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Ontario Labour Relations Board

HIGHLIGHTS

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CHANGE TO APPLICATION PROCESS UNDER THE *EMPLOYMENT STANDARDS ACT, 2000*

Effective January 1, 2008, the Board is amending its Rules of Procedure for the handling of applications for review under the *Employment Standards Act, 2000.* An applicant will first have to deliver its completed application and supporting documents to the other workplace party(ies) and the Director of Employment Standards prior to filing them with the Board. This change will streamline the Board's administrative tasks, and will align ESA processes with all other Board applications that rely on self-delivery by parties.

GST REDUCTION

Parties to construction industry grievance referrals should bear in mind the federal government's proposed reduction in the Goods and Services Tax, to be effective January 1, 2008. Board Forms and payment requirements will be adjusted accordingly when the reduction is confirmed.

Holiday Season Board Schedule

Please see the attached notice to the community.

Scope Notes

The following are scope notes of some of the decisions issued by the Ontario Labour Relations Board in November of this year. These decisions will appear in the November/December issue of the OLRB Reports. The full text of recent OLRB decisions is now available on-line through the Canadian Legal Information Institute at www.canlii.org.

Bargaining Unit – Build-Up – Certification – Representation Vote – The union applied to certify a bargaining unit of employees employed at the employer's City of Vaughan site – The employer argued that the appropriate bargaining unit description should include both the City of Vaughan and the City of Brampton since it was about to transfer its remaining employees from the Brampton location to the new Vaughan facility – According to the employer, excluding the remaining Brampton employees would prevent them from having a say in whether they wished to be represented – In the alternative, the employer argued that the Board should hold a second representation vote under the build-up doctrine – The Board found that the consequences of not allowing the Brampton employees to have a say in the representation vote did not justify a departure from the Board's normal practice in limiting the geographic scope of a bargaining unit to one municipality – The Board also found that the size of the build-up only represented 16 percent of the total number of employees who were employed at both locations on the date of the application rather than the 50 percent found to be appropriate in earlier jurisprudence – Therefore, the number of employees employed in the bargaining unit on the date of the application was sufficiently representative of the employees in the ultimate bargaining unit – The bargaining unit applied for was appropriate – Certification granted

CAPITAL TOOL & DESIGN LIMITED; RE UNITED STEEL, PAPER AND FORESTRY, RUBBER, MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND SERVICE WORKERS INTERNATIONAL UNION (UNITED STEELWORKERS); File No. 0858-07-R; Dated

November 19, 2007; Panel: Caroline Rowan, P. LeMay and R.R. Montague (14 pages)

Health and Safety – Interim Relief – The employer sought an appeal and suspension of an Order made by an Inspector – At issue were what measures are necessary to protect the health and safety of nurses required to enter areas that are undergoing a "level 2 or higher" search for weapons in a correctional centre – The Board invoked its interim relief powers under the OHSA: (1) relieving the employer of its obligation to purchase custom-made vests for the Nurses; (2) instead, requiring the employer to provide Nurses who deliver medication in cells during searches with a vest that fits reasonably well; and (3) ordering the employer to continue the "delivery of essential medications during searches in cellular accommodation areas" in accordance with its own memorandum – In light of the interim order, the suspension was granted – Appeal continues

CENTRAL NORTH CORRECTIONAL CENTRE ; RE OPSEU AND INSPECTOR JOE ZAHER; File Nos. 2312-07-HS; 2313-07-HS; Dated November 7, 2007; Panel: Mary Ellen Cummings (2 pages)

Certification – Construction Industry – Representation Vote – Unfair Labour Practice – Remedies – The union filed an application for card-based certification as well as an unfair labour practice complaint alleging violations of ss. 70, 72 and 76 of the Act – Because the Board had earlier determined that 40 to 55 percent of the employees in the bargaining unit were members of the union on the date that the application for certification was filed, the Board directed that a representation vote be held and counted forthwith (The union had asked the vote to be deferred until after the ULP was determined) – The Board held that if the union does not obtain 50 percent of the votes cast in the representation vote, s. 11(2) of the Act is still applicable and the unfair labour practice complaint will be heard – Matter continues

DOUBLE H CONCRETE FORMING; RE LIUNA, LOCAL 1059; File Nos. 1215-06-R; 1272-06-U; Dated November 1, 2007; Panel: Susan Serena (4 pages)

