

**Minutes of the OLRB Advisory Committee
February 19, 2015
Ontario Labour Relations Board**

In attendance: Bernard Fishbein – Chair, OLRB
Brian McLean – Alternate Chair, OLRB
Keith Burkhardt – Employer
Graham Williamson – Union
Craig Morrison – Union
Ben Ratelband – Employer
Melissa Kronick – Union
Leonard Marvy – Solicitor, OLRB
Catherine Gilbert – Director/Registrar OLRB
Ursula Boylan – Assistant Director/Registrar OLRB
Inna Koldorf -- OBA
Paul Lalonde – Employer
Gavin Leeb – union (teleconference)

Absent: Daryn Jeffries – Employer
Joe Liberman – Employer, Committee Co-Chair
Bridget Lynett – Legal Director, Ministry of Labour
Stephen Krashinsky – Union

Bernard Fishbein chaired the meeting.

A. PAST ISSUES

TOWN HALL MEETING

Bernie mentioned that the Town Hall meeting was reasonably well-attended and that it was useful for the Board to have received feedback from the community. One of the strongest points made at the meeting was, given that the parties are now used to the changes made for the open period, further changes would once again be very disruptive.

B. NEW ISSUES

Vice-Chair posting

Postings for full-time and part-time Vice-Chair positions are currently on the public appointments website.

Two grievance referrals on same day from same party

Catherine explained that, where more than one grievance is made by a party on the same day, a copy of the each Grievance will be attached to its corresponding Confirmation of Filing that is sent to the parties. This will ensure that the grievances are identifiable and distinguishable.

Scheduling of DFRs

The Board explained the administrative difficulties in arranging with the parties hearing dates for DFRs and that it would continue to schedule the consultations as in the past. It noted that it would continue to address opposed requests for adjournments as it has in the past.

Email distribution

Catherine explained that while the email distribution does not identify the recipients, the attached Schedule does. Parties looking to see who has received the email, must look to the list of recipients on the Schedule.

Distribution of Decisions

The Board confirmed its practice to provide decisions to counsel and parties to the proceedings at the same time, and why it would not adjust this practice.

OPS Strike Preparation

The Board mentioned it was in the preliminary stage of determining the extent of its operations, should a strike commence. More information will be forthcoming, should it be necessary.

Construction Industry Certification Process

Bernie advised, in an effort to continue making the certification process timely and more efficient, the Board was considering reducing the union's application delivery time to one day after filing with the Board and requiring the employer to list employees by job sites in the response. There was discussion of the pros and cons of these ideas: the union was concerned about the ability to deliver in one day in certain northern communities and the employer was concerned about specifying job sites within 2 days given their already brief response time; there was acknowledgement that the job sites would crystalize the issues even better and one day delivery would increase the ability of the parties to address any "application date" issues by at least one day. The Board will continue to discuss this internally taking into account the committee's input.

Sale of Business/Related Employer Streamlining production and preliminary issues

Bernie noted that the Board receives approximately one hundred and fifty 69/1(4) applications per year and that for four of the last five years we disposed of fewer cases than were filed. This is not an acceptable rate and the Board would like to address this. The Board mentioned addressing this through a standard decision detailing production requirements and the possibility of a case management hearing. Unanimously the committee expressed a desire for the Board to hold a CMH in 69/1(4) cases either with or without prior decisions directing at least some production or exposition of preliminary issues beforehand. The Board will continue discussing this internally taking into account the committee's input.

2015 Scheduled Meetings

Thursday, May 28, 2015: 5:00 pm [at Sherrard Kuzz]

Thursday, October 8, 2015: 5:00 pm

Meeting adjourned at 6:35 p.m.

Minutes prepared by Leonard Marvy