
ONTARIO LABOUR RELATIONS BOARD ANNUAL REPORT 2003-2004



June 2004
Chair – Kevin Whitaker

Chair's Message

The past year has been an exciting one for the Board. With a renewed commitment from the Government reaffirming the institutional independence and integrity of the Board, we have been able to move forward on a number of significant fronts.

For the first time in years, the Board enjoys a full complement of Vice-Chairs and Board Members. We have been able to recruit, attract and retain some of the most skilled labour relations specialists in our country. We have the resources, skills and talents to meet our commitments in full.

We have continued to expand our ability to resolve labour relations disputes using alternatives to traditional hearings. We have improved our overall case disposition time – now down to forty-three days and equal to the Board's performance in 1969. We have reduced our costs per unit case and have met or exceeded all of our other performance measurement criteria. We continue to improve our ability to provide relevant and timely, understandable reasons and decisions.

As the foremost labour relations and employment tribunal in North America, we are recognized as a leader and innovator in the business of resolving workplace disputes. We are regularly consulted by other tribunals, Boards and agencies who seek our advice and guidance.

We remain committed to our principal goal – to provide all Ontarians with the best in practical and efficient, workplace problem solving. We understand, as does our community, the critical role that labour relations plays in the maintenance and health of the Ontario economy. We are – all of us - from one end of the organization to the other – up to the task.

We look forward to another year of productive and creative labour relations in Ontario. We welcome and encourage your suggestions, criticisms and comments.

Kevin Whitaker, Chair

Table of Contents

OLRB Annual Report 2003-2004

| | |
|---|----|
| Chair’s Accountability Statement | 1 |
| Preface | 1 |
| I Organizational Overview: | |
| - Core Business, Legislative Authority and Mandate | 2 |
| - Order in Council Appointments | 4 |
| - Board Staff | 5 |
| - Organizational Chart | 7 |
| II Executive Summary | |
| Operational Performance: | |
| - Caseload Analysis | 8 |
| - Statistical Tables and Graphs | 17 |
| - Case Management Efficiencies | 41 |
| III Measuring Performance – Achieving Goals | |
| - 2003-2004 OLRB Performance Measures | 42 |
| IV Financial Performance – Managing the Dollars | |
| - 2003-2004 OLRB Budget Allocation and Expenditures | 43 |

OLRB Annual Report 2003-2004



Accountability Statement

The OLRB's Annual Report for the fiscal year ending March 31, 2004 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 Business Plan of the Ministry of the Labour, which is to be released in the fall of each year, contains the Minister's mission and accountability statements, the consolidated financial/allocation statements of the Ministry and an annual 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, 2003 to March 31, 2004.

I Organizational Overview

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

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, Vice-Chairs, and 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 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:

CHAIR

| | | |
|----------------|-----------------------|--|
| Kevin Whitaker | Sep 20/04 – Sep 19/07 | Sep 20/01-C; Mar 22/95-VC; PT- June 24/98-Dec 22/99 |
|----------------|-----------------------|--|

ALTERNATE CHAIR

| | | |
|---------------------|-----------------------|-------------------------------|
| Mary Ellen Cummings | Aug 13/02 – Aug 12/05 | Jan 1/99 – Alt; Aug 13/97– VC |
|---------------------|-----------------------|-------------------------------|

VICE-CHAIRS (Full Time) – 14

| | | |
|---------------------|-----------------------|-------------------|
| Ian B. Anderson | Mar 24/04 – Mar 23/07 | March 24, 2004 |
| Peter F. Chauvin | Mar 24/04 – Mar 23/07 | March 24, 2004 |
| Harry Freedman | Jul 08/04 – Jul 07/07 | July 8, 1998 |
| Patrick M. Kelly | May 17/02 – May 16/05 | May 17, 1999 |
| David A. McKee | Apr 29/02 – Apr 28/05 | April 29, 1999 |
| Mary Anne McKellar | Jan 24/04 – Jan 23/07 | January 24, 2001 |
| Brian C. McLean | Jul 08/04 – Jul 07/07 | July 8, 1998 |
| Corinne F. Murray | Feb 03/03 – Feb 02/06 | February 3, 2003 |
| Caroline Rowan | May 06/02 – May 05/05 | May 6, 1999 |
| Timothy W. Sargeant | Feb 28/02 – Feb 27/05 | February 28, 1996 |
| Susan J. Serena | May 28/03 – May 27/06 | May 28/03 |
| Marilyn Silverman | Apr 29/02 – Apr 28/05 | April 29, 1999 |
| Jack J. Slaughter | Feb 03/03 – Feb 02/06 | February 3, 2003 |
| Tanja Wacyk | May 28/03 – May 27/06 | May 28, 2003 |

VICE-CHAIRS (Part Time) - 6

| | | |
|-------------------------|------------------------|--|
| Christopher J. Albertyn | Sep 01/04 – Aug 31/07 | Oct 7/94; PT to Mar 8/95; PT – Sep 1/04 |
| Bruce Binning | Aug 25/04 – Aug. 24/07 | PT August 24, 2004 |
| Norman Jesin | Aug 25/04 – Aug 24/07 | PT August 25, 2004 |
| Stephen C. Raymond | May 03/03 – May 02/06 | May 3, 2000; PT May 3, 2003 |
| Laura Trachuk | Jan 01/04 - Dec 31/06 | Feb. 3, 1993; PT Jan. 1, 2004 |
| Kelly A. Waddingham | Apr 07/04 – Apr 06/07 | PT April 7, 2004 |

BOARD MEMBERS

EMPLOYERS – Full Time - 5

| | <u>PERIOD</u> | <u>ORIGINAL APPT.</u> |
|---------------------|-----------------------|-----------------------|
| Richard J. O'Connor | Nov 06/02 – Nov 05/05 | November 6, 2002 |
| Glenn A. Pickell | Mar 25/04 – Mar 24/07 | March 25, 1998 |
| James A. Ronson | Jul 26/03 – Jul 25/05 | July 26, 1979 |
| Judith A. Rundle | Jul 17/04 – Jul 16/07 | July 17, 1986 |
| John A. Tomlinson | Nov 06/02 – Nov 05/05 | November 6, 2002 |

EMPLOYEES – Full Time - 6

| | | |
|--------------------|-----------------------|--------------------|
| Alan Haward | Mar 25/04 – Mar 24/07 | March 25, 1998 |
| George S. McMenemy | Nov 05/01 – Nov 04/04 | November 5, 1992 |
| Rene R. Montague | Mar 06/04 – Mar 05/07 | March 6, 1986 |
| David A. Patterson | Apr 02/04 – Apr 01/07 | April 2, 1986 |
| Hugh Peacock | Nov 13/01 – Nov 12/04 | November 13, 1986 |
| Len Wood | Sep 23/02 – Sep 22/05 | September 23, 2002 |

Board Staff

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).

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 7th 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.

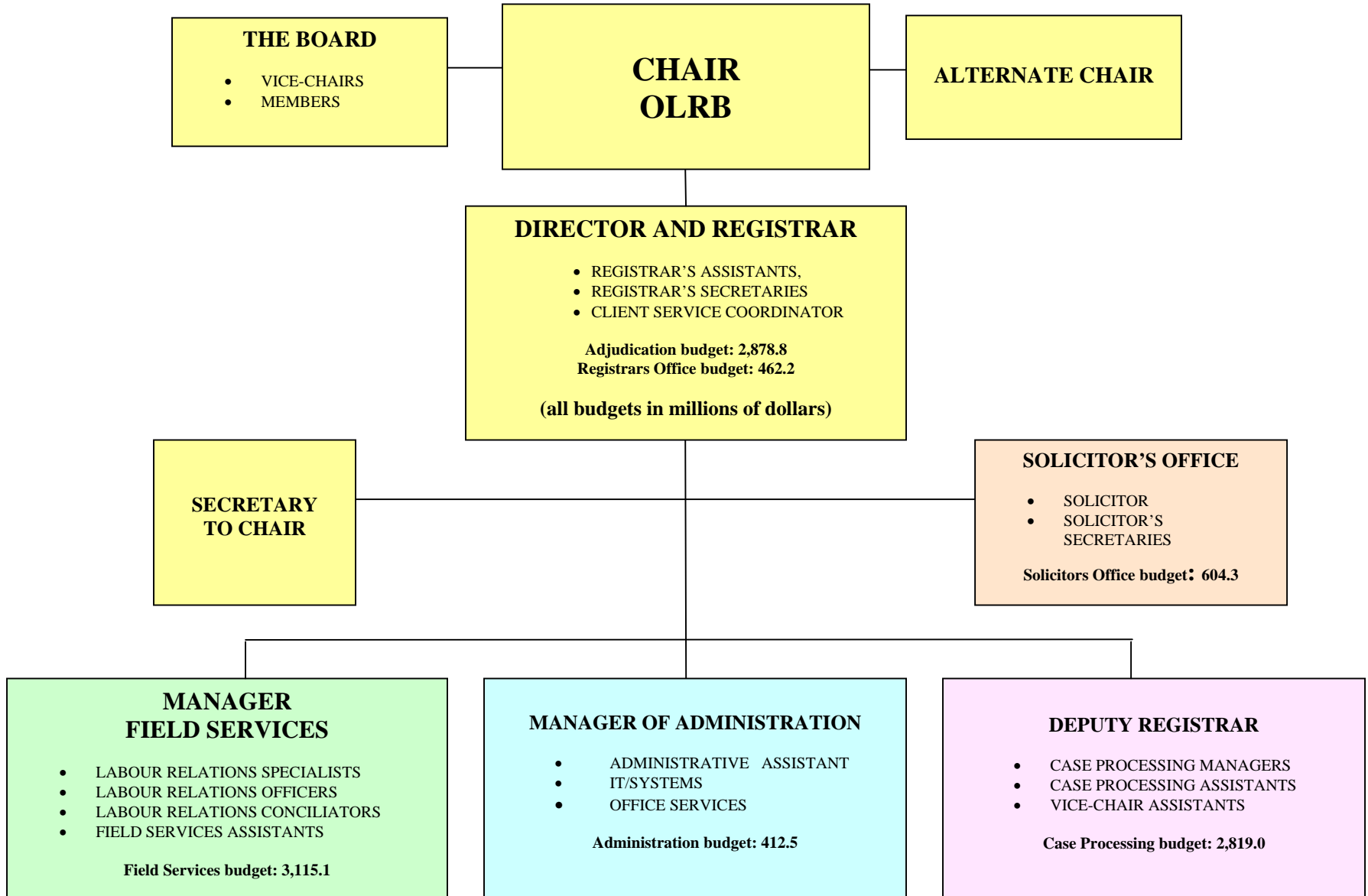
***FIELD SERVICES:
(Mediation)***

The Board is a pioneer in the area of alternative dispute resolution. The Manager of Field Services, Labour Relations Specialists, and Labour Relations Officers, are responsible for mediating settlements in all of the Board's 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.