Certification – Construction Industry – Practice and Procedure – Representation Vote – Unfair Labour Practice – LIUNA filed membership evidence in excess of 55% in support of this card-based application for certification – The responding party alleged that the union had acted improperly in its collection of membership evidence by assuring the employees they were only signing cards to get a vote and by advising the employees that the employer was supportive of the union – Further, a number of employees wrote to the Board stating that they did not wish to belong to the union, and requesting a representation vote – The Board ruled that the fact an employee signed a membership card but later had a change of heart would be irrelevant to the exercise of its discretion in certifying the union – The Board was concerned, however, about the employer's allegations and considered its options: to certify the union, to order a vote, or to dismiss the application – The Board determined that it should set the matter down for hearing to hear evidence about the allegations attributed to the union's organizers - Matter listed for hearing

HILLSIDE SOD LTD.; RE UNIVERSAL WORKERS UNION, LIUNA, LOCAL 183; File No. 1966-07-R; Dated November 28, 2007; Panel: Harry Freedman (4 pages)

Construction Industry Grievance – Estoppel – The union filed two grievances alleging that Jacobs had performed work incorrectly under the General Presidents' Maintenance Agreement rather than under the provincial ICI agreement for construction, and its members were thereby deprived of higher wage rates – Jacobs argued that the work was properly characterized as maintenance or, in the alternative, the union should be estopped from its claim for relief, or the relief should be significantly reduced because of the late filing of the grievances – A majority of the Board found that work performed on existing equipment and machinery, including replacement of individual items, was maintenance – The changes undertaken by Jacobs did not involve enhancements or additions to a production process; there was no replacement of an entire system, and the change was not designed to increase production – On the other hand, the erection of a new blast-proof shelter and the installation of related cabling for the burner management system was construction; similarly the electrical work around the chloride mitigation tower, as well as the work associated with its new exchangers, was construction – Examining the employer's estoppel argument, the Board held that there is a distinction between an estoppel against the application of a provincial agreement and the estoppel against the application of a public statute: in specific circumstances, based on equity, it might be unconscionable for a particular beneficiary of rights under a provincial agreement to enforce those rights – In this case, the work contemplated by Petro-Canada and Jacobs was maintenance, the various trades were consulted

and agreement was reached, and the work was performed without complaint by other than the applicant – The Board found that the union's representative had agreed that the projects would be conducted as maintenance, and that Jacobs had relied on this representation to its detriment – The estoppel argument succeeded - Grievances dismissed

JACOBS CATALYTIC INDUSTRIAL SERVICES LTD.; RE IBEW, LOCAL 353; RE GENERAL PRESIDENTS MAINTENANCE COMMITTEE FOR CANADA AND THE ELECTRICAL TRADE BARGAINING AGENCY OF THE ELECTRICAL CONTRACTORS ASSOCIATION OF ONTARIO; File Nos. 2127-05-G; 3437-05-G; Dated November 29, 2007; Panel: Christopher J. Albertyn, John Tomlinson; partial: dissent Alan Haward (21 pages)

Employment Standards – Reconsideration – Timeliness – The employer sought reconsideration of a Board order requiring it to pay the employee $10,000 in unpaid wages – Prior to the original hearing, the employer advised the Board that it was insolvent but it did not attend the hearing or present proof of insolvency – On reconsideration, the employer argued that it did not attend the hearing because of "off the record" advice it had received from the LRO – The Board found that even if the LRO had provided unofficial and erroneous advice, the employer had received the Board's Information Bulletin No. 24 and a Notice of Hearing with information regarding hearing attendance (and the consequences of non-attendance) – The Board also found that any representations by the LRO would have been ambiguous or unqualified to engage legitimate expectations – In addition, the Board held that the Request for Reconsideration was untimely as it was filed more than 70 days after the release of the decision – Ignorance of the Board's procedure is not a compelling reason for delay – Request for reconsideration dismissed

JOE BONE'S GRILL INC.; RE GIUSEPPE F. TEDESCO AND DIRECTOR OF EMPLOYMENT STANDARDS; File No. 1623-06-ES; Dated November 6, 2007; Panel: Mary Anne McKellar (6 pages)

