
ONTARIO LABOUR RELATIONS BOARD ANNUAL REPORT 2007-2008



June 2008
Chair – Kevin Whitaker

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Chair's Message 2007-2008

The Ontario Labour Relations Board is the largest labour and employment tribunal in Canada. The Board works with approximately twenty different pieces of legislation. At any one time, we are working with approximately 6000 files. We issue about 6500 decisions a year and settle close to 90 per cent of all applications filed. The median time between the filing of an application and a final decision or settlement is 46 days.

As an independent administrative tribunal the Board exercises authority and jurisdiction over a wide range of different types of workplace disputes. Regardless of what statute we are working under, the Board's first priority is to assist the workplace parties in the expeditious, practical and effective resolution of their dispute. We strongly believe that the best outcome is a negotiated settlement that the parties construct themselves, which enables them to quickly get back to the business of their own workplace.

Besides its own unique role and identity, the Board is also at the centre of a larger cluster of tribunals that all deal with different aspects of workplace law and adjudication. Over the last decade, the Board has become increasingly tied to and integrated with a number of other agencies that deal with employment related disputes.

In the late nineties, the Board merged with the Office of Adjudication and acquired responsibility for appeals under the *Employment Standards Act* and the *Occupational Health and Safety Act*. The Pay Equity Hearings Tribunal which is now chaired by the Board's Alternate Chair, is housed physically within the Board and uses the Board's

administrative, professional and support staff. The Colleges Relations Commission and the Education Relations Commissions are similarly operated from within the Board with members and administrative staff cross-appointed to both. Board Vice-Chairs are cross-appointed to the Human Rights Tribunal of Ontario and the Board shares certain administrative services and physical space with the Workplace Safety and Insurance Appeals Tribunal. The Board’s Registrar/Director is also the Registrar Director of the Pay Equity Hearings Tribunal and the Education and Colleges Relations Commissions.

Increasingly, the model of clustering tribunals that provide similar adjudicative services in the same sectors is being transported to other areas of adjudication in Ontario and in other provinces. The benefits of clustering tribunals include an efficient use of resources, consistency of process and outcome and the ability to maintain and monitor quality control practices across a wide range of subject matter. These objectives are accomplished while at the same time safeguarding the particular and unique expertise of each agency or tribunal.

This exercise of clustering tribunals that work in related areas is regarded as an appropriate method of balancing independence with the need to ensure that scarce public resources are put to best use. The Board is understood to be a leader in the development of the cluster model and is regularly consulted for advice and assistance with other clustering projects both within and outside Ontario.

The Board has also developed a nationally recognized expertise in the development of alternative and expedited adjudicative processes. Tribunals in other sectors and provinces have increasingly adopted the “consultation” process pioneered by the Board over the last twelve years. During this past year, the Courts have commented favorably

on the Board's ability to use the consultation process to achieve expeditious and cost effective, fair adjudicative outcomes.

This last year, as throughout the Board's history, our successes come directly from the expertise and dedication that our staff brings to their jobs, every day of the year. All of us remain committed to provide the highest quality of dispute resolution to our extended user communities.

Finally, we would like to pay tribute to our dear friend and colleague Rene Montague. Rene was a leader in the trade union movement who was recruited to the Board as a full time Member in March of 1986. While at the Board for 22 years, Rene continued his leadership role and contributed greatly to our work and the broader work of the trade union community. Tragically, Rene was killed earlier this year in an automobile accident. He is - and will be, sorely missed by all of us at the Board. We know that we were fortunate to have had the benefit of his presence here for over two decades.

We look forward to another year of service to the public and as always, we welcome your comments, suggestions and inquiries.

Kevin Whitaker

Chair:

Ontario Labour Relations Board

Colleges Relations Commission

Education Relations Commission

OLRB Annual Report 2007-2008



Accountability Statement

The OLRB's Annual Report for the fiscal year ending March 31, 2008 was prepared under my direction for submission to the Minister of Labour in accordance with the *Agency Establishment and Accountability Directive – February 2000*, as issued by Management Board of Cabinet .

Preface

The Public Accounts of Ontario are the annual financial statements that are prepared in compliance with the requirements of Section 13 of the *Ministry of Treasury and Economics Act*. The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry of Labour's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the OLRB verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

The Results Based Plan of the Ministry of the Labour, which is to be released in the fall of each year, contains the Ministry's mission and accountability statements, the consolidated financial/allocation statements of the Ministry and an annual comparison of actual performance results to desired results set out in the Ministry business plan.

As an agency of the Ministry of Labour, the OLRB's Annual Report is subject to the minimum reporting requirements established in the *Agency Establishment and Accountability Directive*, including:

- financial statements that have been audited or subject to the appropriate level of external assurance;
- analysis of operational performance;
- analysis of financial performance;
- names of appointees and term of appointments
- performance measures, targets achieved/not achieved and action to be taken.

This report covers the fiscal year April 1, 2007 to March 31, 2008.

I Organizational Overview

- Key Program Activities, Legislative Authority, Mandate
- OICs and Staff

OLRB – Key Program Activities

The Board is an independent tribunal mandated to handle a variety of different applications, under a number of different pieces of legislation, including:

- *Colleges Collective Bargaining Act*, R.S.O. 1990, c. C.15
- *Community Small Business Investment Funds Act*, S.O 1992, c.18.
- *Crown Employees Collective Bargaining Act*, 1993, S.O. 1993, c. 38
- *Education Act*, R.S.O. 1990, c. E.2
- *Employment Standards Act*, R.S.O. 1990, c.E.14
- *Environmental Bill of Rights Act*, 1993, S.O. 1993, c. 28
- *Environmental Protection Act*, R.S.O. 1990, c. E.19 which gives the Board jurisdiction under the following legislation:
 - * *Environmental Assessment Act*, R.S.O. 1990, c. E.18
 - * *Environmental Protection Act*, R.S.O. 1990, c. E.19
 - * *Ontario Water Resources Act*, R.S.O. 1990, c. O.40
 - * *Pesticides Act*, R.S.O. 1990, c. P.11
 - * *Fisheries Act*, R.S.C. 1970, c. F-14
- *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4
- *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H.14
- *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sch. A
- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.7
- *Public Sector Labour Relations Transition Act, 1997*, S.O. 1997, c. 21
- *Public Service Act*, R.S.O. 1990, c. P.47
- *Smoke Free Ontario Act (unlawful reprisals)*, Regulation 48/06

The Ontario Labour Relations Board (the “Board”) was established by section 2 of the *Labour Relations Act, 1948* (the “Act”) and is continued by subsection 110(1) of the *Labour Relations Act, 1995* S.O. 1995, C1, as amended. The Board is an adjudicative agency of the Government of Ontario and its staff is appointed under the *Public Service Act*.

The Board is an independent, adjudicative tribunal issuing decisions based upon the evidence presented and submissions made to it by the parties, and upon its interpretation and determination of the relevant legislation and jurisprudence. It plays a fundamental role in the labour relations regime in Ontario and encourages harmonious relations between employers, employees and trade unions by dealing with matters before it as expeditiously and as fairly as reasonably possible.

The Board's primary work is administering the *Labour Relations Act, 1995*, which regulates many aspects of collective bargaining in Ontario. The legislative policy underlying the Act is set out in section 2:

2. The following are the purposes of the Act:

1. To facilitate collective bargaining between employers and trade unions that are the freely designated representatives of the employees.
2. To recognize the importance of workplace parties adapting to change.
3. To promote flexibility, productivity and employee involvement in the workplace.
4. To encourage communication between employers and employees in the workplace.
5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.
6. To encourage co-operative participation of employers and trade unions in resolving workplace issues.
7. To promote the expeditious resolution of workplace disputes.

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, Vice-Chairs, and Board Members. These individuals draw upon specialized expertise in labour relations in hearing and determining cases before them. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic. However, it is important to recognize that legal rights are in issue, the statutory framework is often complex, and, these days, it is common for parties to be represented by lawyers.

Under section 114(1) of the *Labour Relations Act, 1995*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and a privative clause in the Act limits the scope of judicial review. The Board does have the power to reconsider any of its decisions, although it exercises this jurisdiction carefully in the interests of finality and fairness. The Board is also entitled to determine its own practices and procedures and to make rules. Those rules and the forms for commencing or responding to cases are available on the OLRB's website www.gov.on.ca/lab/olrb/eng/homeeng.htm or, directly, from the Board at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1, in both paper form and computer disk.

Order in Council (OIC) Appointments:

CHAIR

Kevin Whitaker	Sep 20/07 – Sep 19/12	Sep 20/01-C; Mar 22/95-VC; PT June 24/98-Dec 22/99
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ALTERNATE CHAIR

Mary Ellen Cummings	Aug 1/05 – July 31/08	Jan 1/99 – Alt; Aug 13/97– VC
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VICE-CHAIRS (Full Time) - 15

Ian B. Anderson	Mar 24/07 – Mar 23/12	March 24, 2004
Harry Freedman	July 08/07 – July 07/12	July 8, 1998
Patrick M. Kelly	May 18/05 – May 17/08	May 17, 1999
Mark Lewis	Sep 27/06 – Sep 26/09	September 27, 2006
David A. McKee	Apr 30/08 – Apr 29/13	April 29, 1999
Mary Anne McKellar	Jan 24/07 – Jan 23/12	January 24, 2001
Brian C. McLean	July 08/07 – July 07/12	July 8, 1998
Corinne F. Murray	Feb 03/06 – Feb 02/09	February 3, 2003
Caroline Rowan	May 07/05 – May 06/08	May 6, 1999
Susan J. Serena	May 28/06 – May 27/09	May 28/03
Ronald Shouldice	May 30/07 – May 29/09	May 30/07
Marilyn Silverman	Apr 30/08 – Apr 29/13	April 29, 1999
Jack J. Slaughter	Feb 03/06 – Feb 02/09	February 3, 2003
Tanja Wacyk	May 28/06 – May 27/09	May 28, 2003
Kelly A. Waddingham	Jan 01/08 – Dec 31/12	PT April 7 /Dec. 31, 2004/FTJan. 1/05

VICE-CHAIRS (Part Time) - 5

Christopher J. Albertyn	Sep 01/07 – Aug 30/12	PT Oct 7/94 - Mar 8/95; FT Mar 9/95 - Aug. 31/04; PT09/04
Bruce Binning	Aug 25/07 – Aug. 24/12	PT August 24, 2004
Peter F. Chauvin	Oct 1/07 – Mar 23/12	FT Mar 24/04 – Oct 1/07
Norman Jesin	Aug 25/07 – Aug 24/12	PT August 25, 2004
Timothy W. Sargeant	June 30/07 – June 29/12	FT Feb 28/96 – June 30/07 PT June 30/07

BOARD MEMBERS

PERIOD

ORIGINAL APPT.

