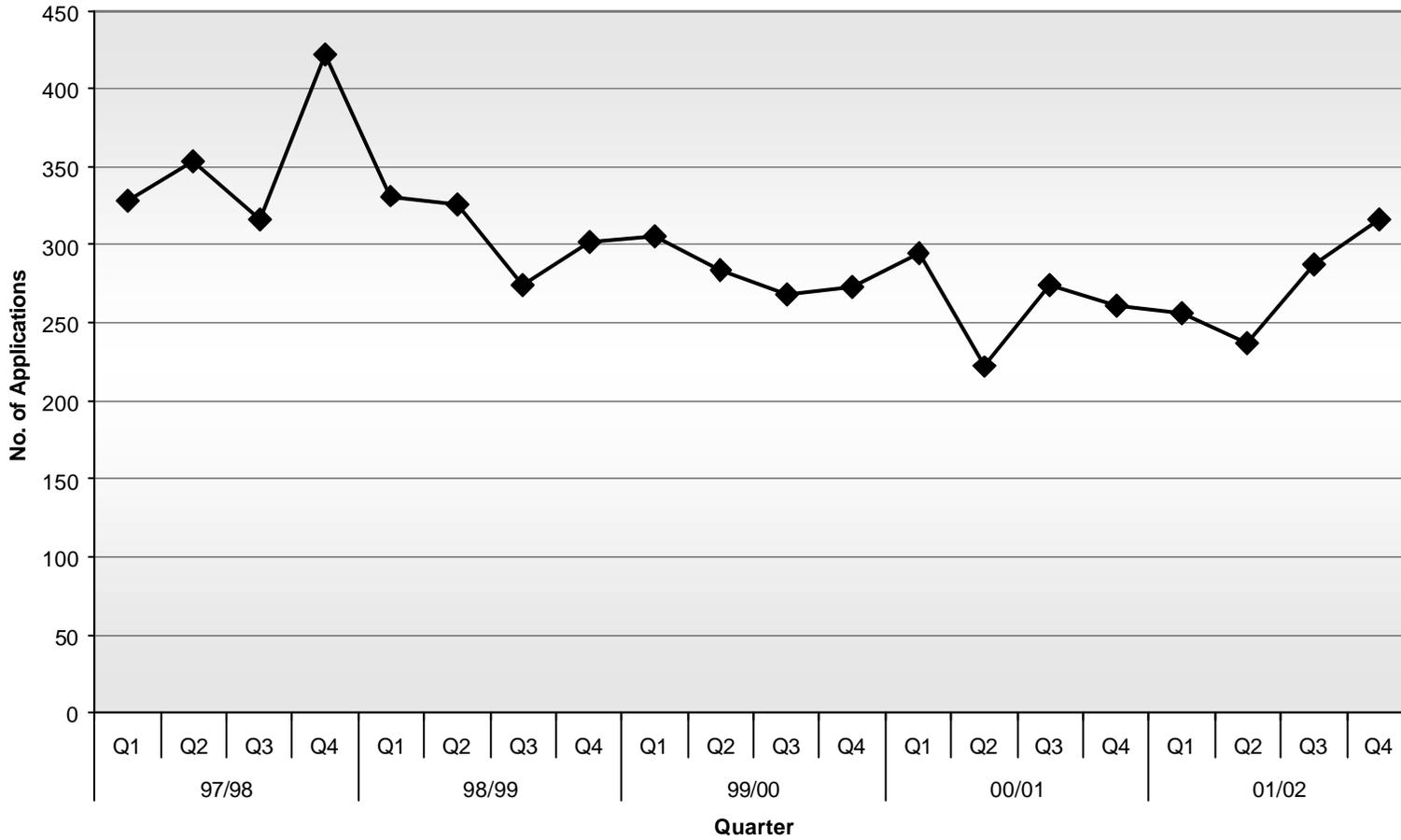


**Table 19****NEW UNFAIR LABOUR PRACTICE APPLICATIONS RECEIVED****By Quarter, April 1, 1998 to March 31, 2002**

<b>Fiscal Year</b>	<b>1st</b>	<b>2nd</b>	<b>3rd</b>	<b>4th</b>	<b>TOTAL</b>
<b>97/98</b>	328	353	316	422	1419
<b>98/99</b>	331	326	274	302	1233
<b>99/00</b>	305	284	268	273	1130
<b>00/01</b>	295	222	274	261	1052
<b>01/02</b>	256	237	287	316	1096
<b>TOTAL</b>	1515	1422	1419	1574	5930