ONTARIO LABOUR RELATIONS BOARD



OLRB Annual Report 2003 – 2004

Organizational Chart

March 2004

II Executive Summary – Overview of Results

Operational Performance:

- Caseload analysis
- Caseload and statistical tables

OLRB - Operational Performance:

CASELOAD ANALYSIS, CASE MANAGEMENT EFFICIENCIES and STATISTICAL TABLES/GRAPHS 2003-2004

Caseload Analysis

In fiscal year 2003-2004, the Board had a total caseload of 6,044 applications, appeals and complaints, an increase of 4.8% over 2002-2003.

The Board received 4,316 new cases and 1,728 cases were carried over from the previous year. Of the total caseload, 4,133 were disposed of during the year and 1,911 were pending in various stages of processing/mediation/adjudication at March 31, 2004.

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, 84.9% of these cases were settled with the assistance of Labour Relations Officers. Officers referred 626 cases to the Board for decisions or proceedings; and settlement efforts were continuing in 1,911 cases at March 31, 2004.

Vice-Chair/Adjudicator Decisions

Vice-Chairs wrote 6,791 **decisions** covering 4,943 cases between April 1, 2003 and March 31, 2004.

Disposition Time – Major Categories

Table 6 provides statistics on the time taken by the Board to process the 3,230 cases disposed of in 2003-2004, 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 remaining categories combined.

Overall median times to proceed from filing to disposition for the 3,230 cases **was 43 days. Median times for the three major categories of cases:** 540 certification applications were processed in a median of 19 days; 677 complaints of contravention of the Act took 59 days; 429 referrals of construction industry grievances required 13 days, and the remaining 1,584, for all other categories combined, took 69 days.

Certification of Bargaining Agents

In 2003-2004, the Board received 729 applications for certification of trade unions as bargaining agents of employees, an increase of 10.8 percent from 2002-2003. (Table 1)

In addition to the 729 applications received, 170 cases were carried over from last year, making a total certification caseload of 899 in 2003-2004. Of the total caseload, 584 were disposed of and 315 cases were pending at March 31, 2004. Of the 584 dispositions, certification was granted in 301 cases; 166 cases were dismissed; 4 cases were terminated; and 113 cases were settled. The certified cases represented 51.6 percent of the total dispositions. **(Table 1)**

Of the 467 applications that were either certified or dismissed, final decisions in a number of cases were based on the results of representation votes. Of the 479 votes conducted, 432 involved a single union on the ballot, 42 were between two unions, and 5 were held between three unions. Applicants won in 311 of the votes and lost in the other 168. (Table 5)

A total of 30,579 employees were eligible to vote in the 479 elections, of whom 24,224 or 79.2 percent cast ballots. In the 311 votes that were won and resulted in certification, 10,160 or 75.7 percent of the 13,426 employees eligible to vote cast ballots. Of these voters, 6,573 or 64.7 percent favoured union representation. In the 168 elections that were lost and resulted in dismissals, 14,064 employees participated, and, of these, 4,701 or 33.4 percent voted for union representation. **(Table 5)**

Seven unions, each with more than 25 applications, accounted for 61.2 percent of the total filings: Labourers (131), Bricklayers International (95), Carpenters (62), Canadian Auto Workers (59), Food and Commercial Workers (35), Canadian Union of Public Employees (CUPE) (33), Teamsters (31). In contrast, fourteen unions filed fewer than five applications each. These unions together accounted for 4.4 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 92.7 percent of the applications received, concentrated in construction (325) and other services (203). These two groups comprised 72.4 percent of the total non-manufacturing applications. The 53 applications involving establishments in manufacturing industries comprised 7.27% 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 2003-2004. The average size of the 301 bargaining units in the 301 applications that were certified was 40 employees, compared with 44 employees in 2002-2003. The 64 units in construction certifications averaged 9 employees, and the 237 units in non-construction certifications averaged 49 employees. Seventy-six point four percent of the total certification applications involved units of fewer than 40 employees, and 33.6 percent applied to units of fewer than ten employees. The total number of employees covered by the certification applications granted decreased to 12,130 from 14,026 in 2003-2004. **(Table 9)**

Of the employees covered by the certification applications granted, 99, or 0.8 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 15 employees. Full-time and part-time employees were represented in units covering 11,975 employees, including units that did not specifically exclude employees working 24 hours or less a week. **(Tables 11 and 12)**

Nineteen point two (19.2) percent of the employees, or 2,328, were employed in production and related occupations; and 9,819 were in units that included employees in two or more classifications. **(Tables 13 and 14)**

Disposition Time – Certifications Granted

A median time of 20 calendar days was required to complete the 301 certification applications granted from receipt to disposition. For non-construction certification, the median time was 20 days for 237 cases; and for construction certification, the median time was 27 days for 64 cases. **(Table 10)**

Ninety-one point four (91.4) percent of the 301 certification applications granted were disposed of in 84 days (3 months) or less. **(Table 10)**.

Termination of Bargaining Rights

In 2003-2004, the Board received 113 applications under sections 63, 65, 66, 67, and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 35 cases were carried over from 2002-2003. **(Table 1)**

Of the 148 cases processed, bargaining rights were terminated in 49 cases, 32 cases were dismissed, 21 cases were settled and 46 cases were pending at March 31, 2004.

53 representation votes were held on 81 cases that were either granted or dismissed. A total of 1,827 employees were eligible to vote in the 81 elections that were held, of whom 1,474 or 78.1 percent cast ballots. Of those who cast ballots, 511 voted for continued representation by unions and 344 voted against. **(Table 5)**

Representation Votes

In 2003-2004, the Board's Labour Relations Officers and Conciliators conducted a total of 752 representation votes among employees in one or more bargaining units. Of the 752 votes conducted, 676 involved certification applications, and 76 were held in applications for termination of existing bargaining rights. **(Table 4)**

Of the certification votes, 522 involved a single union on the ballot, and 149 involved two unions, and 5 involved three unions.

A total of 39,209 employees were eligible to vote in the 752 elections that were conducted, of whom 31,657 or 80.7 percent cast ballots. Of those who participated, 34.4 percent voted in favour of union representation. In the 676 elections in certification applications, 80.7 percent of the eligible voters cast ballots, with 43.5 percent of the participants voting for union representation.

In the 76 votes in applications for termination of bargaining rights, 81.6 percent of the eligible voters cast ballots, with only 29.2 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 16 requests dealt with by the Board during the fiscal year, 4 cases were granted, 7 cases were dismissed, two cases were settled, and the remaining three cases were pending at March 31, 2004. **(Table 1)**

In the 15 votes held, employees accepted the employer's offer in 4 cases and rejected the offer in 7 cases.

Declaration of Successor Trade Union

In 2003-2004, the Board dealt with four 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 all four cases. **(Table 1)**

Declaration of Successor or Common Employer Status

In 2003-2004, the Board dealt with 271 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 25 cases, 7 applications were dismissed, 98 cases were settled and 141 cases were pending at March 31, 2004. **(Table 1)**

Declaration/Direction of Unlawful Strike

In 2003-2004, the Board dealt with 11 applications seeking a declaration under section 100 regarding an

alleged unlawful strike by employees in the non-construction industry. Seven cases were settled, one case was granted, and three cases were dismissed. No cases were pending at March 31, 2004. **(Table 1)**

The Board dealt with eleven applications seeking directions under section 144 of the Act against alleged unlawful strikes by construction workers. Of these, ten cases were settled and the remaining case was pending at March 31, 2004. **(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 2003-2004. One case was dismissed, and one case was settled.

No applications seeking a declaration under section 144 of the Act regarding an alleged unlawful lock-out in the construction industry were processed in 2003– 2004. **(Table 1)**

Consent to Prosecute

In 2003-2004, the Board dealt with 7 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. Two cases were settled, three cases were dismissed and the remaining two cases were pending at March 31, 2004. **(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 2003-2004, the Board received 879 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, 483 cases were carried over from 2002-2003. Of the 1,362 cases processed, 599 were settled, and 514 cases were pending at March 31, 2004. **(Table 1)**

In 707, or 83.4 percent, of the 848 dispositions, settlements and withdrawals of the complaint were secured by labour relations officers **(Table 3)**. Remedial orders were issued by the Board in 9 cases, 234 cases were dismissed, and 6 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 2003-2004, the Board received 844 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, 142 were carried over from 2001-2002. Of the total 986 processed, 844 were disposed of; of these, awards were made by the Board in 148 cases, 14 cases were dismissed, and 142 cases were pending at March 31, 2004. (**Table 1**)

In 744, or 88.2, percent of the 844 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

Four 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, and one case was granted. (**Table 1**)

Early Termination of Collective Agreements

Nine applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in six cases, two were settled, there were no remaining cases pending at March 31, 2004. (**Table 1**)

Union Financial Statements

Nine 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. Six were granted, two applications were settled, one was dismissed, no cases were pending March 31, 2004. (**Table 1**)

Jurisdictional Disputes

Sixty-three 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 5 cases, 23 cases were settled, 10 cases were dismissed, and 24 cases were pending at March 31, 2004. (**Table 1**)

Referral on Employee Status

The Board dealt with 23 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Eight cases were settled by the parties in discussions with labour relations

officers. Two cases were granted, two cases were dismissed and the remaining eleven cases were pending at March 31, 2004. (**Table 1**)

Referrals by Minister of Labour

In 2003-2004, the Board dealt with 12 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. One application was granted, one was terminated, seven were settled, and the remaining three cases were pending at March 31, 2004. (**Table 1**)

The Board also dealt with 4 cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act*. One application was granted, and the remaining three were settled. (**Table 1**)

Trusteeship Reports

Twenty-eight statements were filed with the Board during the year reporting that local unions had been placed under trusteeship. Sixteen were settled, and the remaining twelve cases were pending at March 31, 2004.

First Agreement Arbitration

In 2003-2004, the Board processed 13 applications for directions to settle first agreements by arbitration. Nine cases were settled, and four cases were pending at March 31, 2004. (**Table 1**)

Occupational Health and Safety Act

In 2003-2004, the Board received 142 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Eighty-four cases were carried over from 2002-2003.

Of the total 233 cases processed, 149 cases were disposed of. Of these, 109 cases were settled by the parties in discussions with labour relations officers (**Table 3**). Twenty cases were dismissed, eight cases were terminated, and the remaining 84 were pending at March 31, 2003.

Colleges Collective Bargaining Act

One complaint was dealt with under section 77 of the *Colleges Collective Bargaining Act* in 2002-2003; the case was pending at March 31, 2004.

One application was dealt with under section 82 of the Act for decisions on the status of individuals as employees under the Act. The case was pending at March 31, 2004.