EMPLOYERS – Full Time - 5

R. D. Paul LeMay	Dec 15/05 – Dec 14/08	December 15, 2005
Richard J. O'Connor	Nov 06/05 – Nov 05/08	November 6, 2002
Barry Roberts	May 16/07 - May 15/09	May 16, 2007
Judith A. Rundle	July 17/07 – July 16/12	July 17, 1986
John A. Tomlinson	Nov 06/05 – Nov 05/08	November 6, 2002

EMPLOYEES – Full Time - 5

Richard A. Baxter	Apr 03/06 – Apr 02/09	April 3, 2006
Alan Haward	Mar 25/07 – Mar 24/12	March 25, 1998
Shannon R. B. McManus	Dec. 15/05 – Dec. 14/08	December 15, 2005
Rene R. Montague	Mar 06/07 – Mar 05/12	March 6, 1986
David A. Patterson	Apr 02/07 – Apr 01/12	April 2, 1986

Board Staff and Key Activities

The OLRB's operations and staff can be broadly divided into: The Board, Administration, Field Services (mediation), and Legal Services. The administrative, field, and legal staff are civil service appointments. The Board is composed of a Chair, an Alternate Chair, Vice-Chairs and Board Members. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council as Order in Council appointments (OIC).

ADMINISTRATION:

Office of the Director and Registrar

The Director and Registrar is the chief administrative officer of the Board. He is responsible for the overall administration of the Board's businesses: operations, mediation and adjudication. The Director and Registrar oversees the effective processing and scheduling of each case, and communicates with the parties in matters relating to the mediation of cases, scheduling of hearings or on particular problems in the processing of any given case. Every application received by the Board enters the system through the Director and Registrar's office.

Manager of Administration

The Manager of Administration is responsible for the efficient operation of the Board through the effective and efficient coordination of the procurement and budget functions, human resources functions, client services, Information and Information Technology, and the provision of administrative direction for all shared/common services.

Library Services

Comprised of the former Ontario Labour Relations Board Library, the Workplace Safety and Insurance Appeals Tribunal Library and the Pay Equity Commission Library, the Ontario Workplace Tribunals Library is situated in the Board offices at 505 University Avenue, Toronto on the 7th floor.

Library holdings related to the OLRB include all reported OLRB decisions from 1944 to date, all judicial reviews of OLRB decisions from 1947 to date, all bargaining unit certificates issued by the OLRB from 1962 forward. In addition, the Library has a collection of all Employment Standards review decisions from 1970 to date and all Occupational Health and Safety appeal decisions from 1980 to date. Textbooks, journals and case reports in the areas of labour, administrative and constitutional law are also held.

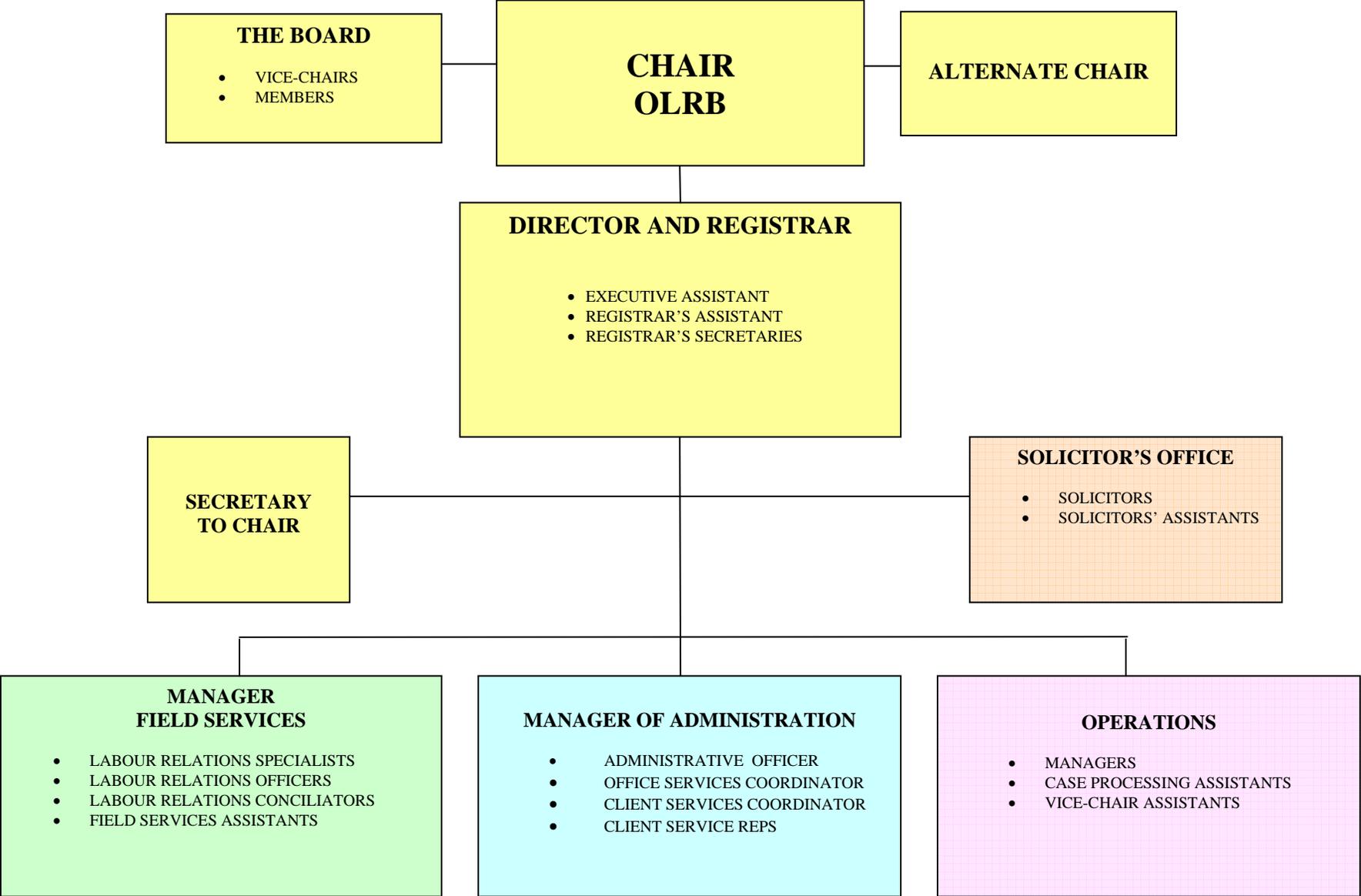
Field Services: (Mediation)

The Board is a pioneer in the area of alternative dispute resolution. The Manager of Field Services, Labour Relations Specialists, and Labour Relations Officers, are responsible for mediating settlements in all of the Board's cases. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also, along with the Board's Conciliation Officers, carry out the Board's pre and post vote phone mediation program and conduct representation and final offer votes.

Legal Services:

Legal Services to the Board are provided by the Solicitors' Office, which consists of two Board Solicitors. The Solicitors provide legal research, advice, opinions and memoranda to the Chair, Vice-Chairs, Board Members, Labour Relations Officers and administrative staff. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Board's Solicitors also represent the Board in court proceedings, including applications for judicial review.

ONTARIO LABOUR RELATIONS BOARD



II Executive Summary – Overview of Results

Operational Performance:

- Caseload analysis
- Caseload and statistical tables

OLRB - Operational Performance:

CASELOAD ANALYSIS, CASE MANAGEMENT EFFICIENCIES and STATISTICAL TABLES/GRAPHS 2007-2008

Caseload Analysis

In fiscal year 2007-2008, the Board had a total caseload of 6,045 applications, appeals and complaints, a decrease of 0.7% from 2006-2007.

The Board received 3,924 new cases and 2,121 cases were carried over from the previous year. Of the total caseload, 4,172 were disposed of during the year and 1,873 were pending in various stages of processing/mediation/adjudication on March 31, 2008.

Note: The section numbers referred to below correspond to the Labour Relations Act, 1995, S.O. 1995, c.1, Schedule A ("Bill 7").

Labour Relations Officer Activity

Labour Relations Specialists and Officers are the Board's professional mediators. They are assigned to every Board case in an effort to facilitate settlements in matters brought before the Board, without the need for formal litigation before the Board itself. **(Table 3)**

Of those cases in which activity was completed and cases disposed by the end of the year, 80% of these cases were settled with the assistance of Labour Relations Officers. Officers referred 819 cases to the Board for decisions or proceedings; and settlement efforts were continuing in 1,873 cases on March 31, 2008.

Vice-Chair/Adjudicator Decisions

Vice-Chairs wrote 6,937 **decisions** covering 4,996 cases between April 1, 2007 and March 31, 2008.

Disposition Time – Major Categories

Table 6 provides statistics on the time taken by the Board to process the 3,281 cases disposed of in 2007-2008, excluding cases in which proceedings were adjourned sine die. Information is shown separately for the three major categories of cases handled by the Board – Certification applications, complaints of Contravention of the Act, and Referrals of Grievances under Construction Industry Collective Agreements – and for the remaining categories combined.

Overall median times to proceed from filing to disposition for the 3,282 cases **was 58 days. Median times for the three major categories of cases:** 731 certification applications were processed in a median of 20 days; 652 complaints of contravention of the Act took 89 days; 399 referrals of construction industry grievances required 13 days, and the remaining 1,499, for all other categories combined, took 85 days.