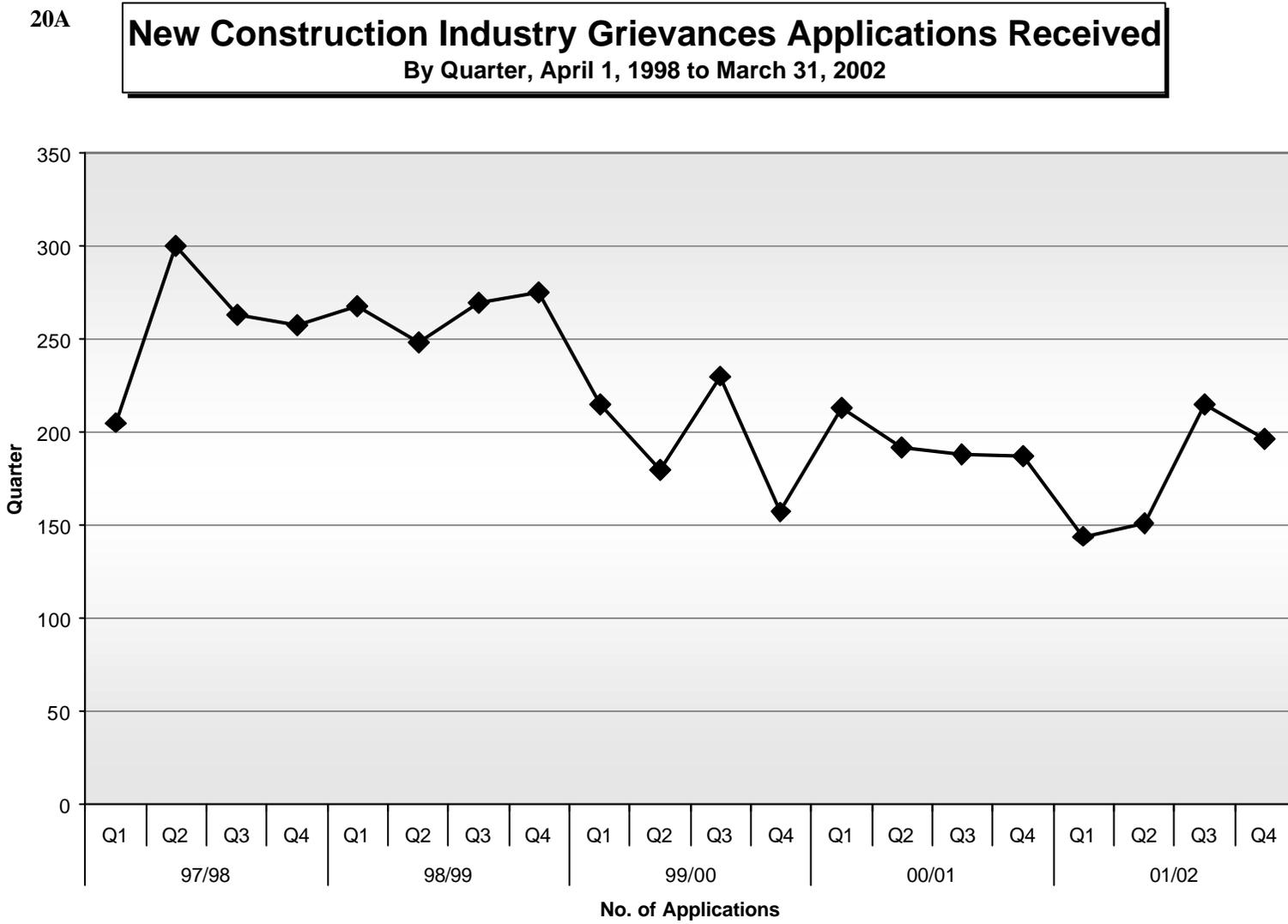
19A

**New Unfair Labour Practice Applications Received**  
 By Quarter, April 1, 1998 to March 31, 2002



**Table 20****NEW CONSTRUCTION INDUSTRY GRIEVANCE APPLICATIONS RECEIVED****By Quarter, April 1, 1998 to March 31, 2002**

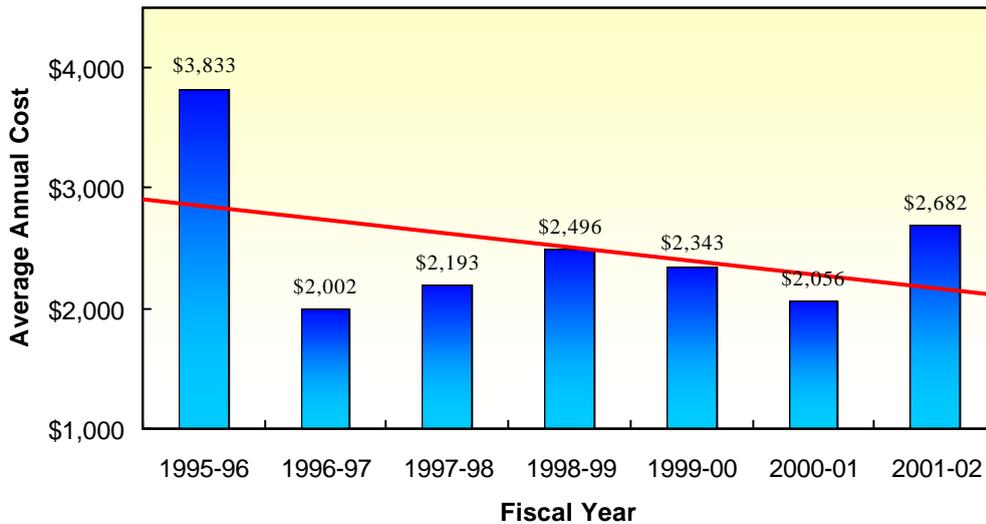
<b>Fiscal Year</b>	<b>1st</b>	<b>2nd</b>	<b>3rd</b>	<b>4th</b>	<b>TOTAL</b>
<b>97/98</b>	205	300	263	257	1025
<b>98/99</b>	267	248	269	275	1059
<b>99/00</b>	215	180	230	157	782
<b>00/01</b>	213	192	188	187	780
<b>01/02</b>	144	151	215	196	706
<b>TOTAL</b>	1044	1071	1165	1072	4352



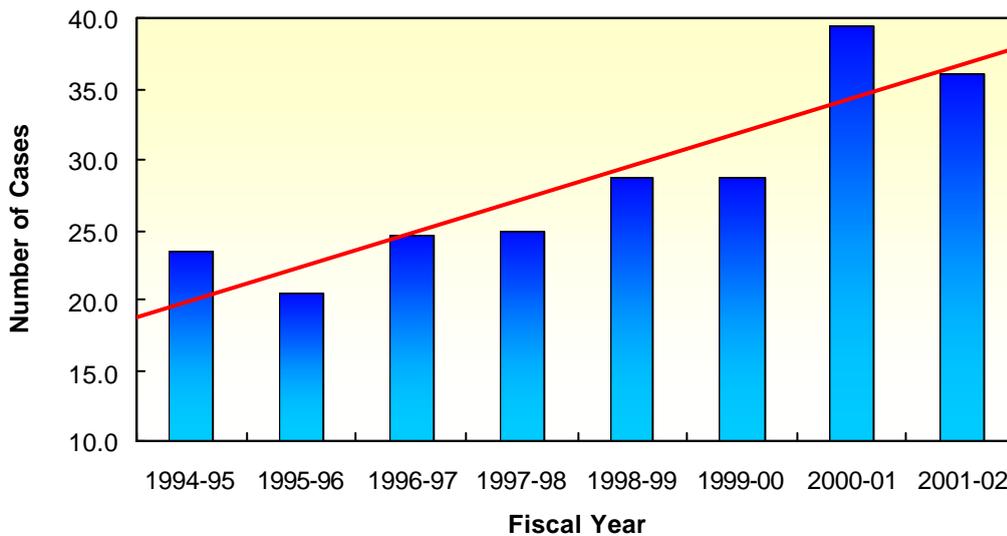
## OLRB Case Management Efficiencies 1995-2002

Each year the Board undertakes an analysis of its case management efficiencies and reports back on its annual disposition costs. The analysis reviews the number of cases disposed of per FTE (full time employee) and the average annual cost per case calculations and compares the results against the previous fiscal years.

**Average Annual Disposition Cost per Case**



**Average Annual Disposed Cases per FTE**



## III OLRB – Measuring Performance – Achieving Goals

Each year the OLRB provides a broad accountability of progress achieved on our core performance measures. We take each of our goals and track progress on a series of performance measures designed to assess whether the Board is measuring up to corporate standards and program targets/commitments.