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 1,754 appeals during 2003-2004. Of the 1,211 cases that were disposed of, 85 were granted, 189 were dismissed, 865 cases were settled, 72 were terminated, and 543 cases were pending at March 31, 2003. (**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 thirty-three appeals were dealt with by the Board in 2003-2004. Of the 149 cases that were disposed of, 12 appeals were granted, 20 were dismissed, 109 cases were settled, 8 were terminated and 84 cases were pending at March 31, 2004. (**Table 1**)

Applications under The Public Sector Labour Relations Transitions Act

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 2003-2004, the Board processed 6 applications under *the Public Sector Labour Relations Transition Act, 1997*. Of the 6 cases processed, 2 cases were granted, 2 were settled and two cases remained pending at March 31, 2004. (**Table 1**)

COURT ACTIVITY 2003-2004

On April 1, 2003, there were twenty-two Board matters pending before the Courts.

During the 2003-2004 fiscal year, there were twenty-eight new applications for judicial review of Board decisions filed with the Ontario Superior Court of Justice (Divisional Court). Twenty-five matters were disposed of by the Divisional Court. Twelve were dismissed; eleven were abandoned; two were granted.

There were four motions for a stay argued before the Divisional Court, all of them in the same matter. One motion for a stay was granted on an interim basis (for nine days, pending full argument before a single judge). Those motions, as well as two others, were subsequently dismissed.

In one application for judicial review, there was a motion to the Court to issue a summons to a Vice-Chair of the Board. The motion was dismissed.

One civil suit was filed against the Board. It was dismissed by the Superior Court of Justice. The Ontario Court of Appeal heard motions for leave to appeal in two matters. One was denied; one was granted.

On March 31, 2004, there were twenty-five outstanding court applications, twenty-four at Divisional Court, one before the Court of Appeal.

Table 1

**Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 2003-04**

| Type of Case | Caseload | | | | | | | | | |
|--|----------|-----------------------------|------------------------------------|-------|----------|-----------|------------|---------------------|-------|------------------------------|
| | Total | Pending April 1, 2003 | Received Fiscal Year 2003-04 | Total | Granted* | Dismissed | Terminated | Settled | | Pending March 31, 2004 |
| | | | | | | | | Withdrawn/ Sine Die | | |
| Total | 6,044 | 1,728 | 4,316 | 4,133 | 663 | 705 | 93 | | 2,672 | 1,911 |
| CERTIFICATION OF BARGAINING AGENTS | 899 | 170 | 729 | 584 | 301 | 166 | 4 | | 113 | 315 |
| DECLARATION OF TERMINATION OF BARGAINING RIGHTS | 148 | 35 | 113 | 102 | 49 | 32 | 0 | | 21 | 46 |
| ACCREDITATION | 3 | 2 | 1 | 2 | 1 | 0 | 0 | | 1 | 1 |
| DECLARATION OF SUCCESSOR TRADE UNION | 4 | 1 | 3 | 4 | 4 | 0 | 0 | | 0 | 0 |
| DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS | 271 | 127 | 144 | 130 | 25 | 7 | 0 | | 98 | 141 |
| DECLARATION AND DIRECTION OF UNLAWFUL STRIKE | 22 | 6 | 16 | 21 | 1 | 3 | 0 | | 17 | 1 |
| DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT | 2 | 1 | 1 | 2 | 0 | 1 | 0 | | 1 | 0 |
| CONSENT TO PROSECUTE | 7 | 3 | 4 | 5 | 0 | 3 | 0 | | 2 | 2 |
| CONTRAVENTION OF ACT | 1,362 | 483 | 879 | 848 | 9 | 234 | 6 | | 599 | 514 |
| EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT | 4 | 3 | 1 | 4 | 1 | 0 | 0 | | 3 | 0 |
| EARLY TERMINATION OF COLLECTIVE AGREEMENT | 9 | 1 | 8 | 9 | 6 | 1 | 0 | | 2 | 0 |
| TRADE UNION FINANCIAL STATEMENT | 12 | 8 | 4 | 6 | 0 | 3 | 0 | | 3 | 6 |
| JURISDICTIONAL DISPUTE | 63 | 32 | 31 | 39 | 5 | 10 | 1 | | 23 | 24 |
| REFERRAL ON EMPLOYEE STATUS | 23 | 11 | 12 | 12 | 2 | 2 | 0 | | 8 | 11 |
| REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA | 16 | 5 | 11 | 13 | 2 | 0 | 1 | | 10 | 3 |
| REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE | 986 | 142 | 844 | 844 | 148 | 14 | 0 | | 682 | 142 |
| COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT | 149 | 37 | 112 | 94 | 3 | 13 | 0 | | 78 | 55 |
| COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT | 3 | 0 | 3 | 0 | 0 | 0 | 0 | | 0 | 3 |
| COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT | 1 | 1 | 0 | 0 | 0 | 0 | 0 | | 0 | 1 |
| FIRST AGREEMENT ARBITRATION DIRECTION | 13 | 2 | 11 | 9 | 0 | 0 | 0 | | 9 | 4 |
| DETERMINATION OF SECTOR OF CONSTRUCTION WORK | 7 | 4 | 3 | 3 | 2 | 0 | 0 | | 1 | 4 |
| FINAL OFFER VOTE** | 16 | 1 | 15 | 13 | 4 | 7 | 0 | | 2 | 3 |
| EMPLOYMENT STANDARDS ACT (APPEAL) | 1,754 | 533 | 1,221 | 1,211 | 85 | 189 | 72 | | 865 | 543 |
| OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL) | 233 | 91 | 142 | 149 | 12 | 20 | 8 | | 109 | 84 |
| PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997 | 6 | 3 | 3 | 4 | 2 | 0 | 0 | | 2 | 2 |
| PROJECT AGREEMENT APPLICATION | 2 | 1 | 1 | 1 | 0 | 0 | 0 | | 1 | 1 |
| FIRE PROTECTION AND PREVENTION ACT | 1 | 1 | 0 | 1 | 0 | 0 | 1 | | 0 | 0 |
| AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001 | 5 | 2 | 3 | 2 | 1 | 0 | 0 | | 1 | 3 |
| OTHER CASE TYPES | 23 | 22 | 1 | 21 | 0 | 0 | 0 | | 21 | 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 1999-00 to 2003-04**

| Type of Case | Number Received, Fiscal Year | | | | | | Number Disposed of, Fiscal Year | | | | | |
|--|------------------------------|---------|---------|---------|---------|---------|---------------------------------|---------|---------|---------|---------|---------|
| | Total | 1999-00 | 2000-01 | 2001-02 | 2002-03 | 2003-04 | Total | 1999-00 | 2000-01 | 2001-02 | 2002-03 | 2003-04 |
| Total | 20,599 | 3,960 | 4,099 | 3,900 | 4,324 | 4,316 | 21,029 | 4,197 | 4,702 | 3,958 | 4,039 | 4,133 |
| CERTIFICATION OF BARGAINING AGENTS | 3,561 | 700 | 850 | 624 | 658 | 729 | 3,430 | 606 | 927 | 686 | 627 | 584 |
| DECLARATION OF TERMINATION OF BARGAINING RIGHTS | 644 | 114 | 129 | 180 | 108 | 113 | 663 | 125 | 137 | 174 | 125 | 102 |
| ACCREDITATION | 10 | 5 | 2 | 1 | 1 | 1 | 11 | 0 | 5 | 4 | 0 | 2 |
| DECLARATION OF SUCCESSOR TRADE UNION | 255 | 156 | 45 | 38 | 13 | 3 | 260 | 124 | 73 | 44 | 15 | 4 |
| DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS | 798 | 172 | 175 | 149 | 158 | 144 | 859 | 177 | 229 | 162 | 161 | 130 |
| DECLARATION AND DIRECTION OF UNLAWFUL STRIKE | 126 | 32 | 21 | 35 | 22 | 16 | 137 | 35 | 27 | 33 | 21 | 21 |
| DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT | 20 | 7 | 7 | 3 | 2 | 1 | 25 | 10 | 8 | 2 | 3 | 2 |
| CONSENT TO PROSECUTE | 23 | 4 | 7 | 3 | 5 | 4 | 25 | 5 | 9 | 3 | 3 | 5 |
| CONTRAVENTION OF ACT | 4,437 | 901 | 903 | 842 | 912 | 879 | 4,566 | 949 | 1,061 | 871 | 837 | 848 |
| RIGHT OF ACCESS | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 |
| EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT | 22 | 1 | 7 | 9 | 4 | 1 | 29 | 6 | 5 | 5 | 9 | 4 |
| EARLY TERMINATION OF COLLECTIVE AGREEMENT | 53 | 10 | 17 | 10 | 8 | 8 | 53 | 9 | 16 | 10 | 9 | 9 |
| TRADE UNION FINANCIAL STATEMENT | 25 | 8 | 2 | 2 | 9 | 4 | 28 | 5 | 10 | 5 | 2 | 6 |
| JURISDICTIONAL DISPUTE | 163 | 29 | 24 | 30 | 49 | 31 | 164 | 21 | 41 | 24 | 39 | 39 |
| REFERRAL ON EMPLOYEE STATUS | 84 | 17 | 8 | 14 | 33 | 12 | 115 | 20 | 25 | 14 | 44 | 12 |
| REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA | 71 | 12 | 14 | 21 | 13 | 11 | 75 | 13 | 13 | 21 | 15 | 13 |
| REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY | 1 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 |
| REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE | 3,932 | 782 | 780 | 706 | 820 | 844 | 4,036 | 843 | 849 | 669 | 831 | 844 |
| COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT | 446 | 59 | 82 | 97 | 96 | 112 | 434 | 61 | 87 | 91 | 101 | 94 |
| COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT | 7 | 3 | 1 | 0 | 0 | 3 | 4 | 0 | 3 | 0 | 1 | 0 |
| COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT | 3 | 1 | 1 | 1 | 0 | 0 | 2 | 0 | 1 | 0 | 1 | 0 |
| FIRST AGREEMENT ARBITRATION DIRECTION | 55 | 13 | 8 | 14 | 9 | 11 | 60 | 14 | 13 | 15 | 9 | 9 |
| DETERMINATION OF SECTOR OF CONSTRUCTION WORK | 13 | 2 | 2 | 0 | 6 | 3 | 11 | 3 | 2 | 1 | 2 | 3 |
| FINAL OFFER VOTE | 105 | 27 | 15 | 31 | 17 | 15 | 106 | 20 | 22 | 32 | 19 | 13 |
| EMPLOYMENT STANDARDS ACT (APPEALS) | 4,442 | 658 | 800 | 739 | 1,024 | 1,221 | 4,474 | 815 | 870 | 744 | 834 | 1,211 |
| OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL) | 843 | 212 | 153 | 161 | 175 | 142 | 977 | 286 | 230 | 145 | 167 | 149 |
| COMPLAINT UNDER FAIRNESS FOR PARENTS AND EMPLOYEES ACT | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| EDUCATION QUALITY IMPROVEMENT ACT APPLICATION | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997 | 123 | 32 | 42 | 40 | 6 | 3 | 151 | 49 | 36 | 51 | 11 | 4 |
| CROWN EMPLOYEES COLLECTIVE BARGAINING ACT | 147 | 0 | 1 | 146 | 0 | 0 | 147 | 0 | 0 | 147 | 0 | 0 |
| PROJECT AGREEMENT APPLICATION | 7 | 1 | 1 | 3 | 1 | 1 | 4 | 0 | 0 | 3 | 0 | 1 |
| APPLICATION FOR VOTE UNDER COMMUNITY SMALL BUSINESS INVESTMENT FUNDS, MINISTRY OF FINANCE | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 1 | 2 | 0 | 0 | 0 |
| FIRE PROTECTION AND PREVENTION ACT | 4 | 2 | 2 | 0 | 0 | 0 | 4 | 0 | 0 | 2 | 1 | 1 |
| AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001 | 5 | 0 | 0 | 0 | 2 | 3 | 2 | 0 | 0 | 0 | 0 | 2 |
| OTHER CASE TYPES | 174 | 0 | 0 | 0 | 173 | 1 | 172 | 0 | 0 | 0 | 151 | 21 |