Certification of Bargaining Agents

In 2007-2008, the Board received 789 applications for certification of trade unions as bargaining agents of employees, a decrease of 1.2% from 2006-2007. (Table 1)

In addition to the 789 applications received, 295 cases were carried over from last year, making a total certification caseload of 1,084 in 2007-2008. Of the total caseload, 826 were disposed of and 258 cases were pending on March 31, 2008. Of the 826 dispositions, certification was granted in 422 cases; 136 cases were dismissed; 2 cases were terminated; and 139 cases were settled. The certified cases represented 51.1% of the total dispositions. **(Table 1)**

Of the 558 applications that were either certified or dismissed, final decisions in a number of cases were based on the results of representation votes. Of the 361 votes conducted, 314 involved a single union on the ballot, 47 were between two unions, and 4 were between three unions. Applicants won in 243 of the votes and lost in the other 118. (Table 5)

A total of 18,427 employees were eligible to vote in the 361 elections, of whom 15,385 or 83.5% cast ballots. In the 243 votes that were won and resulted in certification, 8,690 or 81.6% of the 10,649 employees eligible to vote cast ballots. Of these voters, 7,304 or 81.4% favored union representation. In the 118 elections that were lost and resulted in dismissals, 6,695 employees participated, and, of these, 2,340 or 35.0% voted for union representation. **(Table 5)**

Fourteen unions, each with more than 25 applications, accounted for 83.5% of the total filings: Labourers (184), Carpenters (93), Canadian Auto Workers (36), Canadian Union of Public Employees (CUPE) (50), Teamsters (32), Painters (34), Food and Commercial Workers (28), Bricklayers International (30), Christian Labour Association (28), Electrical Workers (IBEW) (26), International Operating Engineers (26), Plumbers (26), Service Employees International (34) and Other Unions, Including Employee Associations (32). In contrast, fifteen unions filed fewer than five applications each. These unions together accounted for 3.5% of the total certification filings. **(Table 7)**

Table 8 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 96.8% of the applications received, concentrated in construction (417) and other services (218). These two groups comprised 83.1% of the total non-manufacturing applications. The 25 applications involving establishments in manufacturing industries comprised 3.2% of the new applications.

Size and Composition of Bargaining Units

Small units continued to be the predominant pattern of union organizing efforts through the certification process in 2007-2008. The average size of the 410 bargaining units in the 408 applications that were certified was 27 employees, compared with 33 employees in 2006-2007. The 208 units in construction certifications averaged 9 employees, and the 200 units in non-construction certifications averaged 46 employees. 81.6% of the total certification applications involved units of fewer than 40 employees, and 48% applied to units of fewer than ten employees. The total number of employees covered by the certification applications granted decreased to 11,158 from 13,617 in 2006-2007. **(Table 9)**

Of the employees covered by the certification applications granted, 112, or 1%, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 41 employees. Full-time and part-time employees were represented in units covering 188 employees, including units that did not specifically exclude employees working 24 hours or less a week. **(Tables 11 and 12)**

Twenty-two point five (22.5) percent of the employees, or 2,514 were employed in production and related occupations. **(Tables 13 and 14)**

Disposition Time – Certifications Granted

A median time of 19 working days were required to complete the 422 certification applications granted from receipt to disposition. For non-construction certification, the median time was 18 days for 204 cases; and for construction certification, the median time was 13 days for 218 cases. **(Table 10)**

Eighty-six point three (86.3) percent of the 422 certification applications granted were disposed of in 84 days (3 months) or less. **(Table 10)**

Termination of Bargaining Rights

In 2007-2008, the Board received 116 applications under sections 63, 65, 66, 67, and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 57 cases were carried over from 2006-2007. **(Table 1)**

Of the 173 cases processed, bargaining rights were terminated in 3 cases, 32 cases were dismissed, 29 cases were settled and 31 cases were pending on March 31, 2008.

67 representation votes were held on 91 cases that were either granted or dismissed. A total of 1,664 employees were eligible to vote in the 67 elections that were held, of whom 1,406 or 84.5% cast ballots. Of those who cast ballots, 212 voted for continued representation by unions and 221 voted against. **(Table 5)**

Representation Votes

In 2007-2008, the Board's Labour Relations Officers and Conciliators conducted a total of 494 representation votes among employees in one or more bargaining units. Of the 494 votes conducted, 413 involved certification applications, and 81 were held in applications for termination of existing bargaining rights. **(Table 4)**

Of the certification votes, 342 involved a single union on the ballot, and 71 involved two unions.

A total of 22,504 employees were eligible to vote in the 494 elections that were conducted, of whom 18,966 or 84.3% cast ballots. Of those who participated, 46.8% voted in favor of union representation. In the 413 elections in certification applications, 84.6% of the eligible voters cast ballots, with 48.5% of the participants voting for union representation.

In the 81 votes in applications for termination of bargaining rights, 80.7% of the eligible voters cast ballots, with only 27.8% of those who participated voting for the incumbent unions.

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are assigned to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 14 requests dealt with by the Board during the fiscal year, 5 cases were granted, 5 cases were dismissed, 3 cases were settled, and the remaining 1 case was pending on March 31, 2008. **(Table 1)**

In the 13 votes held, employees accepted the employer's offer in 5 cases and rejected the offer in 5 cases.

Declaration of Successor Trade Union

In 2007-2008, the Board dealt with 6 applications for declarations under section 68 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction. Affirmative declarations were issued by the Board in 2 cases. **(Table 1)**

Declaration of Successor or Common Employer Status

In 2007-2008, the Board dealt with 301 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 29 cases, 5 applications were dismissed, 113 cases were settled and 154 cases were pending on March 31, 2008. **(Table 1)**

Declaration/Direction of Unlawful Strike

In 2007-2008, the Board dealt with 15 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. 8 cases were settled, one case was granted, and one dismissed. 5 cases were pending on March 31, 2008. **(Table 1)**

Consent to Prosecute

In 2007-2008, the Board dealt with 6 applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act. One case was dismissed, and one settled. The 3 remaining cases were pending on March 31, 2008. **(Table 1)**

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes settlements facilitated by its labour relations officers.

In 2007-2008, the Board received 823 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 552 cases were carried over from 2006-2007. Of the 1,270 cases processed, 504 were settled, and 486 cases were pending on March 31, 2008. **(Table 1)**

In 784, or 61.7%, of the 1,270 dispositions, settlements and withdrawals of the complaint were secured by labour relations officers **(Table 3)**. Remedial orders were issued by the Board in 20 cases, 252 cases were dismissed, and 8 cases were terminated. **(Table 1)**

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the Act. As with complaints of contravention of the Act, the Board encourages settlement of these cases by the parties involved, with the assistance of a Labour Relations Officer.

In 2007-2008, the Board received 908 cases under this section. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 208 were carried over from 2006-2007. Of the total 1,116 processed, 917 were disposed of; of these, awards were made by the Board in 176 cases, 12 cases were dismissed, and 199 cases were pending on March 31, 2008. **(Table 1)**

In 917, or 82.2% of the 1,116 dispositions, settlements and withdrawal of the grievance were obtained by labour relations officers. **(Table 3)**

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Religious Exemption – Exemption from Union Security Provision in Collective Agreement

Three applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Three applications were settled. **(Table 1)**

Early Termination of Collective Agreements

Ten applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in six cases. Two cases were terminated, and two cases were pending on March 31, 2008. **(Table 1)**

Jurisdictional Disputes

Ninety-seven complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in 7 cases, 26 cases were settled, 16 cases were dismissed, and 47 cases were pending on March 31, 2008. **(Table 1)**

Referral on Employee Status

The Board dealt with 32 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Nine cases were settled by the parties in discussions with labour relations officers. One case was granted, one dismissed, and the remaining 20 cases were pending on March 31, 2008. **(Table 1)**

Referrals by Minister of Labour

In 2007-2008, the Board dealt with 7 cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. Two applications were granted, one dismissed, and three applications were settled, one case terminated. **(Table 1)**

The Board also dealt with 5 cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act*. Four applications were granted, and one was settled. **(Table 1)**

First Agreement Arbitration

In 2007-2008, the Board processed 21 applications for directions to settle first agreements by arbitration. Eleven cases were settled, one was dismissed and ten cases were pending on March 31, 2008. **(Table 1)**

Occupational Health and Safety Act

In 2007-2008, the Board received 184 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Eighty-three cases were carried over from 2006-2007.

Of the total 184 cases processed, 103 cases were disposed of. Of these, 68 cases were settled by the parties in discussions with labour relations officers (**Table 3**). 26 cases were dismissed, five cases were granted, and the remaining 81 were pending on March 31, 2008.

Appeals under The Employment Standard Act

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, termination issues, and severance pay.

The Board dealt with 1,431 appeals during 2007-2008. Of the 968 cases that were disposed of, 71 were granted, 200 were dismissed, 630 cases were settled, 67 were terminated, and 463 cases were pending on March 31, 2008. (**Table 1**)

Appeals under The Occupational Health and Safety Act

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the Ontario Labour Relations Board.

One hundred and eighty-four appeals were dealt with by the Board in 2007-2008. Of the 103 cases that were disposed of, 5 appeals were granted, 26 were dismissed, 68 cases were settled, 4 cases were terminated, and 81 cases were pending on March 31, 2008. (**Table 1**)

Applications under The Public Sector Labour Relations Transitions Act

The *Public Sector Labour Relations Transition Act, 1997* established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring.

In 2007-2008, the Board processed 29 applications under *the Public Sector Labour Relations Transition Act, 1997*. Of the 26 cases that were disposed of, 16 cases were granted, 1 case was dismissed, 3 cases were settled and 16 cases were pending on March 31, 2008. (**Table 1**)

COURT ACTIVITY 2007-2008

On April 1, 2007, there were eighteen Board matters pending before the Courts, fourteen at Divisional Court, three motions for leave at the Court of Appeal, and one appeal on the merits at the Court of Appeal.