Employment Standards – The employee appealed a decision of an employment standards officer not to award her termination pay and the amount of her last pay cheque
- The Board found that the employee, a teenager working her first job, had wrongly entered a customer's bill payment but the conduct did not amount to wilful or deliberate misbehaviour to disentitle her to termination pay – The Board further found that the employer caused or coerced the employee to sign over her final pay cheque to it, constituting an unlawful deduction contrary to the Act – However, the Board found that the forty dollars cash the employer asked the employee to hand over from her wallet (under threat of legal action) during the termination meeting was not wages, accordingly, the Board was without jurisdiction to order the return of these funds – Application allowed

LINIS SALES INC. O/A CANADIAN TIRE AND DIRECTOR OF EMPLOYMENT STANDARDS; RE TANYA PHILLIPS; File No. 4166-06-ES; Dated November 15, 2007; Panel: Brian McLean (5 pages)

Certification – Construction Industry – Employee – Practice and Procedure – Status – The employer sought to remove two names from its list of employees at the Regional Certification meeting for one of two proffered reasons: either because they were performing work of a different craft or they were independent contractors – The Board refused to allow the employer to alter its list – The prejudice to the union in having to attempt to ascertain what work the employees were doing on an ordinary day two months earlier was significant and perhaps impossible to overcome – Secondly, the facts pleaded by the employer to establish independent contractor status were equivocal and therefore also prejudicial – Motion dismissed – Matter continues

MELANDI DRYWALL SYSTEM INC.; RE IUPAT, LOCAL 1891; File No. 1224-07-R; Dated November 27, 2007; Panel: David A. McKee (4 pages)

Construction Industry Grievance – Health and Safety – The union complained that the employer had requested an additional drywaller, then chose not to hire the worker when it learned he did not have fall arrest training, a requirement under the *Occupational Health and Safety Act* which would qualify him as a "competent worker" – The Board found that the collective agreement at the time did not require fall arrest training for workers for them to be considered competent, therefore the employer had no legitimate reason to consider the dispatched worker not competent – The collective agreement did contemplate, however, that the employer retained the exclusive right to make decisions regarding hiring and staffing levels – Although the employer requested an additional worker, it did not hire the employee referred from the hiring hall and ultimately used only its existing complement to complete its contract – The

employer did not violate the collective agreement by failing to employ the worker – But because the worker sent to the employer was competent, the union was entitled to damages under the collective agreement for the referral – Grievance allowed in part

ROSMAR DRYWALL & ACOUSTICS LTD.; RE UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA, LOCAL 18; File No. 0810-05-G; Dated November 15, 2007; Panel: Mark J. Lewis (6 pages)

***Public Service Labour Relations Transition Act, 1997* -** ONA sought a declaration that s. 9 of the PSLRTA applied to the Kensington Eye Institute, a not-for-profit corporation licensed by the Ministry of Health and Long Term Care as an independent health facility – The Board found that the Institute was opened in January 2006 and the amendments to s. 9 of the Act that would be applicable to its operation were not enacted until March – Notwithstanding that the Institute was clearly part of the government's health restructuring strategy, the health services integration was an event that occurred prior to the amendments, therefore the Board found that the Act did not apply – Application dismissed

THE KENSINGTON EYE INSTITUTE; RE ONTARIO NURSES' ASSOCIATION; UNIVERSITY HEALTH NETWORK, MOUNT SINAI HOSPITAL; SUNNYBROOK HEALTH SCIENCES CENTRE, C.U.P.E. LOCAL 5001 AND SEIU LOCAL 1; File No. 1234-06-PS; Dated November 20, 2007; Panel: Brian McLean (8 pages)

Abandonment – Representation Vote – Termination – Timeliness – The employer applied for termination of bargaining rights pursuant to s. 65 of the Act – The union provided the employer with notice to bargain on April 4, 2006 and promised to forward the union's available bargaining dates by the end of that month, then it transferred the file to another representative – The new union representative commenced an extended sick leave – In April of 2007, the union realized that no bargaining had occurred and sent out a notice of meeting for May 2007 – The Board found that the threshold for abandonment was not reached because the union attempted to begin bargaining once the delay was realized – However, the Board also found that the union's delay in bargaining was significant and its explanation was unsatisfactory – The Board exercised its discretion to direct a representation vote – Matter continues

TICKETMASTER CANADA LTD.; RE CANADIAN OFFICE AND PROFESSIONAL EMPLOYEES UNION LOCAL 343; File No. 0556-07-R; Dated November 15, 2007; Panel: Patrick Kelly, R. O'Connor; concurring opinion: S. McManus (5 pages)