Table 3

Labour Relations Officer Activity in Cases Processed *
Fiscal Year 2003-04

| Type of Case | Total Cases Assigned | Cases in Which Activity Completed | | | Referred to Board | Pending** |
|--|----------------------------|-----------------------------------|--------------|-------------|----------------------|--------------|
| | | Total | Number | Percent | | |
| | | Pending April 1, 2003 | | | | |
| Total | 6,044 | 4,133 | 3,507 | 84.9 | 626 | 1,911 |
| CERTIFICATION OF BARGAINING AGENTS | 899 | 584 | 523 | 89.6 | 61 | 315 |
| SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS | 271 | 130 | 103 | 79.2 | 27 | 141 |
| REFERRAL ON EMPLOYEE STATUS | 23 | 12 | 8 | 66.7 | 4 | 11 |
| CONTRAVENTION OF ACT | 1,362 | 848 | 707 | 83.4 | 141 | 514 |
| REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE | 986 | 844 | 744 | 88.2 | 100 | 142 |
| COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT | 149 | 94 | 83 | 88.3 | 11 | 55 |
| EMPLOYMENT STANDARD ACTS (APPEAL) | 1,754 | 1,211 | 981 | 81.0 | 230 | 543 |
| OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL) | 233 | 149 | 143 | 96.0 | 6 | 84 |
| ALL OTHER CASE TYPES | 367 | 261 | 215 | 82.4 | 46 | 106 |

*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 2003-04**

| Type of Case | Number of Votes | Eligible Employees | Ballots Cast | |
|----------------------------------|--------------------|-----------------------|--------------|------------------------|
| | | | Total | In Favour of Unions |
| Total | 752 | 39,209 | 31,657 | 13,501 |
| Certification | 676 | 36,824 | 29,712 | 12,934 |
| Regular cases | | | | |
| One union | 337 | 23,483 | 18,598 | 7,820 |
| Two unions | 40 | 5,990 | 4,541 | 4,148 |
| Three unions | 5 | 3,244 | 2,762 | 0 |
| Construction cases | | | | |
| One union | 185 | 2,651 | 2,361 | 724 |
| Two unions | 109 | 1,456 | 1,450 | 242 |
| Termination of Bargaining Rights | | | | |
| One union | 76 | 2,385 | 1,945 | 567 |

* 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 2003-04**

| 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 | 532 | 343 | 189 | 32,406 | 14,458 | 17,948 | 25,698 | 10,929 | 14,769 | 11,785 | 6,740 | 5,045 |
| Certification | 479 | 311 | 168 | 30,579 | 13,426 | 17,153 | 24,224 | 10,160 | 14,064 | 11,274 | 6,573 | 4,701 |
| Regular cases | | | | | | | | | | | | |
| One union | 313 | 217 | 96 | 20,922 | 8,517 | 12,405 | 16,317 | 6,379 | 9,938 | 7,162 | 4,266 | 2,896 |
| Two unions | 36 | 25 | 11 | 5,087 | 2,967 | 2,120 | 3,800 | 2,012 | 1,788 | 3,566 | 1,925 | 1,641 |
| Three unions | 5 | 2 | 3 | 3,244 | 1,378 | 1,866 | 2,762 | 1,176 | 1,586 | 0 | 0 | 0 |
| Construction cases | | | | | | | | | | | | |
| One union | 119 | 65 | 54 | 1,250 | 548 | 702 | 1,276 | 577 | 699 | 504 | 375 | 129 |
| Two unions | 6 | 2 | 4 | 76 | 16 | 60 | 69 | 16 | 53 | 42 | 7 | 35 |
| Termination | | | | | | | | | | | | |
| One union | 53 | 32 | 21 | 1,827 | 1,032 | 795 | 1,474 | 769 | 705 | 511 | 167 | 344 |

* 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 2003-04**

| 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 | 3,230 | 100.0 | 540 | 100.0 | 677 | 100.0 | 429 | 100.0 | 1,584 | 100.0 |
| Under 8 days | 74 | 2.3 | 22 | 4.1 | 9 | 1.3 | 12 | 2.8 | 31 | 2.0 |
| 8-14 days | 210 | 8.8 | 21 | 8.0 | 25 | 5.0 | 137 | 34.7 | 27 | 3.7 |
| 15-21 days | 272 | 17.2 | 92 | 25.0 | 35 | 10.2 | 93 | 56.4 | 52 | 6.9 |
| 22-28 days | 282 | 25.9 | 150 | 52.8 | 23 | 13.6 | 51 | 68.3 | 58 | 10.6 |
| 29-35 days | 151 | 30.6 | 48 | 61.7 | 25 | 17.3 | 21 | 73.2 | 57 | 14.2 |
| 36-42 days | 125 | 34.5 | 24 | 66.1 | 30 | 21.7 | 21 | 78.1 | 50 | 17.4 |
| 43-49 days | 131 | 38.5 | 28 | 71.3 | 27 | 25.7 | 7 | 79.7 | 69 | 21.7 |
| 50-56 days | 113 | 42.0 | 19 | 74.8 | 24 | 29.2 | 6 | 81.1 | 64 | 25.8 |
| 57-63 days | 131 | 46.1 | 20 | 78.5 | 25 | 32.9 | 12 | 83.9 | 74 | 30.4 |
| 64-70 days | 92 | 48.9 | 6 | 79.6 | 21 | 36.0 | 9 | 86.0 | 56 | 34.0 |
| 71-77 days | 94 | 51.9 | 8 | 81.1 | 23 | 39.4 | 5 | 87.2 | 58 | 37.6 |
| 78-84 days | 88 | 54.6 | 4 | 81.9 | 29 | 43.7 | 1 | 87.4 | 54 | 41.0 |
| 85-91 days | 102 | 57.7 | 7 | 83.1 | 27 | 47.7 | 3 | 88.1 | 65 | 45.1 |
| 92-98 days | 86 | 60.4 | 6 | 84.3 | 24 | 51.3 | 2 | 88.6 | 54 | 48.5 |
| 99-105 days | 83 | 63.0 | 2 | 84.6 | 18 | 53.9 | 2 | 89.0 | 61 | 52.4 |
| 106-126 days | 163 | 68.0 | 15 | 87.4 | 39 | 59.7 | 5 | 90.2 | 104 | 59.0 |
| 127-147 days | 161 | 73.0 | 3 | 88.0 | 45 | 66.3 | 11 | 92.8 | 102 | 65.4 |
| 148-168 days | 115 | 76.6 | 5 | 88.9 | 28 | 70.5 | 2 | 93.2 | 80 | 70.5 |
| Over 168 days | 757 | 100.0 | 60 | 100.0 | 200 | 100.0 | 29 | 100.0 | 468 | 100.0 |

* Excludes cases in which proceedings were adjourned sine die

Table 7**Union Distribution of Certification Applications Received and Disposed of
Fiscal Year 2003-04**

| Union | Number of Applications Received | Number of Applications Disposed of | | | |
|--|---------------------------------------|------------------------------------|-----------|------------|-----------|
| | | Total | Certified | Dismissed* | Settled** |
| All Unions | 729 | 540 | 301 | 170 | 69 |
| ASBESTOS WORKERS | 2 | 2 | 0 | 1 | 1 |
| AUTO WORKERS | 4 | 3 | 1 | 2 | 0 |
| BAKERY AND TOBACCO WORKERS | 1 | 1 | 1 | 0 | 0 |
| BOILERMAKERS | 4 | 3 | 3 | 0 | 0 |
| BREWERY AND SOFT DRINK WORKERS | 3 | 3 | 3 | 0 | 0 |
| BRICKLAYERS INTERNATIONAL | 95 | 4 | 1 | 1 | 2 |
| CANADIAN AUTO WORKERS | 59 | 54 | 26 | 24 | 4 |
| CANADIAN OPERATING ENGINEERS | 3 | 4 | 2 | 2 | 0 |
| CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) | 33 | 37 | 23 | 12 | 2 |
| CARPENTERS | 62 | 38 | 12 | 12 | 14 |
| CHRISTIAN LABOUR ASSOCIATION | 14 | 11 | 9 | 2 | 0 |
| CLOTHING AND TEXTILE WORKERS | 1 | 0 | 0 | 0 | 0 |
| COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA | 10 | 9 | 4 | 4 | 1 |
| ELECTRICAL WORKERS (IBEW) | 16 | 17 | 10 | 6 | 1 |
| FOOD AND COMMERCIAL WORKERS | 35 | 27 | 16 | 7 | 4 |
| FOOD AND SERVICE WORKERS | 2 | 2 | 1 | 0 | 1 |
| GLASS, POTTERY AND PLASTIC WKRS. | 1 | 1 | 0 | 1 | 0 |
| HOTEL EMPLOYEES | 8 | 8 | 8 | 0 | 0 |
| INDEPENDENT LOCAL UNION | 1 | 1 | 1 | 0 | 0 |
| INTERNATIONAL OPERATING ENGINEERS | 22 | 23 | 9 | 11 | 3 |
| IWA – CANADA | 11 | 11 | 9 | 1 | 1 |
| LABOURERS | 131 | 90 | 46 | 28 | 16 |
| MACHINISTS | 14 | 12 | 7 | 4 | 1 |
| NEWSPAPER GUILD | 5 | 4 | 3 | 1 | 0 |
| OCCASSIONAL TEACHERS ASSOCIATION | 1 | 1 | 0 | 1 | 0 |
| OFFICE AND PROFESSIONAL EMPLOYEES | 3 | 1 | 1 | 0 | 0 |
| ONTARIO PUBLIC SCHOOL TEACHERS | 0 | 1 | 1 | 0 | 0 |
| ONTARIO PUBLIC SERVICE EMPLOYEES | 24 | 20 | 17 | 3 | 0 |
| ONTARIO SECONDARY SCHOOL TEACHERS | 3 | 3 | 3 | 0 | 0 |
| PAINTERS | 20 | 14 | 6 | 4 | 4 |
| PLASTERERS | 2 | 1 | 0 | 1 | 0 |
| PLUMBERS | 25 | 17 | 12 | 4 | 1 |
| RETAIL WHOLESALE EMPLOYEES | 6 | 8 | 7 | 1 | 0 |
| SERVICE EMPLOYEES INTERNATIONAL | 14 | 16 | 11 | 4 | 1 |
| SHEET METAL WORKERS | 10 | 9 | 3 | 4 | 2 |
| STRUCTURAL IRON WORKERS | 8 | 4 | 2 | 1 | 1 |
| TEAMSTERS | 31 | 32 | 14 | 10 | 8 |
| THEATRICAL STAGE EMPLOYEES | 6 | 8 | 6 | 2 | 0 |
| TRANSIT UNION (INTL.) | 3 | 4 | 2 | 1 | 1 |
| UNITED STEELWORKERS | 22 | 24 | 14 | 10 | 0 |
| OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS | 14 | 12 | 7 | 5 | 0 |