During the 2007-2008 fiscal year, there were eleven new applications for judicial review of Board decisions filed with the Divisional Court; one of these applications included a motion to stay the Board’s decision. The Board received one request to state a case for contempt to the Divisional Court. There were four applications for leave to the Court of Appeal, and one appeal on the merits. One applicant sought leave to be heard by the Supreme Court of Canada.

One plaintiff sought to sue the Board in Superior Court. The claim is pending.

The case for contempt stated by the Board to Divisional Court was withdrawn by the moving party.

The Divisional Court dismissed nine applications for judicial review and one motion for a stay of the operation of a Board decision. Two applications were abandoned or withdrawn. Two decisions are on reserve.

The Ontario Court of Appeal disposed of six leave applications: one was granted and five were dismissed. One leave application is pending. The Court heard the merits of two appeals: one was dismissed (*Mississaugas of Scugog Island*: Board and Divisional Court decisions upheld); the second was heard and is on reserve.

The Supreme Court of Canada received three leave applications. Two were dismissed and one is pending.

One Statement of Claim was filed against the Board. The matter is pending.

The Board also represented one of its employees who was served with a summons to witness to appear in a Small Claims Court. The summons pertained to the employee’s discharge of their duties under the *Labour Relations Act, 1995*. The Board was successful in having the summons quashed.

On March 31, 2008, there were sixteen outstanding court applications, thirteen applications for judicial review at Divisional Court (two decisions on reserve), one motion for leave and one appeal on the merits at the Court of Appeal (on reserve), and one motion for leave to the Supreme Court of Canada.

COURT ACTIVITY 2007-2008

	Outstanding April 1, 2007	Received	Disposed Of Total	Granted	Dismissed	Abandoned	Pending March 31, 2008
Divisional Court (Merits)	14	11	13*	0	10	2	13
Divisional Court (Stay Application)	0	1	1	0	1	0	0
Ontario Court of Appeal (Seeking Leave)	3	4	6	1	5	0	1
Ontario Court of Appeal (Merits)	1	1	1	0	1	0	1
Supreme Court of Canada (Seeking Leave)	0	3	2	0	2	0	1
Supreme Court of Canada (Merits)	0	0	0	0	0	0	0

*includes 1 stated case for contempt which was withdrawn

In addition

One Statement of Claim was filed against the Board. The matter is pending.

The Board was also successful in having a summons to witness issued to one of its employees quashed in Small Claims Court

Table 1
Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 2007-08

Type of Case	Caseload			Disposed of Fiscal Year 2007-08					Pending March 31, 2008
	Total	Pending April 1, 2007	Received Fiscal Year 2007-08	Total	Granted*	Dismissed	Terminated	Settled Withdrawn/ Sine Die	
Total	6045	2121	3924	4172	835	718	88	2531	1873
CERTIFICATION OF BARGAINING AGENTS	1084	295	789	826	422	136	2	266	258
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	173	57	116	142	59	32	3	48	31
ACCREDITATION	5	1	4	3	3	0	0	0	2
DECLARATION OF SUCCESSOR TRADE UNION	6	5	1	2	2	0	0	0	4
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	301	174	127	147	29	5	0	113	154
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	15	2	13	10	1	1	0	8	5
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	3	1	2	0	0	0	0	0	3
CONSENT TO PROSECUTE	6	1	5	3	0	1	0	2	3
CONTRAVENTION OF ACT	1270	552	718	784	20	252	8	504	486
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	3	0	3	3	0	0	0	3	0
EARLY TERMINATION OF COLLECTIVE AGREEMENT	10	0	10	8	6	0	2	0	2
TRADE UNION FINANCIAL STATEMENT	0			0				0	0
JURISDICTIONAL DISPUTE	97	45	52	50	7	16	1	26	47
REFERRAL ON EMPLOYEE STATUS	31	17	14	11	1	1	0	9	20
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	12	6	6	12	6	1	0	5	0
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1116	208	908	917	176	12	0	729	199
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	182	67	115	114	2	26	0	86	68
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	3	1	2	1	0	1	0	0	2
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	0	1	1	0	0	0	1	0
FIRST AGREEMENT ARBITRATION DIRECTION	21	4	17	11	0	0	0	11	10
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	6	5	1	1	0	0	0	1	5
FINAL OFFER VOTE**	14	5	9	13	5	5	0	3	1
EMPLOYMENT STANDARDS ACT (APPEAL)	1431	564	867	968	71	200	67	630	463
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	184	83	101	103	5	26	4	68	81
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997	29	16	13	26	16	1	0	9	3
PROJECT AGREEMENT APPLICATION	4	1	3	3	0	0	1	2	1
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	5	1	4	4	2	1	0	1	1
OTHER CASE TYPES	33	10	23	9	2	1	0	6	24

* Includes cases in which a request was granted or a determination made by the Board.

** For final Offer Votes, "Granted" indicates that the offer was accepted and "Dismissed" indicates a rejection.

Table 2

**Applications and Complaints Received and Disposed of
Fiscal Years 2003-04 to 2007-08**

Type of Case	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	03-04	04-05	05-06	06-07	07-08	Total	03-04	04-05	05-06	06-07	07-08
Total	21,296	4,316	4,566	4,295	4,194	3,924	21,041	4,133	4,449	4,338	3,949	4,172
CERTIFICATION OF BARGAINING AGENTS	3,706	729	759	631	799	789	3,595	584	811	661	713	826
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	566	113	132	95	110	116	576	102	141	97	85	142
ACCREDITATION	10	1	0	3	2	4	10	2	1	1	3	3
DECLARATION OF SUCCESSOR TRADE UNION	161	3	123	28	6	1	158	4	70	69	13	2
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	739	144	144	163	161	127	705	130	115	169	144	147
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	70	16	21	11	9	13	69	21	18	12	8	10
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	7	1	0	4	0	2	5	2	0	3	0	0
CONSENT TO PROSECUTE	19	4	5	2	3	5	19	5	5	3	3	3
CONTRAVENTION OF ACT	4,311	879	913	954	850	718	4,281	848	916	910	823	784
RIGHT OF ACCESS	0	0	0	0	0	0	0	0	0	0	0	0
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	7	1	2	0	1	3	10	4	1	1	1	3
EARLY TERMINATION OF COLLECTIVE AGREEMENT	44	8	7	10	9	10	43	9	6	11	9	8
TRADE UNION FINANCIAL STATEMENT	13	4	3	3	3	0	21	6	8	4	3	0
JURISDICTIONAL DISPUTE	231	31	43	51	54	52	216	39	27	50	50	50
REFERRAL ON EMPLOYEE STATUS	82	12	26	14	16	14	71	12	19	15	14	11
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	50	11	7	11	15	6	53	13	7	9	12	12
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	2	0	0	0	2	0	2	0	0	0	2	0
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	4,441	844	946	888	855	908	4,362	844	862	905	834	917
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	569	112	105	124	113	115	536	94	107	120	101	114
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	10	3	0	2	3	2	8	0	3	1	3	1
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	0	0	0	0	1	2	0	0	1	0	1
FIRST AGREEMENT ARBITRATION DIRECTION	51	11	6	8	9	17	43	9	4	12	7	11
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	13	3	4	3	2	1	12	3	2	1	5	1
FINAL OFFER VOTE	74	15	19	17	14	9	74	13	21	17	10	13
EMPLOYMENT STANDARDS ACT (APPEALS)	5,284	1,221	1,161	1,044	991	867	5,348	1,211	1,171	1,046	952	968
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	712	142	133	212	124	101	717	149	127	211	127	103
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997	41	3	0	7	18	13	41	4	2	5	4	26
CROWN EMPLOYEES COLLECTIVE BARGAINING ACT	0	0	0	0	0	0	0	0	0	0	0	0
PROJECT AGREEMENT APPLICATION	9	1	0	0	5	3	8	1	0	0	4	3
FIRE PROTECTION AND PREVENTION ACT	0	0	0	0	0	0	1	1	0	0	0	0
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	18	3	5	1	5	4	18	2	4	2	6	4
OTHER CASE TYPES	55	2	2	9	15	23	46	21	1	2	13	9

Table 3							
Labour Relations Officer Activity in Cases Processed *							
Fiscal Year 2007-08							
Type of Case	Cases in Which Activity Completed						
	Pending April 1, 2007						
	Total						
	Cases				Referred	Sine	
	Assigned	Total	Number	Percent	to Board	Die	Pending**
Total	6045	4172	3353	80%	819	2531	1873
CERTIFICATION OF BARGAINING AGENTS	1084	826	698	85%	126	266	258
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	301	147	113	77%	36	111	154
CONTRAVENTION OF ACT	1270	784	650	83%	134	504	486
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1116	917	805	88%	112	729	199
COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT	182	114	95	83%	19	86	68
EMPLOYMENT STANDARD ACTS (APPEAL)	1431	968	714	74%	254	630	463
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEALS)	184	103	100	97%	3	68	81
ALL OTHER CASE TYPES	477	313	256	82%	57	135	164

*Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

**Includes all cases in which the officer activity may or may not be complete but which was not disposed of by the end of the year.

