

## **Minutes of the OLRB Advisory Committee**

**June 11, 2009  
FWTA Boardroom**

In attendance: Kevin Whitaker – Chair, OLRB  
Leonard Marvy – Solicitor, OLRB  
Lorne Richmond – Union, Committee Co-Chair  
Joe Liberman – Employer, Committee Co-Chair  
Bridget Lynett – Legal Director, Ministry of Labour  
Patrick Moran – Employer  
Mark Geiger – OBA Labour and Employment Section  
Gail Misra – Union  
Daryn Jeffries – Employer  
Sunil Kapur – Employer  
Elizabeth Mitchell – Union  
Risa Pancer – Union [by teleconference]  
Kathleen Stokes – Employer [by teleconference]

Absent: Tim Parker – Director/Registrar, OLRB  
David Jewitt – Union

Joe Liberman chaired the meeting.

### **A. FOLLOW-UP FROM LAST MEETING**

#### **1. Quantum of Payment of Fees for Multiple Grievances**

Kevin advised that the Ministry of Labour is still working on making the change (elimination of multiple payments with charges applied per hearing day as opposed to per grievance), which requires a Cabinet minute. It will likely occur in the summer.

#### **2. Consultations & Inconsistencies**

Kevin advised the group that the issue had been raised and discussed internally.

#### **3. Cumulative Index**

Len advised that reported OLRB cases from 1977 were now on CanLII and that reported cases from 1978 – 1984 had also been forwarded to CanLII. Once the remainder of the reported cases from 1984 – 2000 have been provided to CanLII, the Board will be able to work on the ten year cumulative indices.

## **B. NEW ISSUES**

### **4. Complaints about how long it is taking for the Board to issue decisions**

Some concern was raised about the time it takes to receive some Board decisions. Kevin informed the Committee of the Board's administrative protocols for addressing decisions that are delayed.

### **5. Retention of a Court Reporter**

There was some discussion about the Board's policy with respect to court reporters, transcripts and/or tape recording.

In this context, Lorne raised a question about whether the Board had ever contemplated using the new technology in a hearing room where all parties, including the Vice-Chair had access to the same transcription.

### **6. Concern re: section 50 OHS**

There was a concern raised about whether a "policy shift" has occurred favouring s. 50 reprisal complaints being dealt with at arbitration, rather than at the Board. Kevin advised that he was not aware of any plan by MOL, or policy discussion, that related to a review of s. 50. Further, the Board has no particular policy to defer to arbitration, rather than go through the Board. This can only be decided on a case by case basis, whether at an LRO meeting or at a hearing.

### **7. Signature Checks for Construction Industry card-based certifications**

There was a request on the employer side for the Board to consider implementing a policy of checking signatures on cards against signatures provided by the employer, with a goal of eliminating any obvious fraud. Kevin advised that this issue is addressed on a case-by-case basis by the Board.

### **8. Card-based certifications: Delivery and Forms**

There was some discussion about the fairness of delivery of certification applications in blank envelope packages and without some larger notice on the first page of the inside that this material must be responded to within 2 days. Management side decided to prepare a draft form for discussion at the next meeting in September.

9. **Travel policy**

The issue of the change in Board's travel policy was raised and how this was a burden on small business, particularly where there were lots of witnesses. Kevin explained that the change was a short term one, which may well revert back to the Board's regular practice in the Fall.

10. **Electronic Protocol**

Kevin advised that the Board was going to begin testing (with some users) sending certificates and Decisions by way of email and PDF files, and the Registrar would be contacting some firms to begin this process.

11. **Future Agenda**

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

**C. Future Meetings (for 2009)**

September 17 [McCarthy Tétrault]  
December 10

Meeting adjourned at 7:00 p.m.  
Minutes prepared by Leonard Marvy