*Includes cases which were closed for administrative purposes

**Excludes cases in which proceedings were adjourned sine die

Table 8**Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 2003-04**

| Industry | Number of Applications Received | Number of Applications Disposed of | | | |
|------------------------------|---------------------------------|------------------------------------|------------|------------|-----------|
| | | Total | Certified | Dismissed* | Settled** |
| All Industries | 729 | 540 | 301 | 170 | 69 |
| Manufacturing | 53 | 52 | 28 | 17 | 7 |
| FABRICATED METALS | 3 | 3 | 0 | 3 | 0 |
| FOOD, BEVERAGES | 16 | 14 | 9 | 3 | 2 |
| MACHINERY | 1 | 1 | 1 | 0 | 0 |
| NON-METALLIC MINERALS | 2 | 2 | 2 | 0 | 0 |
| PAPER | 3 | 2 | 0 | 2 | 0 |
| PRIMARY METALS | 1 | 1 | 1 | 0 | 0 |
| PRINTING, PUBLISHING | 2 | 2 | 2 | 0 | 0 |
| RUBBER, PLASTICS | 2 | 2 | 0 | 2 | 0 |
| TRANSPORTATION EQUIPMENT | 2 | 2 | 1 | 1 | 0 |
| WOOD | 1 | 1 | 1 | 0 | 0 |
| OTHER MANUFACTURING | 20 | 22 | 11 | 6 | 5 |
| Non-Manufacturing | 676 | 488 | 273 | 153 | 62 |
| ACCOMMODATION, FOOD SERVICES | 12 | 14 | 13 | 0 | 1 |
| CONSTRUCTION | 325 | 157 | 64 | 55 | 38 |
| EDUCATION, RELATED SERVICES | 9 | 9 | 7 | 2 | 0 |
| ELECTRIC, GAS, WATER | 3 | 4 | 3 | 1 | 0 |
| HEALTH, WELFARE SERVICES | 58 | 53 | 39 | 11 | 3 |
| HOSPITAL | 5 | 3 | 2 | 1 | 0 |
| LOCAL GOVERNMENT | 7 | 5 | 3 | 1 | 1 |
| MINING, QUARRYING | 1 | 1 | 1 | 0 | 0 |
| MUNICIPAL | 0 | 2 | 1 | 1 | 0 |
| PERSONAL SERVICES | 3 | 5 | 3 | 1 | 1 |
| RECREATIONAL SERVICES | 5 | 4 | 1 | 3 | 0 |
| RETAIL TRADE | 10 | 10 | 4 | 6 | 0 |
| SCHOOL BOARD | 0 | 1 | 0 | 1 | 0 |
| STORAGE | 4 | 2 | 1 | 1 | 0 |
| WHOLESALE TRADE | 2 | 3 | 1 | 2 | 0 |
| OTHER SERVICES | 203 | 187 | 110 | 61 | 16 |
| OTHER NON-MANUFACTURING | 29 | 28 | 20 | 6 | 2 |

*Includes cases which were closed for administrative purposes

**Excludes cases in which proceedings were adjourned sine die

Table 9
Size of Bargaining Units in Certification Applications Granted
Fiscal Year 2003-04

| 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 | 301 | 12,173 | 64 | 592 | 237 | 11,581 |
| 0-9 employees | 102 | 543 | 46 | 229 | 56 | 314 |
| 10-19 employees | 60 | 851 | 13 | 194 | 47 | 657 |
| 20-39 employees | 63 | 1,683 | 4 | 122 | 59 | 1,561 |
| 40-99 employees | 57 | 3,493 | 1 | 47 | 56 | 3,446 |
| 100-199 employees | 11 | 1,368 | 0 | 0 | 11 | 1,368 |
| 200-499 employees | 5 | 1,829 | 0 | 0 | 5 | 1,829 |
| 500 employees or more | 3 | 2,406 | 0 | 0 | 3 | 2,406 |

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of XXX bargaining units were certified in the XXX 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 2003-04

| Working Days (including adjourments requested by the parties) | Total Certified | | Non-Construction | | Construction | |
|---|-----------------|-----------------------|------------------|-----------------------|--------------|-----------------------|
| | Number | Cumulative Percent | Number | Cumulative Percent | Number | Cumulative Percent |
| Total | 301 | 100.0 | 237 | 100.0 | 64 | 100.0 |
| Under 8 days | 0 0.0 | 0.0 | 0 0.0 | 0.0 | 0 0.0 | 0.0 |
| 8-14 days | 42 14.0 | 14.0 | 38 16.0 | 16.0 | 4 6.3 | 6.3 |
| 15-21 days | 125 41.5 | 55.5 | 102 43.0 | 59.1 | 23 35.9 | 42.2 |
| 22-28 days | 36 12.0 | 67.4 | 29 12.2 | 71.3 | 7 10.9 | 53.1 |
| 29-35 days | 29 9.6 | 77.1 | 21 8.9 | 80.2 | 8 12.5 | 65.6 |
| 36-42 days | 16 5.3 | 82.4 | 14 5.9 | 86.1 | 2 3.1 | 68.8 |
| 43-49 days | 8 2.7 | 85.0 | 8 3.4 | 89.5 | 0 0.0 | 68.8 |
| 50-56 days | 4 1.3 | 86.4 | 3 1.3 | 90.7 | 1 1.6 | 70.3 |
| 57-63 days | 5 1.7 | 88.0 | 4 1.7 | 92.4 | 1 1.6 | 71.9 |
| 64-70 days | 5 1.7 | 89.7 | 3 1.3 | 93.7 | 2 3.1 | 75.0 |
| 71-77 days | 3 1.0 | 90.7 | 1 0.4 | 94.1 | 2 3.1 | 78.1 |
| 78-84 days | 2 0.7 | 91.4 | 2 0.8 | 94.9 | 0 0.0 | 78.1 |
| 85-91 days | 3 1.0 | 92.4 | 2 0.8 | 95.8 | 1 1.6 | 79.7 |
| 92-98 days | 1 0.3 | 92.7 | 0 0.0 | 95.8 | 1 1.6 | 81.3 |
| 99-105 days | 0 0.0 | 92.7 | 0 0.0 | 95.8 | 0 0.0 | 81.3 |
| 106-126 days | 2 0.7 | 93.4 | 1 0.4 | 96.2 | 1 1.6 | 82.8 |
| 127-147 days | 2 0.7 | 94.0 | 1 0.4 | 96.6 | 1 1.6 | 84.4 |
| 148-168 days | 6 2.0 | 96.0 | 3 1.3 | 97.9 | 3 4.7 | 89.1 |
| Over 168 days | 12 4.0 | 100.0 | 5 2.1 | 100.0 | 7 10.9 | 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 2003-04

| 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 | 301 | 12,173 | 3 | 99 | 1 | 15 | 6 | 678 | 291 | 11,297 |
| Manufacturing | 28 | 2,528 | 1 | 10 | 0 | 0 | 1 | 450 | 26 | 2,068 |
| FOOD, BEVERAGES | 9 | 347 | 1 | 10 | 0 | 0 | 0 | 0 | 8 | 337 |
| WOOD | 1 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 19 |
| NON-METALLIC MINERALS | 2 | 107 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 107 |
| PRINTING, PUBLISHING | 2 | 60 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 60 |
| PRIMARY METALS | 1 | 95 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 95 |
| MACHINERY | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 3 |
| TRANSPORTATION EQUIPMENT | 1 | 450 | 0 | 0 | 0 | 0 | 1 | 450 | 0 | 0 |
| OTHER MANUFACTURING | 11 | 1,447 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 1,447 |
| Non-Manufacturing | 273 | 9,645 | 2 | 89 | 1 | 15 | 5 | 228 | 265 | 9,229 |
| ACCOMODATION, FOOD SERVICES | 13 | 263 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 263 |
| CONSTRUCTION | 65 | 598 | 0 | 0 | 0 | 0 | 0 | 0 | 65 | 598 |
| EDUCATION, RELATED SERVICES | 7 | 579 | 0 | 0 | 0 | 0 | 2 | 48 | 5 | 531 |
| ELECTRIC, GAS, WATER | 3 | 178 | 1 | 69 | 0 | 0 | 0 | 0 | 2 | 109 |
| HEALTH, WELFARE SERVICES | 39 | 1,747 | 0 | 0 | 0 | 0 | 2 | 128 | 37 | 1,543 |
| HOSPITAL | 2 | 113 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 113 |
| LOCAL GOVERNMENT | 3 | 26 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 26 |
| MINING, QUARRYING | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 |
| MUNICIPAL | 1 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 6 |
| PERSONAL SERVICES | 3 | 101 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 101 |
| RECREATIONAL SERVICES | 1 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 6 |
| RETAIL TRADE | 4 | 406 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 406 |
| STORAGE | 1 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 13 |
| WHOLESALE TRADE | 1 | 53 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 53 |
| OTHER SERVICES | 109 | 4,986 | 1 | 20 | 1 | 15 | 0 | 0 | 107 | 4,943 |
| OTHER NON-MANUFACTURING | 20 | 568 | 0 | 0 | 0 | 0 | 1 | 52 | 19 | 516 |