Table 4**Results of Representation Votes Conducted ***
Fiscal Year 2007-08

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	494	22,504	18,966	8,868
Certification	413	20,509	17,356	8,421
Regular cases				
One union	313	17,940	15,281	7,376
Two unions	9	1,423	1,001	753
Construction cases				
One union	29	344	336	114
Two unions	62	802	738	178
Termination of Bargaining Rights				
One union	81	1,995	1,610	447

* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

Table 5**Results of Representation Votes in cases Disposed of *
Fiscal Year 2007-08**

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
	Total	Appl. Won	Appl. Lost	In Votes			In Votes			In Votes		
				Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	428	296	132	20,091	11,801	8,290	16,791	9,623	7,168	8,627	6,228	2,561
Certification	361	243	118	18,427	10,649	7,778	15,385	8,690	6,695	8,194	6,016	2,340
Regular cases												
One union	287	199	88	16,195	9,187	7,008	13,503	7,491	6,012	6,793	5,006	1,787
Two unions	8	6	2	1,261	900	361	923	637	286	855	573	282
Construction cases												
One union	27	13	14	515	268	247	478	262	216	290	228	62
Two unions	39	25	14	456	294	162	481	300	181	256	209	209
Termination												
One union	67	53	14	1,664	1,152	512	1,406	933	473	433	212	221

* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 4 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Table 6

**Time Required to Process Applications and Complaints Disposed of *,
by Major Type of Case, Fiscal Year 2007-08**

Time Taken (No. of Days)	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievances Cases		All Other Cases	
	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent	Dispositions	Cumulative Percent
Total	3,281	100.0	731	100.0	652	100.0	399	100.0	1,499	100.0
Under 8 days	309	9.4%	153	20.9%	20	3.1%	90	22.6%	46	3.1%
8-14 days	353	20.2%	107	35.6%	39	9.0%	148	59.6%	59	7.0%
15-21 days	282	28.8%	124	52.5%	38	14.9%	43	70.4%	77	12.1%
22-28 days	190	34.6%	61	60.9%	37	20.6%	25	76.7%	67	16.6%
29-35 days	129	38.5%	25	64.3%	28	24.8%	14	80.2%	62	20.7%
36-42 days	111	41.9%	19	66.9%	24	28.5%	7	82.0%	61	24.8%
43-49 days	134	46.0%	20	69.6%	26	32.5%	11	84.7%	77	30.0%
50-56 days	112	49.4%	8	70.7%	21	35.7%	4	85.7%	79	35.2%
57-63 days	101	52.5%	10	72.1%	23	39.3%	4	86.7%	64	39.5%
64-70 days	96	55.4%	9	73.3%	24	42.9%	7	88.5%	56	43.2%
71-77 days	80	57.8%	10	74.7%	18	45.7%	3	89.2%	49	46.5%
78-84 days	78	60.2%	8	75.8%	18	48.5%	1	89.5%	51	49.9%
85-91 days	69	62.3%	6	76.6%	16	50.9%	2	90.0%	45	52.9%
92-98 days	87	64.9%	7	77.6%	27	55.1%	4	91.0%	49	56.2%
99-105 days	52	66.5%	3	78.0%	15	57.4%	1	91.2%	33	58.4%
106-126 days	162	71.5%	14	79.9%	36	62.9%	6	92.7%	106	65.4%
127-147 days	138	75.7%	18	82.4%	23	66.4%	4	93.7%	93	71.6%
148-168 days	120	79.3%	18	84.8%	28	70.7%	2	94.2%	72	76.5%
Over 168 days	678	100.0%	111	100.0%	191	100.0%	23	100.0%	353	100.0%

* Excludes cases in which proceedings were adjourned sine die

Table 7**Union Distribution of Certification Applications Received and Disposed of Fiscal Year 2007-08**

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Unions	789	732	422	138	172
ASBESTOS WORKERS	0	0	0	0	0
BOILERMAKERS	1	1	1	0	0
BREWERY AND SOFT DRINK WORKERS	8	4	4	0	0
BRICKLAYERS INTERNATIONAL	30	66	16	0	50
CANADIAN AUTO WORKERS	36	37	18	14	5
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	50	48	27	11	10
CARPENTERS	93	70	45	6	19
CHRISTIAN LABOUR ASSOCIATION	28	28	23	4	1
CLOTHING AND TEXTILE WORKERS	4	5	5	0	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	10	9	5	3	1
ELECTRICAL WORKERS (IBEW)	26	25	17	3	5
FOOD AND COMMERCIAL WORKERS	28	27	16	5	6
FOOD AND SERVICE WORKERS	1	2	1	1	0
HOTEL EMPLOYEES	4	6	0	3	3
INDEPENDENT LOCAL UNION	1	0	0	0	0
INTERNATIONAL OPERATING ENGINEERS	26	24	13	5	6
LABOURERS	184	123	81	19	23
MACHINISTS	11	10	4	6	0
NEWSPAPER GUILD	1	1	1	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	2	2	2	0	0
ONTARIO NURSES ASSOCIATION	11	11	10	1	0
ONTARIO SECONDARY SCHOOL TEACHERS	1	1	0	1	0
ONTARIO PUBLIC SERVICE EMPLOYEES	24	22	20	2	0
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	32	41	10	17	14
PAINTERS	34	31	22	5	4
PLASTERERS	0	1	0	0	1
PLUMBERS	26	28	22	1	5
POSTAL WORKERS	0	1	0	1	0
RETAIL WHOLESALE EMPLOYEES	4	4	2	2	0
SEAFARERS	0	1	0	1	0
SERVICE EMPLOYEES INTERNATIONAL	34	32	20	7	5
SHEET METAL WORKERS	14	6	3	1	2
STRUCTURAL IRON WORKERS	5	6	2	0	4
TEAMSTERS	32	33	14	13	6
THEATRICAL STAGE EMPLOYEES	4	3	3	0	0
TRANSIT UNION (INTL.)	4	3	2	1	0
UNITED STEELWORKERS	19	19	12	5	2
UNION AFFILIATION NOT ENTERED	1	1	1	0	0

*Includes cases which were closed for administrative purposes

**Excludes cases in which proceedings were adjourned sine die

Table 8**Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 2007-08**

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Industries	790	733	423	138	172
Manufacturing	25	24	11	9	4
ELECTRICAL PRODUCTS	2	2	2	0	0
FABRICATED METALS	2	1	1	0	0
FOOD, BEVERAGES	8	8	1	5	2
MACHINERY	1	2	0	2	0
PAPER	2	2	1	1	0
TRANSPORTATION EQUIPMENT	2	2	1	1	0
OTHER MANUFACTURING	8	7	5	0	2
Non-Manufacturing	761	709	412	129	168
ACCOMMODATION, FOOD SERVICES	6	6	3	1	2
CONSTRUCTION	416	376	212	45	119
EDUCATION, RELATED SERVICES	9	8	6	1	1
HEALTH, WELFARE SERVICES	32	33	26	6	1
HOSPITAL	6	6	3	2	1
LOCAL GOVERNMENT	2	1	0	0	1
MINING, QUARRYING	2	2	1	1	0
MUNICIPAL	3	4	1	3	6
PERSONAL SERVICES	4	3	2	0	1
REAL ESTATE, INSURANCE AGENCIES	1	0	0	0	0
RECREATIONAL SERVICES	4	4	2	0	2
RETAIL TRADE	1	1	0	1	0
SCHOOL BOARD	1	1	0	0	1
STORAGE	2	2	1	1	0
TRANSPORTATION	7	8	6	2	0
WHOLESALE TRADE	1	0	0	0	0
OTHER SERVICES	216	202	123	46	33
OTHER NON-MANUFACTURING	48	52	26	20	6

*Includes cases which were closed for administrative purposes

**Excludes cases in which proceedings were adjourned sine die

Table 9**Size of Bargaining Units in Certification Applications Granted
Fiscal Year 2007-08**

Employee Size *	Total		Construction **		Non-Construction	
	Number of Applications	Number of Employees	Number of Applications	Number of Employees	Number of Applications	Number of Employees
Total	408	11,158	208	1,929	200	9,229
2-9 employees	197	856	158	637	39	219
10-19 employees	76	1,015	27	338	49	677
20-39 employees	60	1,628	16	426	44	1,202
40-99 employees	46	2,732	5	237	41	2,495
100-199 employees	23	3,108	2	291	21	2,817
200-499 employees	5	1,194	0	0	5	1,194
500 employees or more	1	625	0	0	1	625

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 410 bargaining units were certified in the 408 applications in which certification was granted.

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 8, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Table 10**Time Required to Process Certification Applications Granted ***
Fiscal Year 2007-08

Working Days (including adjourments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	422	100.0	204	100.0	218	100.0
Under 8 days	91	21.6%	0	0.0%	91	41.7%
8-14 days	81	40.8%	59	28.9%	22	51.8%
15-21 days	89	61.8%	81	68.6%	8	55.5%
22-28 days	41	71.6%	30	83.3%	11	60.6%
29-35 days	16	75.4%	9	87.7%	7	63.8%
36-42 days	10	77.7%	4	89.7%	6	66.5%
43-49 days	12	80.6%	2	90.7%	10	71.1%
50-56 days	1	80.8%	0	90.7%	1	71.6%
57-63 days	6	82.2%	2	91.7%	4	73.4%
64-70 days	5	83.4%	3	93.1%	2	74.3%
71-77 days	7	85.1%	0	93.1%	7	77.5%
78-84 days	5	86.3%	1	93.6%	4	79.4%
85-91 days	5	87.4%	1	94.1%	4	81.2%
92-98 days	3	88.2%	1	94.6%	2	82.1%
99-105 days	1	88.4%	0	94.6%	1	82.6%
106-126 days	7	90.0%	1	95.1%	6	85.3%
127-147 days	12	92.9%	3	96.6%	9	89.4%
148-168 days	4	93.8%	0	96.6%	4	91.3%
Over 168 days	26	100.0%	7	100.0%	19	100.0%

* Refers only to applications in which certification was granted. This table should not be confused with Table 6 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 11

**Employment Status of Employee in Bargaining Units Certified by Industry
Fiscal Year 2007-08**

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	423	11,159	5	122	2	41	5	188	410	10,707
Manufacturing	11	660	0	0	0	0	1	2	10	658
FABRICATED METALS	1	240	0	0	0	0	0	0	1	240
FOOD, BEVERAGES	1	2	0	0	0	0	1	2	0	0
PAPER	1	7	0	0	0	0	0	0	1	7
TRANSPORTATION EQUIPMENT	1	127	0	0	0	0	0	0	1	127
ELECTRICAL PRODUCTS	2	12	0	0	0	0	0	0	2	12
OTHER MANUFACTURING	5	272	0	0	0	0	0	0	5	272
Non-Manufacturing	412	10,499	5	122	2	41	4	186	400	10,049
ACCOMODATION, FOOD SERVICES	3	61	0	0	1	32	0	0	2	29
CONSTRUCTION	211	1,755	0	0	0	0	0	0	211	1,755
EDUCATION, RELATED SERVICES	6	190	1	4	0	0	0	0	5	186
HEALTH, WELFARE SERVICES	26	868	1	10	0	0	0	0	25	858
HOSPITAL	3	113	0	0	0	0	0	0	3	113
MINING, QUARRYING	1	56	0	0	0	0	0	0	1	56
MUNICIPAL	1	12	0	0	0	0	0	0	1	12
PERSONAL SERVICES	2	23	0	0	0	0	0	0	2	23
RECREATIONAL SERVICES	2	17	0	0	1	9	0	0	1	8
STORAGE	1	16	1	16	0	0	0	0	0	0
TRANSPORTATION	6	294	0	0	0	0	0	0	6	294
OTHER SERVICES	124	6,147	2	92	0	0	4	186	117	5,768
OTHER NON-MANUFACTURING	26	947	0	0	0	0	0	0	26	947