Construction Industry – *Prima Facie* Motion – Related Employer – The Carpenters were certified to represent carpenters employed by Titan; LIUNA, voluntarily recognized by Paramount, represented construction employees performing concrete formwork – The Carpenters sought a declaration that Paramount and Titan were related – LIUNA brought a motion to dismiss the application for failing to make out a *prima facie* case – The Board held that there was nothing to prevent LIUNA from acquiring bargaining rights with Paramount, notwithstanding that the Carpenters could have earlier claimed similar bargaining rights through a s. 1(4) application – *Prima facie* motion dismissed – Matter continues

TITAN CONTRACTING; RE GREATER ONTARIO REGIONAL COUNCIL OF CARPENTERS AND ALLIED TRADES UNITED BROTHERHOOD OF CARPENTERS, LOCAL 494; RE PARAMOUNT HOMES INC.; RE PORTOFINO CORPORATION; RE LIUNA, LOCAL 625; File No. 0382-07-R; Dated November 28, 2007; Panel: Susan Serena, B. Roberts and R. Baxter (8 pages)

Certification – Construction Industry – Unfair Labour Practice – The employer alleged in post-vote representations that the union had engaged in misconduct that affected the employees' expression of their true wishes – The Board found that: (1) an employee's statement that the union "took care of" him was ambiguous; (2) the provision of travel expenses, overnight accommodation and unlimited food and drinks to the employees by the union to secure the employees' votes did not amount to intimidation or coercion; (3) the union's offers of premium employment to one of the employees was not improper; (4) a threat to cause an employee's discharge was a type of economic intimidation – Matter set down for hearing to hear *viva voce* evidence on the final allegation

VANSMIT LTD. O/A JAY-DEE CONCRETE FORMING; RE LIUNA, LOCAL 625; File No. 1252-05-R; Dated November 1, 2007; Panel: Jack J. Slaughter (5 pages)

Bargaining Rights – Employer Initiation – Practice and Procedure – Termination – The employer argued that the trade union should be precluded from alleging a violation of s. 63(16) because it failed to particularize the impugned conduct in a timely way – The Board upheld the employer's position, stating that the union must engage in due diligence to articulate its position as promptly as possible, in accordance with the Board's Rules – This failure of due diligence (a delay of over three months) caused the Board to deny the union the opportunity to lead evidence relating to employer initiation – Matter continues

WALLS.COM INC.; RE DARREN CATES; RE THE CARPENTER'S DISTRICT COUNCIL OF ONTARIO, UNITED BROTHERHOOD OF CARPENTER'S AND JOINERS OF AMERICA AND ITS LOCAL 494 AND CARPENTERS UNION, CENTRAL ONTARIO REGIONAL COUNCIL AND GREATER ONTARIO REGIONAL COUNCIL OF CARPENTERS, DRYWALL & ALLIED WORKERS AND UNITED BROTHERHOOD OF CARPENTER'S AND JOINTERS OF AMERICA; AND THE FOLLOWING LOCAL UNIONS; 18, 27, 93, 249, 397, 446, 494, 675, 785, 1256, 1669, 1946, 1988, 2041, 2222 AND 2486; File No. 0356-07-R; Dated November 30, 2007; Panel: Lee Shouldice (4 pages)

Certification – Practice and Procedure -- Representation Vote – An application for certification was filed on August 22, 2006 – On March 15, 2007, the trade union accepted the employer's s. 8.1 challenge and, on the same date, filed a second application for certification – The employer argued that the second application should be barred pursuant to s. 111(3)(c) of the Act, s. 7(10) of the Act, or s. 111(2)(k) of the Act – In the alternative, the employer argued that the union should be precluded from challenging the inclusion of certain employees that had been included in the first application for certification and which had been agreed to on March 15, 2007 – The Board addressed each of the employer's arguments: (1) there is no basis to depart from the Board's usual practice of postponing consideration of a subsequent application until a final decision has been issued on the original application; (2) s. 7(10) does not apply since the application was not withdrawn; rather, the union accepted the employer's s. 8.1 objection, requiring the Board to dismiss the application under s. 8.1(5)7; and (3) the Board will generally only impose a bar when there have been successive unsuccessful applications or where the wishes of the employees have not been decisively tested in a representation vote – There had been no decisive testing or successive applications and the Board declined to exercise its discretion to dismiss the second application for certification – Finally, the Board held that voter eligibility must be determined on the date of the application for certification – Neither party is bound to lists of eligible voters by virtue of positions previously taken in a different application – First application dismissed – Second application continues

