

DRAFT(2) Minutes of the OLRB Advisory Committee

December 4, 2008

Hicks Boardroom

In attendance: Kevin Whitaker – Chair, OLRB
Tim Parker – Director/Registrar, OLRB
Leonard Marvy – Solicitor, OLRB
Lorne Richmond – Union, Committee Co-Chair
Sunil Kapur – Employer
Risa Pancer – Union
Patrick Moran – Employer
Mark Geiger – OBA Labour and Employment Section
Elizabeth Mitchell – Union
Gail Misra – Union
Daryn Jeffries – Employer
Kathleen Stokes – Employer

Absent: Joe Liberman – Employer, Committee Co-Chair
Bridget Lynett – Acting Legal Director, Ministry of Labour
David Jewett – Union

Lorne Richmond chaired the meeting.

Proceedings:

A. Follow-up from last Meeting

The OLRB Chair addressed the next three issues

1. Quantum of Payment of Fees for Multiple Grievances

The OLRB Chair advised the Committee that the Ministry of Labour was likely to be ok with the elimination of multiple payments (charges would be applied per hearing day as opposed to per grievance) and he understood that they may be prepared to make a change to implement this in the New Year.

2. Card-Based Certification: Timing of Union Challenges

The OLRB Chair advised the Committee the Board has considered this issue internally and the Board was prepared to issue its standard decisions in card-based certifications to:
a) direct the Union to provide its challenges/response to the employer's list within five

days [of the Board initial decision] and; b) direct the employer to provide its challenges/response to any additions to the list submitted by the union, within 5 days of receiving the union's response.

3. Time for Filing of Responses by Employers in Section 133 Grievances

The OLRB Chair advised the Committee that the Board had significant discussion internally on this issue and has decided that the best course of action is to leave the timing of the Notice of Intent to Defend as it is [Rule 35.1: not later than 5 days after the date of Confirmation of Filing sent by the Board]. The Board has agreed to change Rule 37.1 to make the Response due two days before the Hearing. [To be clear, if the Hearing is a Friday, then the Response will be due before 5 p.m. on Wednesday.]

The OLRB Chair advised that these changes (2 and 3 above) will occur after the New Year and after Notice to the broader community.

B. New Issues

4. Scheduling

There was further discussion on scheduling continuations at the Board. The Registrar again explained some of his methods and variables—the juggling of not only Vice-Chairs', but lawyers' calendars, the complexity of the cases, adjournments, etc. Although a Vice-Chair cannot confirm continuation dates at the end of a hearing, it certainly makes sense for the parties (and their clients) to confirm with the Vice-Chair their available future dates, a practice done by some already.

5. Future Agendas

Gail Misra has agreed to communicate with members before the next meeting for agenda items (and to circulate the agenda prior to the meeting).

C. Next Meetings (for 2009)

March 5 (Sack Goldblatt Mitchell: To Be Confirmed)

June 4

September 17

December 10

Meeting adjourned at 6:35 p.m.

Minutes prepared by Leonard Marvy