

ONTARIO LABOUR RELATIONS BOARD

CONSULTATION POLICY

The Ontario Labour Relations Board has established an Advisory Committee whose mandate is to function as a consultative group for the Board. The Committee is composed of members of the labour and management bar, legal representatives from the Ministry of Labour and the Ontario Bar Association (Labour and Employment Section) and is intended to act as a resource to the Board for consultation and feedback regarding:

- (i) Board policies;
- (ii) Board practices;
- (iii) Board rules;
- (iv) Board practice directions

The Chair, Director/Registrar and Board Solicitor participate in meetings of the Advisory Committee. The Committee meets three times a year, or as necessary.

The Terms of Reference are attached.

Members of the Advisory Committee who represent the labour and management bar are selected by their respective constituencies, as described by each constituency below, following the Terms of Reference.

The names and contact information for members of the Advisory Committee are posted on the Board's website, as are the Minutes of the most recent committee meeting.

The Chair and Vice-Chairs attend and speak at labour and employment conferences and seminars. The Chair also regularly meets with stakeholders throughout the community.

Notices to the community, appointments and other items of interest are communicated through the Board's monthly e-newsletter, *Highlights*.

The full text of selected significant Board decisions is published in the bi-monthly *OLRB Reports*.

All Board decisions are posted on publicly accessible databases, notably CanLII (a free service) and Quicklaw (by subscription).

TERMS OF REFERENCE FOR THE ONTARIO LABOUR RELATIONS BOARD ADVISORY COMMITTEE

1. The Ontario Labour Relations Board (hereinafter "the Board" or the "OLRB") has established an Advisory Committee whose mandate is to function as a consultative group for the Board. The Committee is composed of members of the labour and management side bar, and is intended to act as a resource to the Board for consultation and feedback regarding:

- (i) Board policies;
- (ii) Board practices;
- (iii) Board rules;
- (iv) Board practice directions.

2. The Advisory Committee will also bring to the Board's attention comments regarding any of the above matters, as well as comments regarding Board staff, appointees, and services.

3. The Committee is not a forum for the discussion of the merits of individual cases nor is it a forum for comment on proposed or possible legislative amendments, white papers or regulations.

4. The Committee shall be available to the Board for consultation regarding board appointments.

5. The Committee shall be composed of the following members:

- (i) the Board's Chair and Solicitor;
- (ii) five appointees from the labour side of the bar who will represent the views of trade unions and unrepresented employee litigants;
- (iii) five appointees from the management side of the bar who will represent the views of management;
- (iv) a representative of the Ministry of Labour;
- (v) member of the executive of the Labour Law Section of the Ontario Bar Association ("OBA") who is not employed as an arbitrator, Board member, or otherwise as an adjudicator, who shall sit as an ex-officio member of the Committee.

Appointments to the Committee will be for three year terms, and the timing of appointments will be staggered in order to ensure continuity. Each of the OBA, labour and management sides of the bar will determine their own methods for appointing committee members and their respective co-chairs.

6. The Committee shall meet at least three (3) times per year.

7. Members of the community will be made aware of the Committee's meetings and discussions through minutes which will be posted on the Board's website. It is also expected that the Committee can provide a forum for bi-partisan discussion of issues of general interest to the labour relations community.
8. In order that the Committee may function in an atmosphere that encourages candour, members of the Committee will maintain reasonable discretion and confidentiality with respect to committee discussions.

Selection of Members from the Labour and Management bar

Selection of Union side members

1. The Union side Advisory Committee members are chosen at the Canadian Association of Labour Lawyers annual conference, by the Ontario caucus of CALL, depending on whether there are any vacancies at the time.
2. Terms are for 3 years, with overlapping terms so that all members do not turn over at the same time.
3. A gender mix is one of the goals in choosing members.
4. A balance is sought by having one seat for in-house counsel, one for out of Toronto firms, and the rest from a mixture of private practitioners who appear before the Board in either or both of construction and industrial matters.
5. There is a rotation among the in-house lawyers such that the seat will rotate among unions, but each person will serve for a three (3) year term.
6. A rotation has been instituted among the remainder of the members of the Union side Advisory Committee members so that a mixture of small and large size firms will be represented and so that any interested lawyer from a firm that practices regularly before the Board may participate for at least a 3 year period on the Committee.

Selection of Employer side members

1. At the members' request the Board will provide the names of the firms and individuals who most frequently appear before it and the Committee will investigate as to whether there is an interest on the part of those firms/individuals in serving on the Committee.
2. The Committee will then vote on the names of the person(s) put forward.
3. Ideally, there will be 3 from boutique firms and 2 from full service firms provided that at least one of those individuals represents regional interests.
4. No firm may have more than one person at a time on the Committee.
5. Members will serve three year terms and cannot serve more than one term consecutively or non-consecutively.
6. Not counting membership prior to January 1, 2012, no firm may have a member on the committee for more than three consecutive years.
7. The current members shall be replaced as follows: one boutique firm representative and one full service firm representative will be replaced on January 1, 2013; one boutique firm representative and one other representative will be replaced on January 1, 2014; and the final current member will be replaced on January 1, 2015.