Measure	Standard / Target	2001-2002 Commitments	2001-2002 Achievements
<u>Quality Service (Corporate) Measures:</u>  Degree of compliance with OPS-wide Common Service Standards	80% overall compliance with telephone standard	80% overall compliance with telephone standard	Actual: Exceeded corporate commitment – 85% *As verified by internal survey
	Correspondence will be answered, on average, within 15 days	Correspondence will be answered, on average, within 10 days	Actual: Exceeded corporate commitment – avg. 2.7 days *As verified by internal OLRB/MOL survey and correspondence log
<u>Fiscal Measures:</u>  % variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	Actual: Exceeded commitment - 1.6 % (positive) variance *As verified by MOL Audit of OLRB 2001/2002
<u>Program Effectiveness Measures:</u>  Meet legislated time lines	100% of certification votes (industrial) within 5-7 days of application	Standard adjusted (from 1999) to: 90% cert. votes held within 5-7 days. 95% held within 7-10 days Adjusted standard to 5% or less held within more than 10 days	Actual: Exceeded commitment 93.8% of votes held within 5-7 days or less 97.1% of votes held within 10 days or less 1.8% of votes held in more than 10 days  *Based on 545 certification votes (industrial) **Variance from commitment attributable to large number of inter-union rivalry applications
% of cases with outstanding decisions	No more than 2% of adjudicators' cases going to hearing have decisions outstanding more than 6 months	No more than 2% of adjudicator's cases going to hearing have decisions outstanding more than 6 months	Actual: Exceeded commitment 1.3% - 3 cases (235 of 238 cases) had final decision written in less than six months
% of LRA cases settled by mediation  % of ES and HS appeal cases settled by mediation	80% of LRA cases settled through mediation  ES cases = 70% HS cases = 70%	80% of LRA cases settled through mediation  ES cases = 70% HS cases = 70%	Actual: On track to meet commitment - 88.5% *Based on completed case activity in: (3958) certification plus unfair labour practices. Actual: Exceeded commitment – ES – 74.1% (551 of 744) HS – 92.4% (134 of 145)
% of judicial reviews upheld	100% of judicial reviews upheld Board decision	100% of judicial reviews upheld Board decision	Actual: Meeting commitment – 100% *Based on 19 applications filed with 15 disposed by dismissal and 6 abandoned.
<u>Timeliness of information Measures:</u>	Monthly publication of “Highlights” Bulletin within 10 days of the end of each month and bi-monthly reports within 24 weeks of month-end	Publish “Highlights” Bulletin within 2-3 weeks of month-end	Actual: Meeting commitment *Periodic variances attributed to printing delays etc.
Publications		Publish bi-monthly Reports within 6-8 weeks of month-end	Actual: Meeting commitment *Periodic variances attributed to publishing/translation delays
Annual Report	Annual publication of OLRB annual report within 12 weeks of the end of the fiscal year	Annual publication of OLRB annual report within 90 days fiscal year end	Actual: Meeting 2001/2002 commitment

96.2% (679 of 706) S. 133 grievance referrals listed for hearing within 14 days (based on parties waiving time limits in 10% of cases); 71.4% (10 of 14) First Contract Direction applications listed for hearing within 30 days of application date (based on party adjournments to initial hearing dates in 30% of cases).

## IV OLRB - Financial Performance – Managing the Dollars

The OLRB is established as an independent administrative tribunal, and operates at arm's length from the Ministry of Labour. However, from a budgetary perspective, the OLRB is an Adjudicative Agency accountable to the Minister of Labour. The Board's annual operating budget is part of the Ministry's estimates and allocation process and the Board is required to report quarterly on its expenditures and planned commitments.

The Deputy Minister of Labour has delegated authority for specific financial and administrative transactions to the Chair of the Board, the Director and Managers.

The OLRB is subject to audit review and expenditure constraints and its managers are accountable for following established management practices and using public resources for authorized purposes.

For fiscal **2001/2002** the OLRB reported total **revenues of 294.8** from cost recovery of construction industry grievance referrals and 45.8 from publications. The OLRB's **budget** for fiscal 2001/2002 was **10,789.2** (including transitional and base funding) and its **expenditures** were **10,615.3**. This represented a **positive variance** between budget and actual of **1.6%**.

### Financial Report – 2001/2002

All figures in \$000.0 thousand – Includes BPS transitional funding and base funding – Lease costs not included

Expenditure Category	2001/02 Final Budget	2001/02 Actual Expenditures	Variance \$ (Difference Between Budget & Actual)	Variance Explanation
<i>Salary &amp; Wages</i>	6,697.2	6,667.0	30.2	
<i>Employee Benefits</i>	1,303.0	1,153.8	150.2	
<i>Operating Expenses</i>	2,789.2	2,794.5	-5.5	
<b>Total</b>	<b>10,789.2</b>	<b>10,615.3</b>	<b>173.9</b>	<b>1.6%</b>

Revenues Generated From:	Amount
<b>Construction Grievances</b>	<b>294.8</b>
<b>Subscriptions</b>	<b>52.1</b>
<b>Other</b>	<b>6.4</b>
<b>Total</b>	<b>353.3</b>