

ONTARIO LABOUR RELATIONS BOARD

SERVICE STANDARD POLICIES

The Board has developed and published the following policies:

- customer service under the *Accessibility for Ontarians with Disabilities Act*
- openness and privacy
- after-hours practice
- complaints
- travel (hearings)

These policies are attached.

ONTARIO LABOUR RELATIONS BOARD ACCESSIBILITY POLICY

Policy on accessibility standards for customer service

In accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, the Board has established the following policies, practices and procedures governing the provision of its services to persons with disabilities. The services are designed to conform with Ontario Regulation 191/11, *Integrated Accessibility Standards*.

The Board makes every effort to ensure that its policies, practices and procedures are consistent with the principles described in the Regulation, namely:

- The goods or services must be provided in a manner that respects the dignity and independence of persons with disabilities.
- The provision of goods or services to persons with disabilities and others must be integrated unless an alternate measure is necessary, whether temporarily or on a permanent basis, to enable a person with a disability to obtain, use or benefit from the goods or services.
- Persons with disabilities must be given an opportunity equal to that given to others to obtain, use and benefit from the goods or services.
- When communicating with a person with a disability, the Board shall do so in a manner that takes into account the person's disability.

Assistive devices

Persons with disabilities who rely on assistive devices will be permitted access to and benefit from their devices when they are using the Board's services. If necessary, the Board will provide other measures to enable a person with a disability to obtain, use or benefit from the Board's services.

Service animals

Persons with disabilities, including members of the public or third parties, who rely on guide dogs or other service animals, will be permitted to enter the Board's premises and keep their animal with them, unless the animal is otherwise legally excluded from the premises. If the animal is legally excluded, the Board will provide other measures to enable a person with a disability to obtain, use or benefit from the Board's services.

Support persons

Persons with disabilities who are accompanied by a support person will be permitted to enter the Board's premises with their support person, and the Board will ensure that the person with a disability is not prevented from having access to their support person while both are at the Board.

Temporary disruptions

If the Board is required to disrupt its particular facilities or practices that usually accommodate a person with a disability, the Board will provide notice to the public of the disruption, including the reasons for it, the duration of the disruption, and a description of alternative facilities or services that may be available.

Training

Board staff will be trained in the provision of services to persons with disabilities. The training shall include:

1. how to interact and communicate with persons with various types of disability, including those who rely on assistive devices, service animals or support persons;
2. how to use any of the Board's equipment that is available for persons with disabilities; and
3. what to do if a person with a disability is having difficulty accessing the Board's services.

The Board will maintain a record of its training efforts.

Feedback

Persons who wish to comment on the Board's provision of services for persons with disabilities may do so by contacting the Registrar/Director at:

Catherine Gilbert, Director/Registrar
Ontario Labour Relations Board
2 – 505 University Avenue
Toronto, Ontario M5G 2P1
T: 416-326-7500
Toll free: 1-877-339-3335
TTY: 416-212-7036

E: catherine.gilbert@ontario.ca

This document is available in French.

Copies of this policy

If the Board is required to provide a copy of this policy to a person with a disability, the Board will give the person this document, or the information contained in it, in a format that takes into account the person's disability. Alternatively the person with a disability and the Board may agree on a different format for the document or information.

ONTARIO LABOUR RELATIONS BOARD

POLICY ON OPENNESS AND PRIVACY

Open Justice

The Ontario Labour Relations Board is an independent quasi-judicial tribunal which conducts mediation and adjudication proceedings under a variety of labour-related statutes, including the *Labour Relations Act, 1995*, the *Employment Standards Act, 2000* and the *Occupational Health and Safety Act*. This document outlines the Board's policy on the openness of its processes and describes how the Board handles issues relating to privacy rights.

The concept of “open justice” is a significant principle in our legal system. The *Statutory Powers Procedure Act*, which governs the conduct of most administrative decision-makers in Ontario, provides that oral hearings are to be open to the public, save for exceptional circumstances. Because of its mandate and the nature of its proceedings, the Board maintains an open justice policy to foster transparency in its processes, accountability and fairness in adjudication.

The Board's website, notices, information bulletins and other publications advise parties and the community that Board hearings are open to the public. Parties who engage the Board's services should be aware that they are embarking on a process that presumes a public airing of the dispute between them, including the publication of the names of parties to proceedings before the Board, and of its decisions. Parties and their witnesses are subject to public scrutiny when giving evidence before the Board and they are more likely to be truthful if their identity is known. Board decisions currently identify parties and their witnesses by name, and may set out whatever information about them that is relevant to the determination of the dispute.