Table 13
Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 2003-04

| | All Groups | | Production & Related | | Office Clerical & Technical | | Professional | | Sales | | Other | |
|-----------------------------|----------------|--------|----------------------|--------|-----------------------------|--------|--------------|--------|--------|--------|--------|--------|
| | Number | Empls. | Number | Empls. | Number | Empls. | Number | Empls. | Number | Empls. | Number | Empls. |
| | All Industries | 301 | 12,147 | 95 | 2,328 | 0 | 0 | 0 | 0 | 0 | 0 | 206 |
| Manufacturing | 28 | 2,528 | 12 | 525 | 0 | 0 | 0 | 0 | 0 | 0 | 16 | 2,003 |
| FOOD, BEVERAGES | 9 | 347 | 2 | 116 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 231 |
| WOOD | 1 | 19 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 19 |
| NON-METALIC MINERALS | 2 | 107 | 1 | 10 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 97 |
| PRINTING, PUBLISHING | 2 | 60 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 60 |
| PRIMARY METALS | 1 | 95 | 1 | 95 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MACHINERY | 1 | 3 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TRANSPORTATION EQUIPMENT | 1 | 450 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 450 |
| OTHER MANUFACTURING | 11 | 1,447 | 7 | 301 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 1,146 |
| Non-Manufacturing | 273 | 9,619 | 83 | 1,803 | 0 | 0 | 0 | 0 | 0 | 0 | 190 | 7,816 |
| ACCOMODATION, FOOD SERVICES | 13 | 263 | 4 | 93 | 0 | 0 | 0 | 0 | 0 | 0 | 9 | 170 |
| CONSTRUCTION | 64 | 598 | 54 | 482 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 116 |
| EDUCATION, RELATED SERVICES | 7 | 579 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 579 |
| ELECTRICAL, GAS, WATER | 3 | 178 | 1 | 69 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 109 |
| HEALTH, WELFARE SERVICES | 39 | 1,721 | 20 | 828 | 0 | 0 | 0 | 0 | 0 | 0 | 19 | 893 |
| HOSPITAL | 2 | 113 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 113 |
| LOCAL GOVERNMENT | 3 | 26 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 26 |
| MINING, QUARRYING | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 |
| MUNICIPAL | 1 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 6 |
| PERSONAL SERVICES | 3 | 101 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 101 |
| RECREATIONAL SERVICES | 1 | 6 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 6 |
| RETAIL TRADE | 4 | 406 | 1 | 300 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 106 |
| STORAGE | 1 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 13 |
| WHOLESALE TRADE | 1 | 53 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 53 |
| OTHER SERVICES | 110 | 4,986 | 3 | 31 | 0 | 0 | 0 | 0 | 0 | 0 | 107 | 4,955 |
| OTHER NON-MANUFACTURING | 20 | 568 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 568 |

Table 15

**CERTIFICATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN
APRIL 1, 2003 AND MARCH 31, 2004**

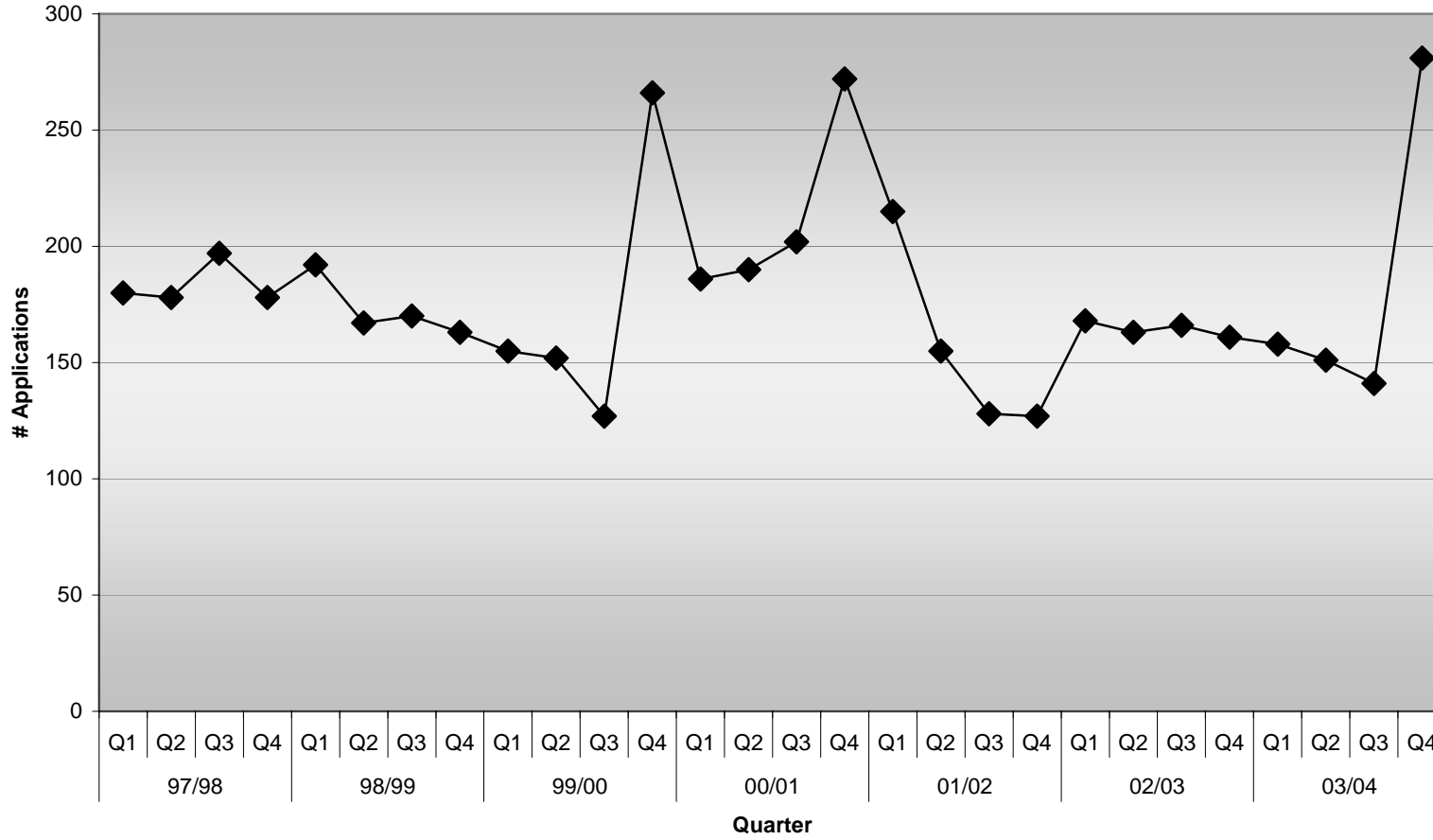
| Number of Cases | | | | | | | | | | | |
|---|--------------|----------|----------|----------|----------|----------|-----------|--------------|--------------|-------------|--------------|
| Number of Days between application date and date vote held | | | | | | | | | | | |
| | Under | | | | | | | | | Over | |
| | 5 | 5 | 6 | 7 | 8 | 9 | 10 | 11-15 | 16-20 | 20 | Total |
| Fiscal 03/04 | | | | | | | | | | | |
| Industrial | 2 | 332 | 11 | 10 | 6 | 1 | 2 | 9 | - | - | 373 |
| Construction | 4 | 91 | 119 | 68 | 11 | 2 | - | 3 | - | - | 298 |
| Total | 6 | 423 | 130 | 78 | 17 | 3 | 2 | 12 | 0 | 0 | 671 |

| Percentage of Cases | | | | | | | | | | | |
|---|--------------|----------|----------|----------|----------|----------|-----------|--------------|--------------|-------------|--|
| Number of Days between Application date and date vote held | | | | | | | | | | | |
| | Under | | | | | | | | | Over | |
| | 5 | 5 | 6 | 7 | 8 | 9 | 10 | 11-15 | 16-20 | 20 | |
| Industrial | 0.54 | 89.01 | 2.95 | 2.68 | 1.61 | 0.27 | 0.54 | 2.41 | - | - | |
| Construction | 1.34 | 30.54 | 39.93 | 22.82 | 3.69 | 0.67 | - | 1.01 | - | - | |

| Summary | | | |
|---|-----------------------|-----------------------|------------------------|
| Percentages of votes held within | | | |
| | 5 days or less | 7 days or less | 10 days or less |
| Industrial | 89.54 | 95.17 | 97.59 |
| Construction | 31.88 | 94.63 | 98.99 |

16A

New Certification Applications Received
 By Quarter, April 1, 1998 to March 31, 2004



NEW CERTIFICATION APPLICATIONS RECEIVED
By Quarter, April 1, 1998 to March 31, 2004

| Fiscal Year | 1st | 2nd | 3rd | 4th | TOTAL |
|--------------------|-------------|-------------|-------------|-------------|--------------|
| 97/98 | 180 | 178 | 197 | 178 | 733 |
| 98/99 | 192 | 167 | 170 | 163 | 692 |
| 99/00 | 155 | 152 | 127 | 266 | 700 |
| 00/01 | 186 | 190 | 202 | 272 | 850 |
| 01/02 | 215 | 155 | 128 | 127 | 625 |
| 02/03 | 168 | 163 | 166 | 161 | 658 |
| 03/04 | 158 | 151 | 141 | 281 | 731 |
| TOTAL | 1254 | 1156 | 1131 | 1448 | 4989 |

Table 17

**TERMINATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN
APRIL 1, 2003 AND MARCH 31, 2004**

| Number of Cases | | | | | | | | | | | |
|---|--------------|----------|----------|----------|----------|----------|-----------|--------------|--------------|-------------|--------------|
| Number of Days between application date and date vote held | | | | | | | | | | | |
| | Under | | | | | | | | | Over | |
| | 5 | 5 | 6 | 7 | 8 | 9 | 10 | 11-15 | 16-20 | 20 | Total |
| Fiscal 03/04 | - | 42 | 17 | 6 | 5 | 2 | 1 | 3 | - | - | 76 |