Table 12

**Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 2007-08**

	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	422	11145	5	122	2	41	5	188	409	10693
BOILERMAKERS	1	0	0	0	0	0	0	0	1	0
BREWERY AND SOFT DRINK WORKERS	4	165	0	0	0	0	0	0	4	165
BRICKLAYERS INTERNATIONAL	16	202	0	0	0	0	0	0	16	202
CANADIAN AUTO WORKERS	18	1,422	0	0	0	0	1	31	17	1,391
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	27	1,513	1	4	0	0	2	12	24	1,497
CARPENTERS	45	264	0	0	0	0	0	0	45	264
CHRISTIAN LABOUR ASSOCIATION	24	468	0	0	0	0	0	0	24	468
CLOTHING AND TEXTILE WORKERS	5	146	0	0	1	32	0	0	4	114
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	5	73	0	0	0	0	0	0	5	73
ELECTRICAL WORKERS (IBEW)	17	149	0	0	0	0	0	0	17	149
FOOD AND COMMERCIAL WORKERS	16	631	1	16	0	0	1	72	14	543
FOOD AND SERVICE WORKERS	1	185	0	0	0	0	0	0	1	185
INTERNATIONAL OPERATING ENGINEERS	13	207	2	92	1	9	0	0	10	106
LABOURERS	81	691	0	0	0	0	0	0	81	691
MACHINISTS	4	293	0	0	0	0	0	0	4	293
NEWSPAPER GUILD	1	5	0	0	0	0	0	0	1	5
OFFICE AND PROFESSIONAL EMPLOYEES	2	132	0	0	0	0	0	0	2	132
ONTARIO NURSES ASSOCIATION	10	120	0	0	0	0	0	0	10	120
ONTARIO PUBLIC SERVICE EMPLOYEES	20	978	0	0	0	0	0	0	19	877
PAINTERS	22	165	0	0	0	0	0	0	22	165
PLUMBERS	22	185	0	0	0	0	0	0	22	185
RETAIL WHOLESALE EMPLOYEES	2	7	0	0	0	0	0	0	2	7
SERVICE EMPLOYEES INTERNATIONAL	20	758	1	10	0	0	0	0	19	748
SHEET METAL WORKERS	3	90	0	0	0	0	0	0	3	90
STRUCTURAL IRON WORKERS	2	24	0	0	0	0	0	0	2	24
TEAMSTERS	14	268	0	0	0	0	0	0	14	268
THEATRICAL STAGE EMPLOYEES	3	15	0	0	0	0	0	0	3	15
TRANSIT UNION (INTL.)	2	175	0	0	0	0	0	0	2	175
UNITED STEELWORKERS	13	1,396	0	0	0	0	0	0	13	1,396
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	9	418	0	0	0	0	1	73	8	345

Table 13

**Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 2007-08**

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	423	11,159	183	2,514	0	0	5	65	0	0	235	8,580
Manufacturing	11	660	4	306	0	0	0	0	0	0	7	354
FABRICATED METAL	1	240	1	240	0	0	0	0	0	0	0	0
FOOD, BEVERAGES	1	2	0	0	0	0	0	0	0	0	1	2
PAPER	1	7	0	0	0	0	0	0	0	0	1	7
TRANSPORTATION EQUIPMENT	1	127	0	0	0	0	0	0	0	0	1	127
ELECTRICAL PRODUCTS	2	12	1	2	0	0	0	0	0	0	1	10
OTHER MANUFACTURING	5	272	2	64	0	0	0	0	0	0	3	208
Non-Manufacturing	412	10,499	179	2,208	0	0	5	65	0	0	228	8,226
ACCOMODATION, FOOD SERVICES	3	61	1	32	0	0	0	0	0	0	2	29
CONSTRUCTION	211	1,755	152	1,362	0	0	0	0	0	0	59	393
EDUCATION, RELATED SERVICES	6	190	0	0	0	0	2	24	0	0	4	166
HEALTH, WELFARE SERVICES	26	868	13	448	0	0	1	5	0	0	12	415
HOSPITAL	3	113	2	50	0	0	0	0	0	0	1	63
MINING, QUARRYING	1	56	0	0	0	0	0	0	0	0	1	56
MUNICIPAL	1	12	0	0	0	0	0	0	0	0	1	12
PERSONAL SERVICES	2	23	0	0	0	0	0	0	0	0	2	23
RECREATIONAL SERVICES	2	17	1	9	0	0	0	0	0	0	1	8
STORAGE	1	16	0	0	0	0	0	0	0	0	1	16
TRANSPORTATION	6	294	0	0	0	0	0	0	0	0	6	294
OTHER SERVICES	124	6,147	6	237	0	0	2	36	0	0	116	5,874
OTHER NON-MANUFACTURING	26	947	4	70	0	0	0	0	0	0	22	877

Table 15

**CERTIFICATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN
APRIL 1, 2007 AND MARCH 31, 2008**

Number of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 07/08											
Industrial	0	301	3	4	5	1	1	0	0	0	315
Construction	0	8	38	13	3	2	0	5	0	0	69
Total	0	309	41	17	8	3	1	5	0	0	384

Percentage of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
Industrial	0.00%	95.56%	0.95%	1.27%	1.59%	0.32%	0.32%	0.00%	0.00%	0.00%
Construction	0.00%	11.59%	55.07%	18.84%	4.35%	2.90%	0.00%	7.25%	0.00%	0.00%
Total	0.00%	80.47%	10.68%	4.43%	2.08%	0.78%	0.26%	1.30%	0.00%	0.00%

Summary
Percentages of votes held within

	5 days or less	7 days or less	10 days or less
Industrial	95.56%	97.78%	100.00%
Construction	11.59%	85.51%	92.75%
Total	80.47%	95.57%	98.70%

16A

**New Certification Applications Received
By Quarter, April 1, 1999 to March 31, 2008**

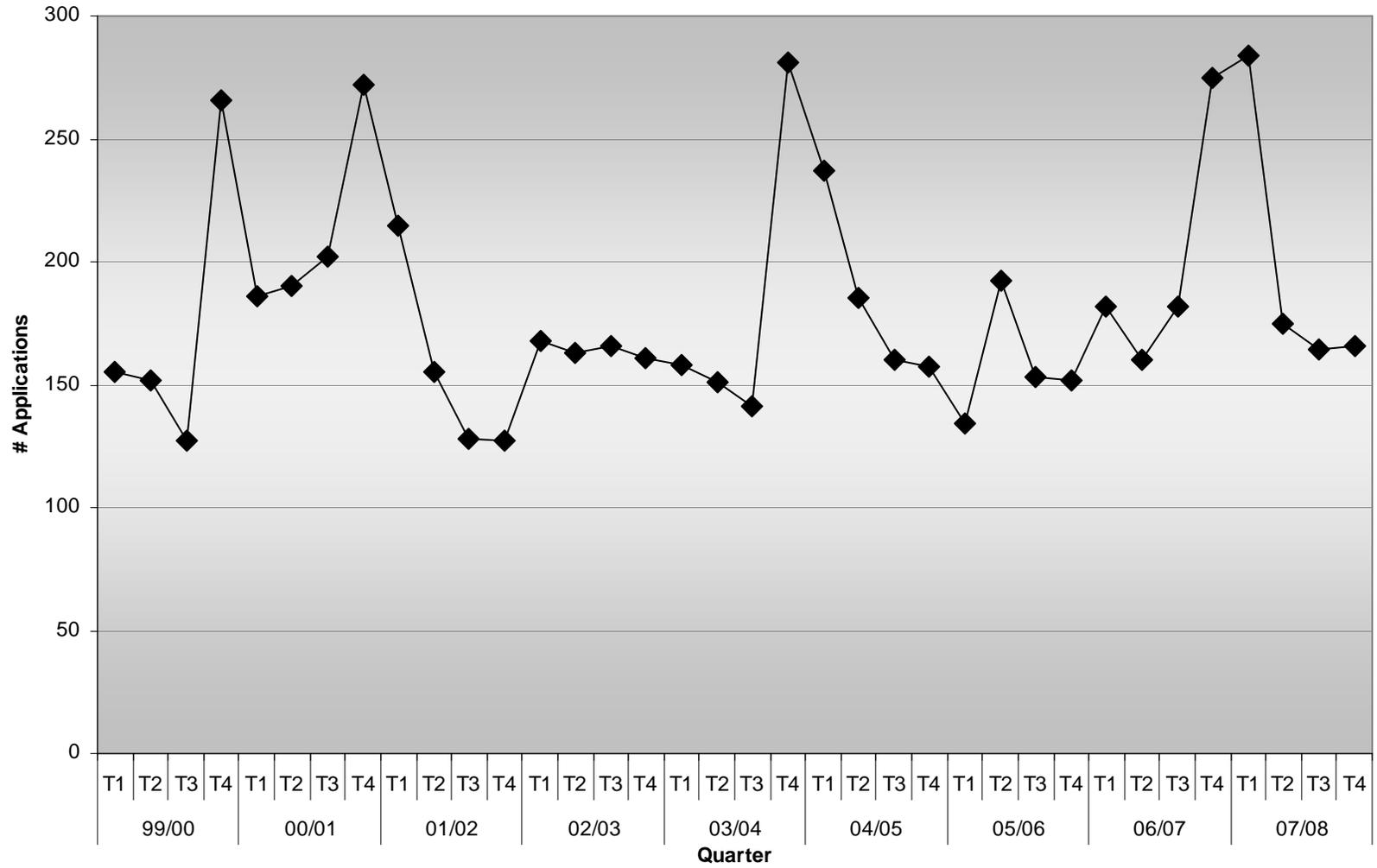


Table 16

NEW CERTIFICATION APPLICATIONS RECEIVED

By Quarter, April 1, 1999 to March 31, 2008

Fiscal Year	1st	2nd	3rd	4th	Total
99/00	155	152	127	266	700
00/01	186	190	202	272	850
01/02	215	155	128	127	625
02/03	168	163	166	161	658
03/04	158	151	141	281	731
04/05	237	185	160	157	739
05/06	134	192	153	152	631
06/07	182	160	182	275	799
07/08	284	175	164	166	789
Total	1719	1523	1423	1857	6522