At the same time, the Board acknowledges that in some instances the disclosure of an individual's personal information during a hearing or in a written decision may have an impact on that person's life. Privacy concerns arise most frequently when identifying aspects of a person's life are made public. The Board endeavours to include this information only to the extent necessary for the determination of the dispute.

With the advances in technology and the availability of electronic dissemination of material—including OLRB decisions—the Board recognizes that in some instances it may be appropriate to limit the concept of openness as it relates to the identity and circumstances of individuals who are parties or witnesses in proceedings before the Board.

In exceptional circumstances, the Board will depart from its open justice principles and in doing so, the Board may grant requests to maintain the confidentiality of specific evidence and tailor Board decisions to accommodate the protection of an

individual's privacy (including depersonalizing the identity of parties or witnesses or holding a hearing in private).

The Board considers its policy to be consistent with the protocol adopted by the Heads of Federal Administrative Tribunals Forum¹ (endorsed by the Council of Canadian Administrative Tribunals) and the principles found in the Canadian Judicial Council's *Use of Personal Information in Judgments and Recommended Protocol*.²

Effective June 30, 2019, the Board is also subject to the *Tribunal Adjudicative Records Act, 2019* ("TARA"). TARA provides that the Board's adjudicative records are presumptively available to the public, and also permits the Board to make orders that certain records be treated as confidential. Adjudicative records include, among other things, applications and written submissions filed with the Board, the register of proceedings before the Board and the Board's decisions.

Access to Board files and decisions

Board files are available to the public, subject to the applicable restrictions set out in TARA, the *Freedom of Information and Protection of Privacy Act*, other Acts, the common law, or by order of the Board.

Requests made to the Board for access to documents are dealt with in accordance with the Board's Rules. A third party seeking documents related to a Board proceeding is free to make a request of the parties to the file.

Summaries of significant Board decisions are published monthly in *Highlights*, available electronically by free subscription through the Solicitors' Office. Full text of these decisions appears in the bi-monthly *Ontario Labour Relations Board Reports* (by paid subscription).

Individual Board decisions are available in hard or electronic copy through the Ontario Workplace Tribunals Library (www.owtl.on.ca, photocopying fees apply), or in electronic format on public websites (www.canlii.org) or by subscription (www.lexisnexis.ca).

¹ <http://www.hfatf-fptaf.gc.ca/declaration-web-eng.php>

² http://cjc-ccm.gc.ca/cmslib/general/news_pub_techissues_UseProtocol_2005_en.pdf

ONTARIO LABOUR RELATIONS BOARD

AFTER HOURS PRACTICE

The Board's normal business hours of operation are 8:30 a.m. until 5:00 p.m. Monday to Friday. The Board is closed on weekends and statutory holidays. In the normal course all applications will be dealt with during normal business hours.

In those unusual circumstances where a party anticipates requiring the Board's services during non-business hours, the applicant will arrange, or attempt to arrange, during normal business hours, for service and notice to the other prospective parties via phone/email/physical service in advance of the request for Board services during non-business hours.

Once the Board receives the request a determination will be made by the Board, and notice will be provided to all the parties, setting out if, how, and when, the application will proceed.

ONTARIO LABOUR RELATIONS BOARD

COMPLAINTS RESOLUTION PROCESS

SERVICE COMMITMENT

The Ontario Labour Relations Board is a quasi-judicial adjudicative tribunal committed to fulfilling its mandate in an independent, fair, consistent and accessible manner. The Board operates within the context of a professional and accountable public service dedicated to continuous improvement and integrity. The purpose of this policy is to create a transparent and fair method for dealing with public complaints. The Complaints Resolution Policy is not to be used for reviewing adjudicative decisions.

The Board is responsible to assist parties in the resolution of their disputes either through mediation or, where parties are unable to resolve their disputes, through adjudication of the dispute. The Board may decide the case based on the parties' written submissions or may hold a consultation or hearing where the parties attend in person. It is not the role of the Board to protect the interests of any party or to assist one party over another. The Vice-Chair or panel will issue a written decision.