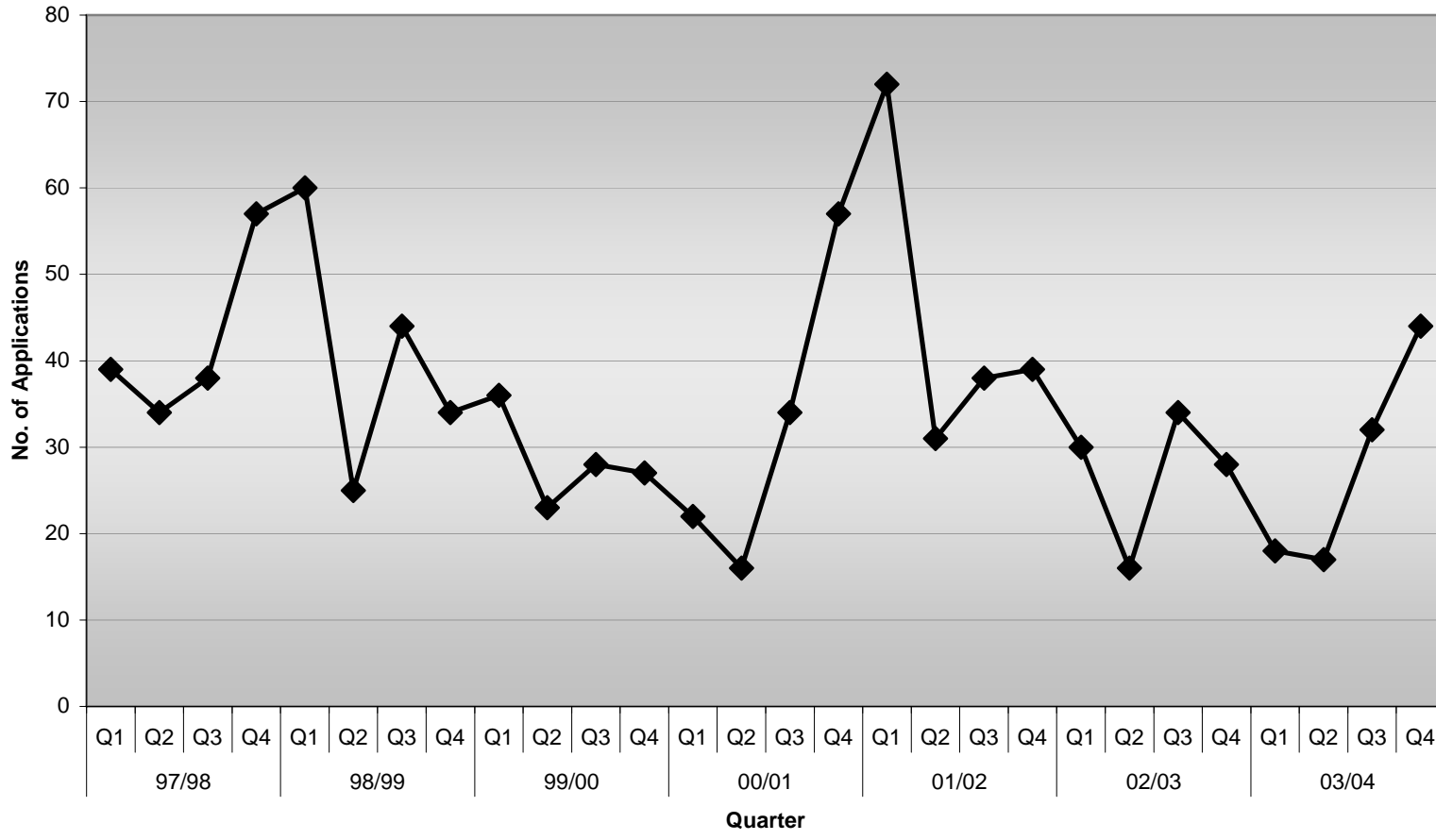
| Percentage of Cases | | | | | | | | | | | |
|---|--------------|----------|----------|----------|----------|----------|-----------|--------------|--------------|-------------|--|
| Number of Days between Application date and date vote held | | | | | | | | | | | |
| | Under | | | | | | | | | Over | |
| | 5 | 5 | 6 | 7 | 8 | 9 | 10 | 11-15 | 16-20 | 20 | |
| | - | 55.26 | 22.37 | 7.89 | 6.58 | 2.63 | 1.32 | 3.95 | - | - | |

Summary
Percentages of votes held within

| | | |
|-----------------------|-----------------------|------------------------|
| 5 days or less | 7 days or less | 10 days or less |
| 55.26 | 85.53 | 96.05 |

18A

New Termination Applications Received
By Quarter, April 1, 1998 to March 31, 2004

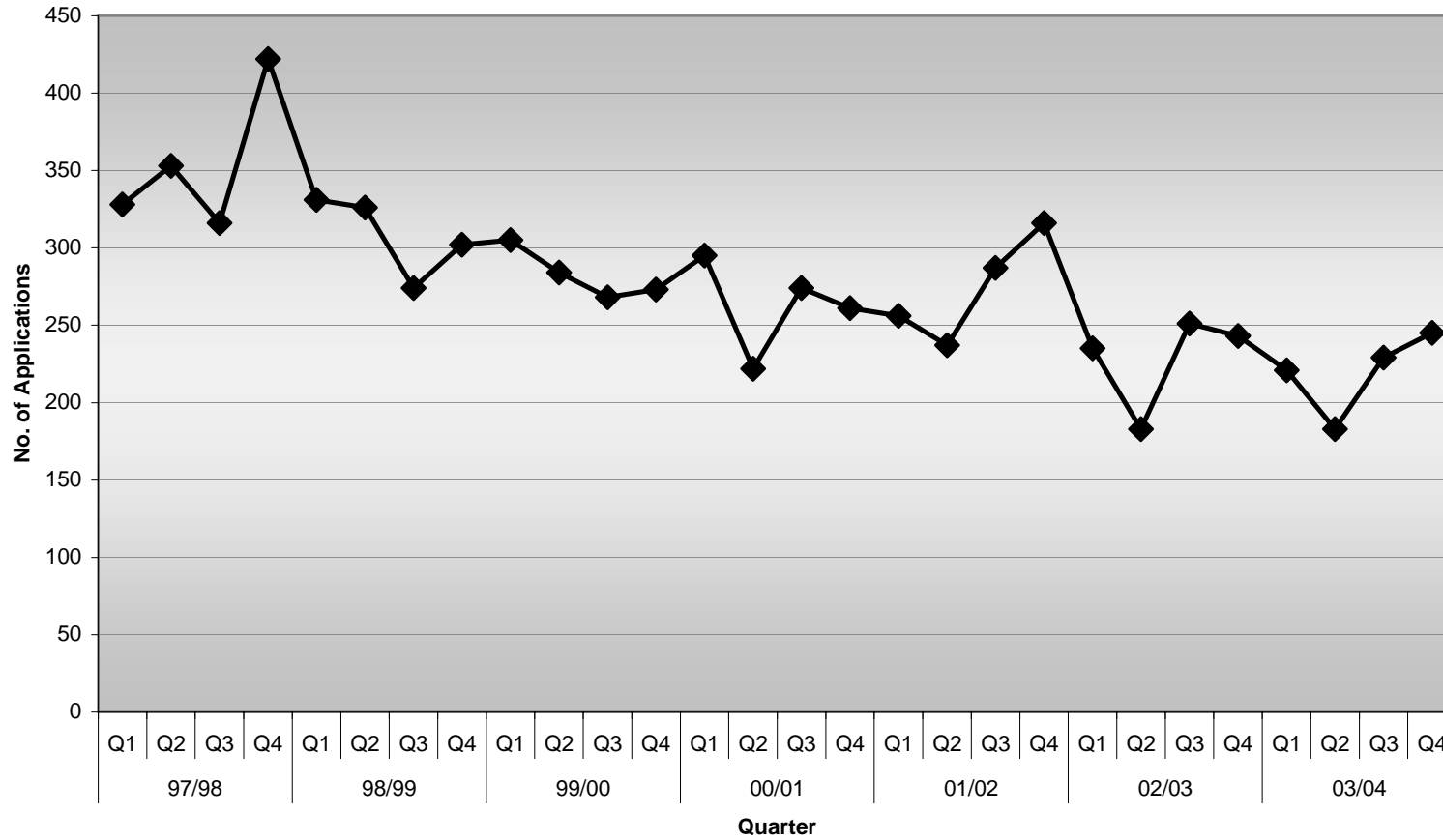


NEW TERMINATION APPLICATIONS RECEIVED
By Quarter, April 1, 1998 to March 31, 2004

| Fiscal Year | 1st | 2nd | 3rd | 4th | TOTAL |
|--------------------|------------|------------|------------|------------|--------------|
| 97/98 | 39 | 34 | 38 | 57 | 168 |
| 98/99 | 60 | 25 | 44 | 34 | 163 |
| 99/00 | 36 | 23 | 28 | 27 | 114 |
| 00/01 | 22 | 16 | 34 | 57 | 129 |
| 01/02 | 72 | 31 | 38 | 39 | 180 |
| 02/03 | 30 | 16 | 34 | 28 | 108 |
| 03/04 | 18 | 17 | 32 | 44 | 111 |
| TOTAL | 277 | 162 | 248 | 286 | 973 |

19A

New Unfair Labour Practice Applications Received
 By Quarter, April 1, 1998 to March 31, 2004

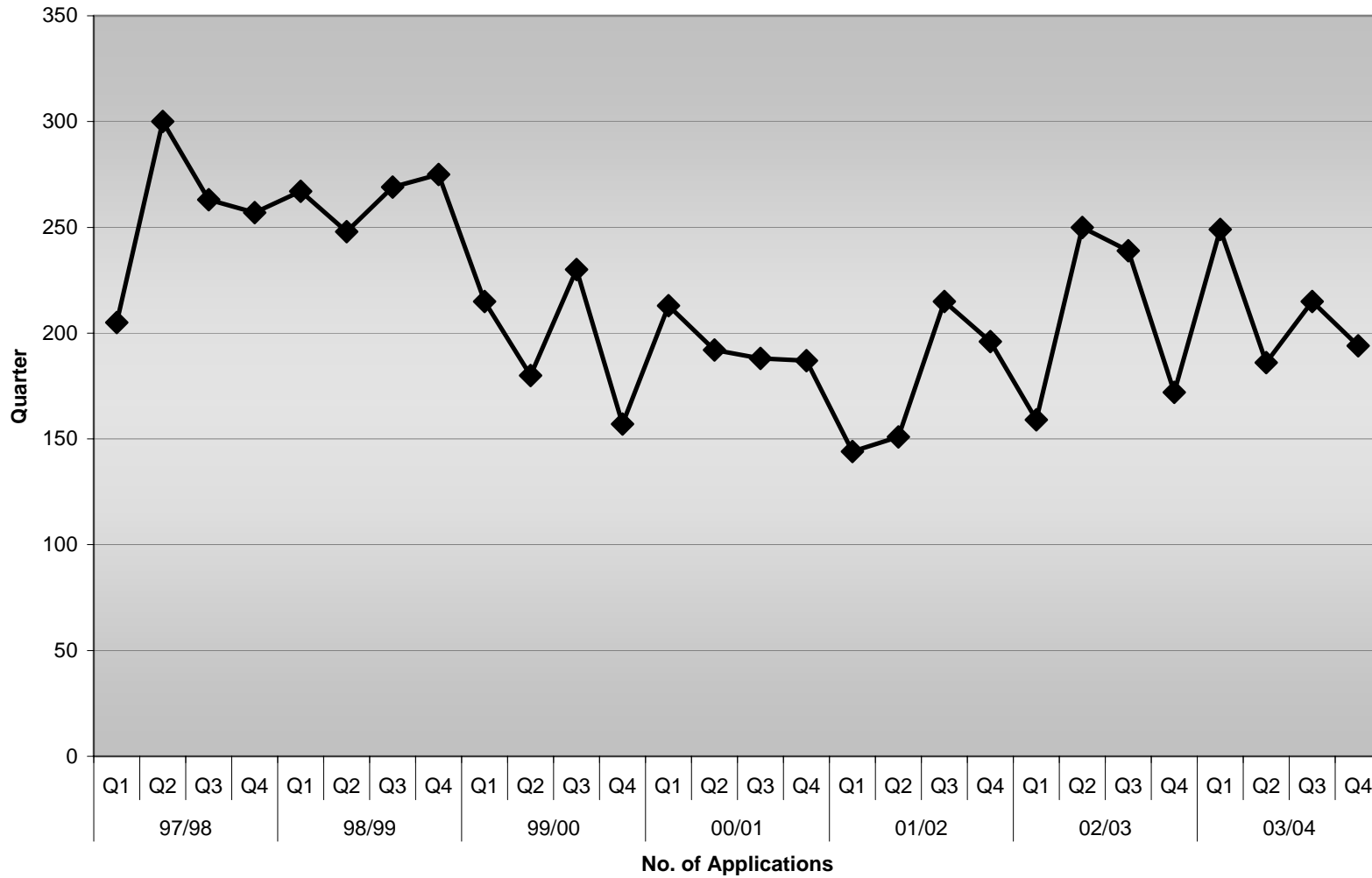


NEW UNFAIR LABOUR PRACTICE APPLICATIONS RECEIVED
By Quarter, April 1, 1998 to March 31, 2004