WILLIAM DAY CONSTRUCTION LIMITED RE INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 793; File Nos. 1600-06-R; 3971-06-R; Dated November 23, 2007; Panel: Caroline Rowan (11 pages)

Court Proceedings

Alteration of Jurisdiction – Construction Industry – Judicial Review – Natural Justice – Practice and Procedure – Leave to appeal to Court of Appeal dismissed

IBEW, LOCAL 1739; RE GUILD ELECTRIC LIMITED; RE OLRB; File Nos. 4179-05-U; 4307-05-M (Court File No. M35287) Dated November 28, 2007; Panel: O'Connor, A.C.J.O., Gillese and Watt, JJA

Constitutional Law – Interim Relief – Intervenor – Judicial Review – Reference – Unfair Labour Practice – On a ministerial reference regarding the appointment of a conciliator, the Board held that the First Nation's attempt at organizing labour in general was not integral to an aboriginal right – Similarly, there were no treaty rights that would permit the First Nation to regulate labour relations, or that would entitle the First Nation to self-government – On judicial review, the Divisional Court held that the Board had jurisdiction to decide the question posed by it under s. 35 of the Constitution – The standard of review for the Board's decision on the constitutional question is correctness; for non-constitutional and procedural matters, the standard is patent unreasonableness – The Court held that the Board had correctly framed and characterized the constitutional issue and had correctly concluded that the appellant had not tendered any evidence to establish an aboriginal or treaty right to regulate labour relations on reserve lands – Further, the Court held that the Board had the statutory authority to conduct the proceedings as it did – The application for judicial review was dismissed – On appeal, the Court of Appeal noted that – (1) there was still no evidence of an aboriginal practice, custom or tradition that supports the right to enact a distinct Code – (2)

such a practice would not be integral to the distinctive culture of the appellant – (3) there was no reasonable continuity between the pre-contact practice, custom or tradition and the contemporary claim – The decisions of the Board and Divisional Court were correct – Considering the Crown's duty to consult and accommodate the aboriginal claim, the Court found that meaningful consultation could not have taken place because the appellant had not made known its claim during the unionization drive and certification proceedings – The Court also found that the appellant, rather than the Crown, had taken peremptory and unilateral action which initiated the dispute – The Crown did not breach its duty to consult and accommodate – Appeal dismissed

MISSISSAUGAS OF SCUGOG ISLAND FIRST NATION; RE NATIONAL AUTOMOBILE AEROSPACE TRANSPORTATION AND GENERAL WORKERS UNION OF CANADA (CAW-CANADA) AND ITS LOCAL 444, GREAT BLUE HERON GAMING COMPANY AND OLRB; File Nos. 1271-03-U; 1336-03-M; 1414-03-M; (Court File No. 10/04); Dated November 27, 2007; Panel: Sharpe, Gillese and Blair, JJA (26 pages)

Construction Industry – Judicial Review – *Public Sector Labour Relations Transition Act* – Related Employer – Sale of Business

Leave to appeal to Court of Appeal dismissed (Weiler, Feldman and LaForme JJA) (May 23, 2007) (Court File No. M34720)

Leave to appeal to Supreme Court of Canada dismissed (Bastarache, Abella, Charron, JJ) (November 15, 2007) (Court File No. 32171)

GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD; RE IBEW LOCAL 773; RE UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA, LOCAL 552; RE INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTWORKERS, LOCAL 6; RE INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, LOCAL 1494; LIUNA LOCAL 625 AND ONTARIO LABOUR RELATIONS BOARD; File Nos. 1702-04-R et al.

