

**Minutes of the OLRB Advisory Committee
January 25, 2017**

Ontario Labour Relations Board

In attendance: Bernard Fishbein - Chair, OLRB
Catherine Gilbert - Director/Registrar, OLRB
Ursula Boylan - Deputy Registrar, OLRB
Voy Stelmaszynski - Solicitor, OLRB

Keith Burkhardt - Employer
Laurie Kent - Union, Committee Co-Chair
Melissa Kronick - Union
Steve Krashinsky – Union
Chris Fiore – Employer
Graham Williamson - Union
Andrew Reynolds - OBA

Craig Morrison – Union [teleconference]
Neil Dzuba – Employer [teleconference]
Ben Ratelband – Employer [teleconference]
Bridget Lynett – Ministry of Labour [teleconference]

Bernard Fishbein chaired the meeting.

1. White area consultation update

One submission has been received and posted on the Board's website. The deadline for submissions is Friday, January 27, 2017. Counsel advised that more submissions will be forthcoming.

2. Will-say statements

The pros and cons of directing will-says were discussed. Bernie advised that there was no official Board policy about the use of will-says *per se*. Rather, they are a tool available to individual adjudicators in the hope of conducting a more efficient and expeditious hearing. They have produced mixed results. It is always open to counsel to advocate their views about the effectiveness or utility of will-says in any particular case.

3. OCOT appeals of administrative penalties

Bernie outlined the recent amendments to the *Ontario College of Trades and Apprenticeship Act, 2009* which give the Board authority to review administrative “tickets.” Provisions are expected to be in force on June 6, 2017.

4. Sidespersons

The pros and cons of convening tri-partite panels were discussed. Bernie advised that all sidespersons were now part-time and as the former sidespersons left (if only because of the application of the “10 year rule” to them), a new complement of sidespersons with a more recent or continuing involvement in their respective constituencies had and would be appointed. The Board had accordingly been increasing the scheduling of tripartite panels which it understood was in accordance with the wishes of stakeholders. If the scheduling of sidespersons created problems in particular cases, Bernie asked people to advise the Board so they could be addressed or, if necessary, the practice be re-examined.

5. Advisory Committee make-up

Union side advised that Graham Williamson is replacing Gavin Leeb. Jim Robbins remains as the next alternate. A further alternate will be selected at the next CALL conference.

Employer side committed to identifying a replacement for Daryn Jeffries by the next meeting.

6. Status dispute hearings

The Committee discussed options for improving the current system. Many possibilities were being considered including imposing time limits on examinations and cross-examinations of challenged individuals in appropriate cases or structuring the hearings more at Case Management Hearings. Bernie advised that any new Information Bulletins or revisions to existing Information Bulletins would be circulated before implementation.

7. Jurisdictional Disputes (Construction)

Catherine advised that the Board would be assigning Mediators to these files in advance of the pre-consultation conference in the hope that they might be able to reach agreements and avoid the necessity of actually holding the pre-consultation conference.

8. E-filing

Catherine reported on the progress of the e-filing project. The Board will conduct a demonstration of an e-form at the next Committee meeting.

Meeting adjourned at 7:30pm.

NEXT MEETING: Wednesday, May 17, 2017, 5pm at Sherrard Kuzz

Minutes prepared by Voy Stelmaszynski