| Fiscal Year | 1st | 2nd | 3rd | 4th | TOTAL |
|--------------------|-------------|-------------|-------------|-------------|--------------|
| 97/98 | 328 | 353 | 316 | 422 | 1419 |
| 98/99 | 331 | 326 | 274 | 302 | 1233 |
| 99/00 | 305 | 284 | 268 | 273 | 1130 |
| 00/01 | 295 | 222 | 274 | 261 | 1052 |
| 01/02 | 256 | 237 | 287 | 316 | 1096 |
| 02/03 | 235 | 183 | 251 | 243 | 912 |
| 03/04 | 221 | 183 | 229 | 245 | 878 |
| TOTAL | 1971 | 1788 | 1899 | 2062 | 7720 |

20A

New Construction Industry Grievances Applications Received
 By Quarter, April 1, 1998 to March 31, 2004

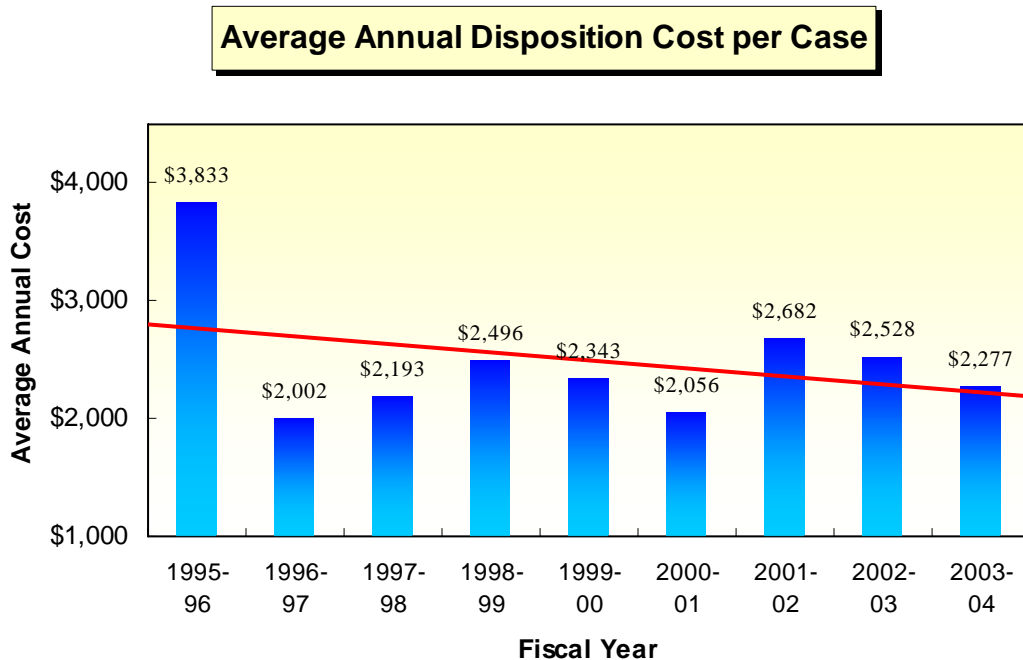
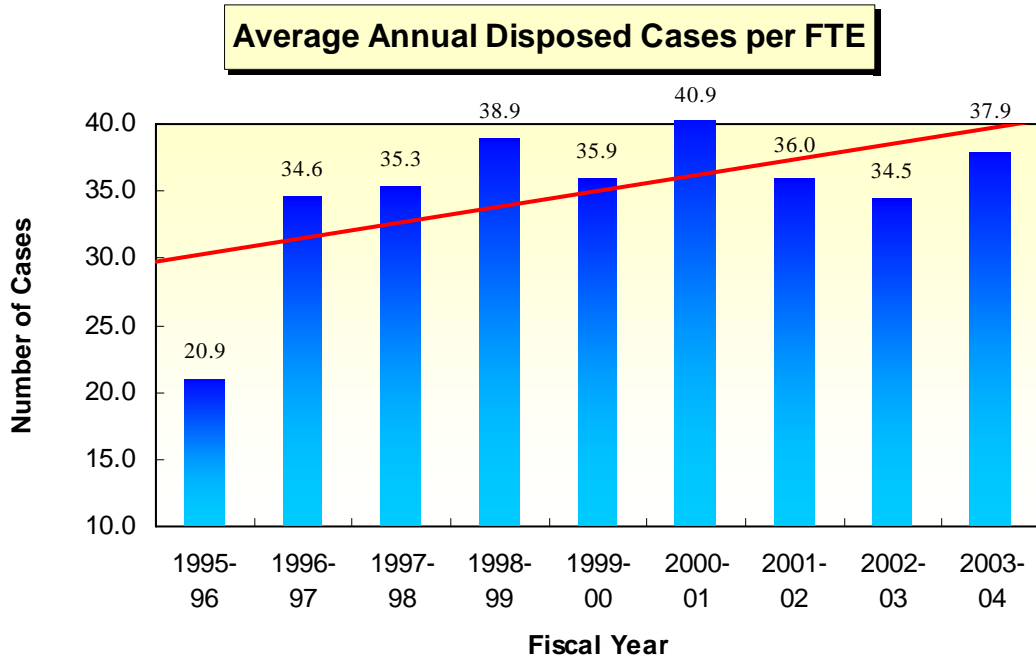


NEW CONSTRUCTION INDUSTRY GRIEVANCE APPLICATIONS RECEIVED
By Quarter, April 1, 1998 to March 31, 2004

| Fiscal Year | 1st | 2nd | 3rd | 4th | TOTAL |
|--------------------|-------------|-------------|-------------|-------------|--------------|
| 97/98 | 205 | 300 | 263 | 257 | 1025 |
| 98/99 | 267 | 248 | 269 | 275 | 1059 |
| 99/00 | 215 | 180 | 230 | 157 | 782 |
| 00/01 | 213 | 192 | 188 | 187 | 780 |
| 01/02 | 144 | 151 | 215 | 196 | 706 |
| 02/03 | 159 | 250 | 239 | 172 | 820 |
| 03/04 | 249 | 186 | 215 | 194 | 844 |
| TOTAL | 1452 | 1507 | 1619 | 1438 | 6016 |

OLRB Case Management Efficiencies 1995-2004

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.



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 | 2003-2004 Commitments | 2003-2004 Achievements |
|---|---|--|--|
| Quality Service (Corporate) Measures: 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 – 90% *As verified by internal OLRB survey |
| | Correspondence will be answered, on average, within 15 days | Correspondence will be answered, on average, within 10 days | Actual: Exceeded corporate commitment - avg. 1.5 days *Verified by internal OLRB correspondence log |
| Fiscal Measures: % 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 - 6.0% (positive) variance *As verified by MOL 2003/2004 Approved budget = 11,586.0 Actual expenditure = 11,510.5 |
| Program Effectiveness Measures: 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 95.0% of votes held within 5-7 days or less Variance from commitment- 98.0% of votes held within 7-10 days or less 2.0 % of votes held in more than 10 days **Variance attributable to collateral litigation/issues/agreements of the parties |
| % 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 No cases. |
| % 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: Exceeded commitment – avg. 88.6% *Based on completed case activity in certification plus unfair labour practices. Actual: Exceeded commitment – ES – 81.0% (981 of 1211) HS – 96% (143 of 149) |
| % of judicial reviews upheld | 100% of judicial reviews upheld Board decision | 100% of judicial reviews upheld Board decision | Actual: 80% *Based on 25 disposed cases: 2 granted, 12 dismissed, 11 abandoned. |
| Timeliness of information Measures: | Monthly publication of "Highlights" Bulletin within 10 days of the end of each month and bi-monthly reports within 2-4 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 commitment |

88.2% (744 of 844) S. 133 grievance referrals listed for hearing within 14 days (based on parties waiving time limits in 10% of cases); 81.8% (9 of 11) First Contract Direction applications listed for hearing within 30 days of application date (based on party adjournments to initial hearing dates in 20% 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.

Fiscal Year – 2003/2004

All figures in \$000.0 thousand

| Account | Approved Budget Estimates* | Total Actual Expenditure | Variance | % of Variance | Explanation |
|--|----------------------------|--------------------------|--------------|---------------|----------------------------------|
| Salaries & Wages | 7,769.6 | 7,233.7 | +535.9 | 7% | Vacancy savings (MOL and OLRB) |
| Benefits | 675.3 | 935.6 | -260.3 | 3.8% | Ministry Allocation |
| Transp. & Comm. | 916.6 | 640.9 | +275.7 | 30% | Travel Savings |
| Services (incl. Lease) | 2,175.5 | 2,595.5 | -420.0 | 19% | IT and Shared Services pressures |
| Supplies & Equipment | 49.0 | 104.8 | -55.5 | 113% | Ministry Allocation |
| Total ODOE | 3,141.1 | 3,341.2 | -200.1 | 6% | |
| Total *** | 11,586.0 | 11,510.5 | +75.5 | 6% | |
| * Approved Estimates ** Total Actual Expenditures including lease costs ***Savings used to offset costs/expenditures | | | | | |

| Revenues Generated From: | Forecast | Total Actual Revenue | Variance | % of Variance | Explanation |
|--------------------------|-------------|----------------------|--------------|---------------|--|
| Construction Grievances | 350. | 397.9 | +47.9 | 13% | Increased economic activity in ICI and residential construction industry |
| Subscriptions | 50. | 49.7 | -.3 | - | |
| Total | 400. | 447.6 | +47.6 | 11.9% | |