Table 17

**TERMINATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN
APRIL 1, 2007 AND MARCH 31, 2008**

Number of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 07/08	2	27	15	13	7	2	3	0	0	1	70

Percentage of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
	2.86%	38.57%	21.43%	18.57%	10.00%	2.86%	4.29%	0.00%	0.00%	1.43%

Summary
Percentages of votes held within

	5 days or less	7 days or less	10 days or less
	41.43%	81.43%	98.57%

18A

**New Termination Applications Received
By Quarter, April 1, 1999 to March 31, 2008**

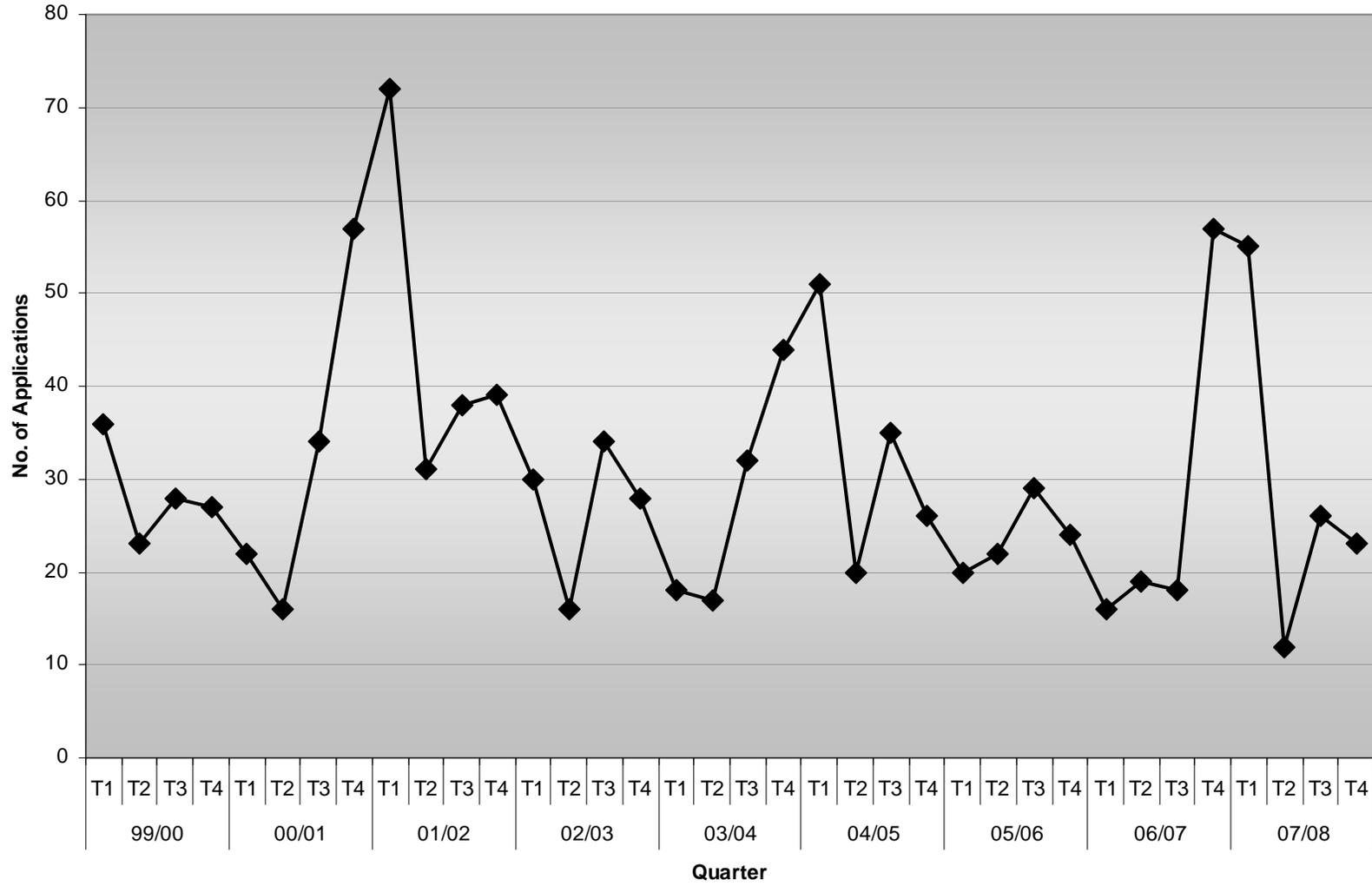


Table 18

NEW TERMINATION APPLICATIONS RECEIVED

By Quarter, April 1, 1999 to March 31, 2008

Fiscal Year	1st	2nd	3rd	4th	Total
99/00	36	23	28	27	114
00/01	22	16	34	57	129
01/02	72	31	38	39	180
02/03	30	16	34	28	108
03/04	18	17	32	44	111
04/05	51	20	35	26	132
05/06	20	22	29	24	95
06/07	16	19	18	57	110
07/08	55	12	26	23	116
Total	320	176	274	325	1095

19A

**New Unfair Labour Practice Applications Received
By Quarter, April 1, 1999 to March 31, 2008**

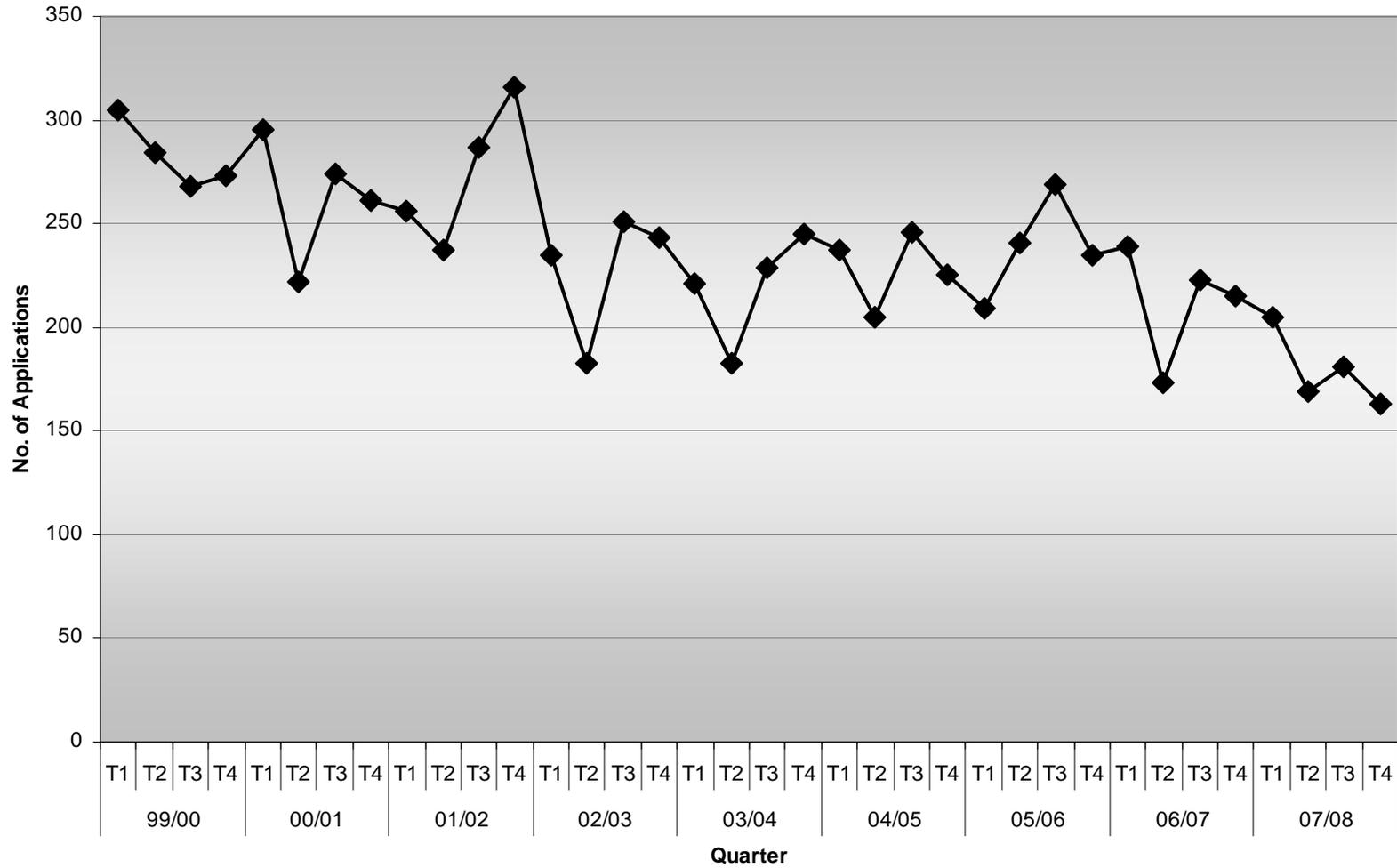


Table 19**NEW UNFAIR LABOUR PRACTICE APPLICATIONS RECEIVED****By Quarter, April 1, 1999 to March 31, 2008**