Jurisdictional Dispute – Judicial Review – Natural Justice – The Iron Workers claimed that Comstock wrongly assigned I-beam installation work to members of the UA –The Iron Workers referred to approximately 20 civil drawings in their reply submissions in order to demonstrate that the work in question belonged to it – The Board decided that it could not determine what weight ought to be given to the drawings – The Board found that the work in dispute was properly assigned to the UA – On judicial review, the Iron Workers argued that the Board had violated natural justice and procedural fairness by failing to consider the drawings – The Court found that the Board had considered the drawings but did not find them helpful to the resolution of the issue in its first decision; the Iron Workers had failed to raise the issue of the drawings in their request for reconsideration – Application for judicial review was dismissed

INTERNATIONAL ASSOCIATION OF BRIDGE, STRUCTURAL, ORNAMENTAL AND REINFORCING IRON WORKERS, LOCAL 736; RE COMSTOCK CANADA LTD., UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA, LOCAL 527, ONTARIO LABOUR RELATIONS BOARD, BRUCE POWER LP; File No. 2558-03-JD; (Court File No. 522/06); Dated November 22, 2007; Panel: Gans, Swinton and Nordheimer JJ (4 pages)

The decisions listed in this bulletin will be included in the publication Ontario Labour Relations Board Reports. Copies of advance drafts of the OLRB Reports are available for reference at the Ontario Workplace Tribunals Library, 7th Floor, 505 University Avenue, Toronto.

Pending Court Proceedings

Case name & Court File No.	Board File No.	Status
Ottawa-Carleton Public Employees Union (CUPE), Local 503 v. City of Ottawa et al Divisional Court No. 423/07	1386-06-R	Pending
Limen Masonry et al v. Brick and Allied Craft et al Divisional Court No. 413/07	3862-05-R; 3864-05-R	Pending
Dev Misir v. Muluneshi F. Agago et al Divisional Court No. 281/07	0769-06-ES	Pending
Eastern Eavestroughing v. Sheet Metal Workers', et al Divisional Court No. 359/07	3394-06-R; 3399-06-R; 3418-06-R; 3528-06-R; 3545-06-R; 3641-06-R; 3797-06-R; 4039-06-R	Pending
Dr. Oliver Bajor v. OLRB Divisional Court No. 258/07	0353-06-ES	Pending
1257707 Ont. Ltd. o/a Oakville Honda v. Creyos Batchelor & OLRB Divisional Court No. 152/07	0784-06-ES	December 3, 2007
Jacobs Catalytic Ltd. v. IBEW Local 353 et al Divisional Court No. 117/07	3737-05-U	January 10, 2008
Dana Horochowski v. OECTA; York Catholic DSB Divisional Court No. 93/07	1115-04-U	Pending
Hurley Corporation v. OLRB; SEIU L. 2.on Divisional Court No. 23/07	2915-06-R	Pending
Comstock Canada et al v. United Association of Journeymen and Apprentices in the Plumbing and Pipefitting Industry of the United States and Canada, Local 527 Divisional Court No. 522/06	2558-03-JD	Dismissed with reasons – November 22/07
Janet Kitson v. OLRB et al Divisional Court No. 492/06	4205-02-U	Pending
Johnson Controls Ltd. v. Brookfield Lepage Divisional Court No. 406/06	1634-04-R	Adjourned – sine die
Abduraham, Abdoulrab v. Novaquest Finishing Divisional Court No. 327/06	2222-04-ES, 2223-04-ES, 2224-04-ES	Dismissed – August 13/07 Seeking leave to C.A.
City of Hamilton v. Carpenters, Local 18 Divisional Court No. 209/06	1785-05-R	Pending
Guild Electric Limited et al v. IBEW, Local 1739 Divisional Court No. 202/06	4179-05-U; 4307-05-M	Leave to C.A. dismissed – November 28/07
Gus Nedelkopoulos v. OLRB Divisional Court No. 78978/06 NEWMARKET	1838-05-U 2644-05-U	March 10, 2008
Mississaugas of Scugog Island First Nation v. Great Blue Heron et al Divisional Court No. 10/04 Court of Appeal No. C-46210	1271-03-U; 1336-03-M; 1414-03-M	Dismissed – Nov. 27/07
Maystar General Contractors Inc. v. IUPAT, Local 1819 Divisional Court No. 481/06 Court of Appeal No. C47489	0812-06-R	Court of Appeal March 25, 2008
Greater Essex County District School Board v. IBEW Local 773 Divisional Court No. 126/06 Motion for Leave No. M34720 S.C.C. No. 32171	1702-04-R; 3120-04-R; 3172-04-R; 3173-04-R; 3174-04-R	Leave to S.C.C. dismissed – Nov. 15/07

Case name & Court File No.	Board File No.	Status
Stephane Verreault v. UA Local 787 & Teamsters Local 419 Divisional Court No. 71/07 Motion to Leave No. M35292	0840-05-U	Seeking leave to C.A.