This Complaints Resolution Process addresses concerns about the quality of service provided by the Board's staff including administrative staff and mediators. All service related complaints will be treated expeditiously and every reasonable effort made to resolve complaints to the satisfaction of the complainant. The Board is committed to providing the highest quality of service to the public and takes its obligations in this regard very seriously.

Important information about making a complaint

- **If you choose to file a formal complaint, you must do so in writing by mail or courier. Complaints sent by email are not accepted and no response will be provided.**
- Dissatisfaction with the conduct or procedural decisions of a Vice-Chair during the course of a hearing (such as allowing or refusing to hear testimony from a witness or a document to be filed or putting time limits on testimony or arguments) or with any written decision of the Board is **not a complaint** within the meaning of this Policy.
- **If you feel a decision in your case and/or during a hearing was wrong, and should be changed, you must follow the Board's Rules of Procedure and the relevant legislation and apply to the Board for reconsideration of the decision or make an application to court for a judicial review.**

- If your complaint concerns an ongoing case, you should raise it during the mediation or hearing process or file written submissions with the Board pursuant to the Rules of Procedure.
- Since the Board is an adjudicative agency, a response to your complaint may be delayed if you have an ongoing proceeding until, in the Chair's opinion, the timing is appropriate in order to protect the fairness and impartiality of the proceeding.
- The Board may not accept a complaint or repeated or continuing correspondence if you have already made a similar complaint which has been answered or if the Board determines the complaint to be frivolous, vexatious or made in bad faith.

Making a complaint

If you are unsure whether your concern falls under this policy, please contact the Board's Client Services Coordinator at the number below.

When making a formal complaint, it must be in writing. Please explain the reasons for your complaint (who, what, where, when), the steps you think should be taken to resolve the complaint and the outcome you are seeking. If your complaint is about a Board file, please provide the file number.

Where to send your written complaint

- Send written complaints about the quality of service of the Board's staff to:

Normand Roy, Client Services Coordinator
 Ontario Labour Relations Board
 505 University Ave., 2nd Floor
 Toronto, Ontario
 M5G 2P1

416-268-1748

- Send written complaints about a Vice-Chair or a panel member of the Board (**which do not relate to the adjudicative process or a Board decision**) to the Chair of the Board:

Brian O'Byrne
 Chair, Ontario Labour Relations Board
 505 University Ave., 2nd Floor
 Toronto, Ontario
 M5G 2P1

- Complaints about the Chair of the Board should be raised with the Minister of Labour.

What can you expect?

- If a person is the subject of the complaint, he/she will almost always be kept informed through the review process and given a copy of the complaint.
- A response will be provided within 15 working days of receipt of the complaint. If further action is necessary, or if the Board requires more time to investigate the complaint, the Board will tell you how much additional time it requires.
- This policy does not affect your right to raise your concerns with the Ombudsman of Ontario.

ONTARIO LABOUR RELATIONS BOARD
505 University Avenue, 2nd Floor
Toronto, ON M5G 2P1

GENERAL INFORMATION LINE:
416-326-7500
TOLL FREE: 1-877-339-3335
TTY: 416-212-7036
WEB SITE: www.olrb.gov.on.ca

CLIENT SERVICES COORDINATOR:
Normand Roy 416-268-1748
505 University Avenue, 2nd Floor
Toronto, Ontario
M5G 2P1

ONTARIO LABOUR RELATIONS BOARD

TRAVEL POLICY

Hearings

In these times of economic restraint and uncertainty, the Ontario Labour Relations Board is constrained to deliver services in the most economical and efficient manner possible. As a result, hearings are generally held at the Board in Toronto, regardless of the location of the parties.

There are exceptions to this policy, **in a limited number of cases**, where the workplace parties are located over 250 km from the Board. In those cases, the Board may travel to regional centres located in Ottawa, Sudbury, Thunder Bay, North Bay, Sault Ste Marie, Timmins and Windsor.

Where matters are scheduled initially in Toronto, the parties may ask the Board to change the hearing venue to one of the regional centres after the first two days of hearing and where a lengthy hearing is anticipated. The Board, where it considers it advisable, may schedule continuation hearing dates out of town as requested. Please note, however, that hearings into first contract, unlawful strike applications, applications for interim orders as well as s. 133 grievances will continue to be held in Toronto regardless of the parties' location.

Where travel remains a significant issue, the parties may consider requesting that some or all of the proceeding be conducted via an electronic hearing (video conference or teleconference), if appropriate.

This policy is consistent with the Board's practice over the past few years.