Fiscal Year	1st	2nd	3rd	4th	Total
99/00	305	284	268	273	1130
00/01	295	222	274	261	1052
01/02	256	237	287	316	1096
02/03	235	183	251	243	912
03/04	221	183	229	245	878
04/05	237	205	246	225	913
05/06	209	241	269	235	954
06/07	239	173	223	215	850
07/08	205	169	181	163	718
Total	2202	1897	2228	2176	8503

20A

**New Construction Industry Grievances Applications Received
By Quarter, April 1, 1999 to March 31, 2008**

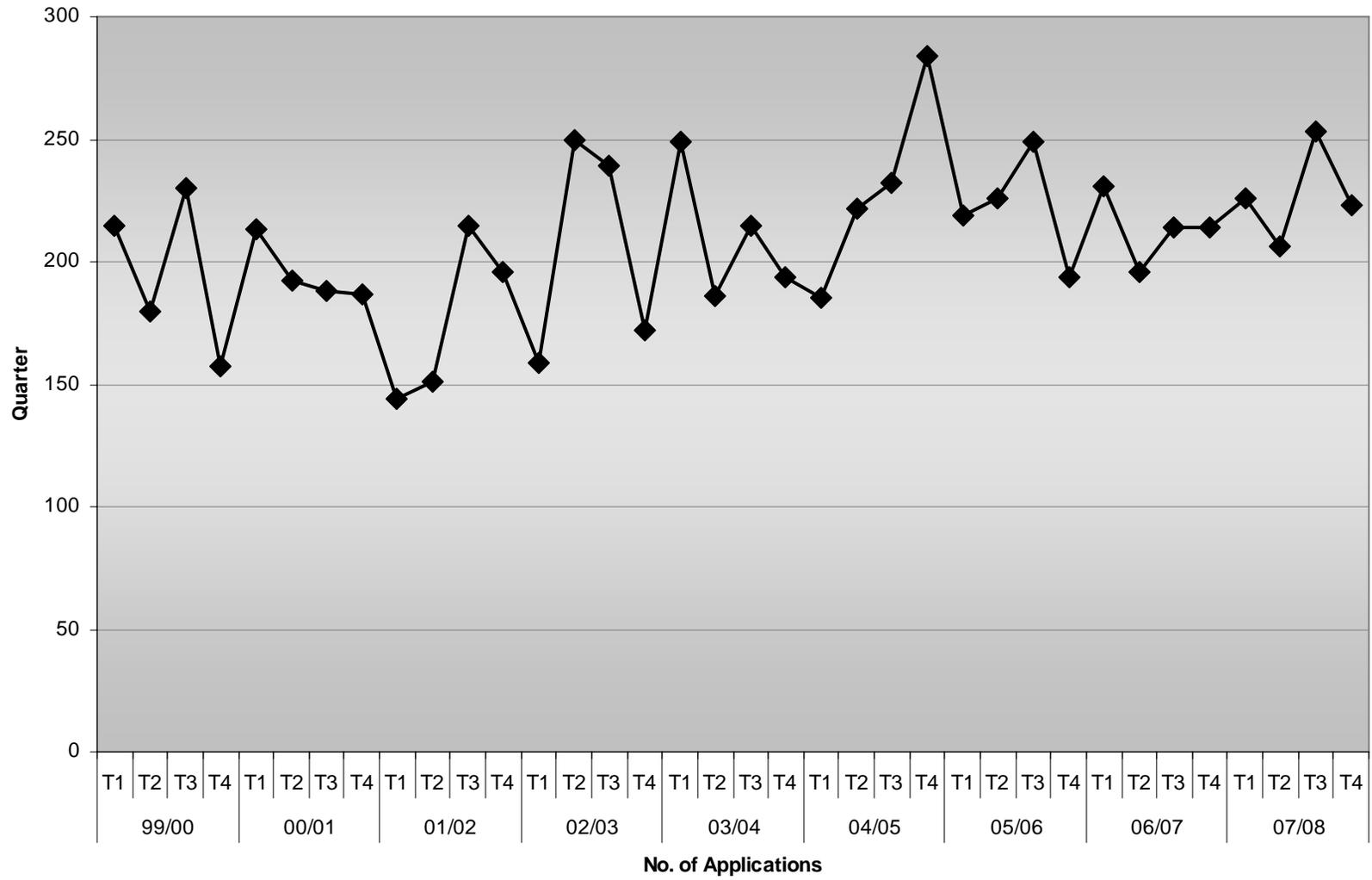


Table 20

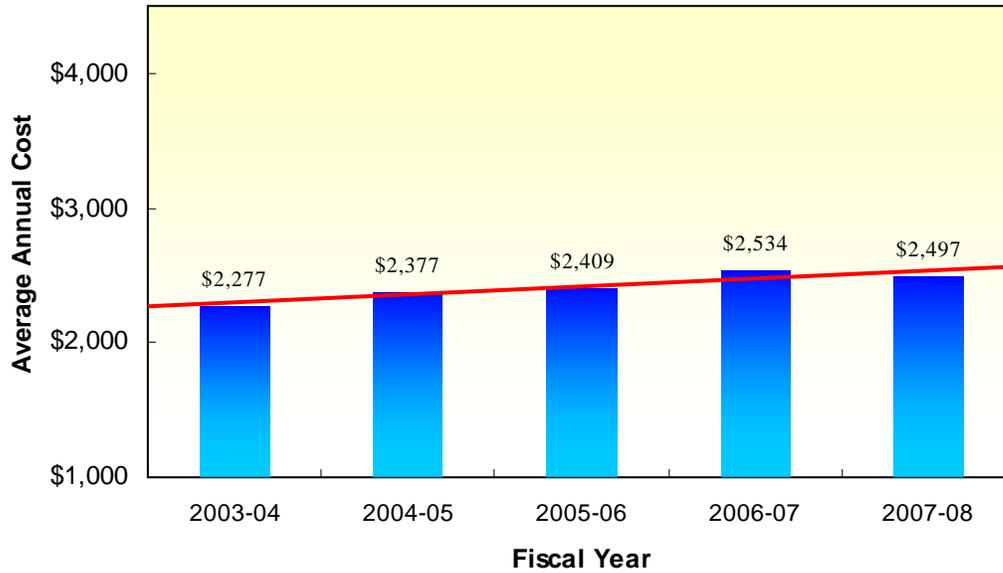
NEW CONSTRUCTION INDUSTRY GRIEVANCE APPLICATIONS RECEIVED
By Quarter, April 1, 1999 to March 31, 2008

Fiscal Year	1st	2nd	3rd	4th	Total
99/00	215	180	230	157	782
00/01	213	192	188	187	780
01/02	144	151	215	196	706
02/03	159	250	239	172	820
03/04	249	186	215	194	844
04/05	185	222	232	284	923
05/06	219	226	249	194	888
06/07	231	196	214	214	855
07/08	226	206	253	223	908
Total	1841	1809	2035	1821	7506

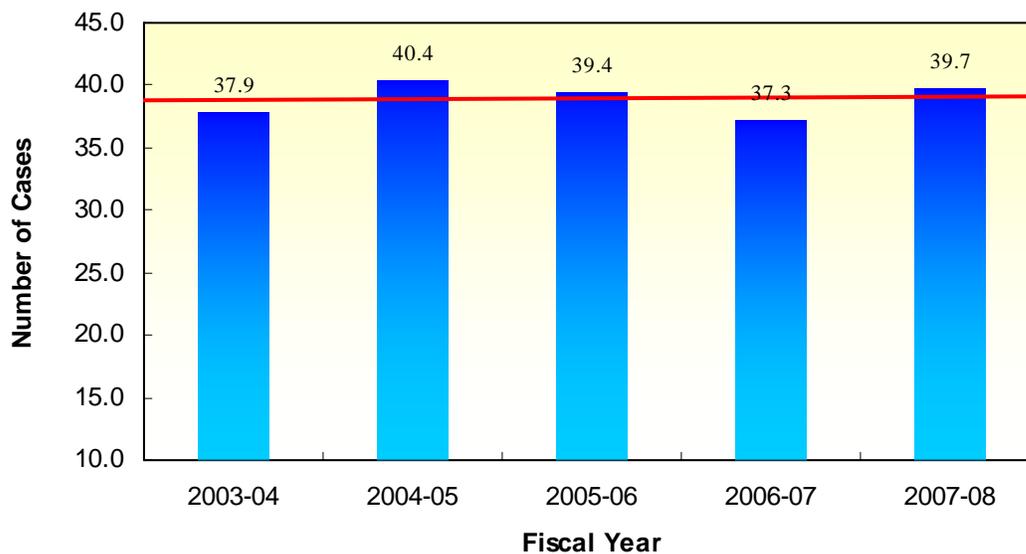
OLRB Case Management Efficiencies 2003-2008

Each year the Board undertakes an analysis of its case management efficiencies and reports back on its annual disposition costs. The analysis reviews the number of cases disposed of per FTE (full time employee) and the average annual cost per case calculations and compares the results against the previous fiscal years.

Average Annual Disposition Cost per Case



Average Annual Disposed Cases per FTE



III OLRB – Measuring Performance – Achieving Goals

Each year the OLRB provides a broad accountability of progress achieved on our core performance measures. We take each of our goals and track progress on a series of performance measures designed to assess whether the Board is measuring up to corporate standards and program targets/commitments.

Measure	Standard / Target	2007-2008 Commitments	2007-2008 Achievements
<u>Fiscal Measures:</u> % variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	Actual: + 2.0 % variance Approved budget = 12, 429.7 Actual expenditure = 12, 206.8
<u>Program Effectiveness Measures:</u> Meeting legislated time lines	90% Industrial cert. votes held within 5-7 days. 95% held within 7-10 days 5% or less held within more than 10 days	90% cert. votes held within 5-7 days. 95% held within 7-10 days 5% or less held within more than 10 days	Actual: 96 % of votes held within 5-7 days or less 98 % of votes held within 7-10 days or less 2 % of votes held in more than 10 days
% of LRA cases settled by mediation	85% of LRA cases settled through mediation	85% of LRA cases settled through mediation	Actual: 85% *Based on completed case activity in certification/ unfair labour practices/grievances.
% of ES and HS appeal cases settled by mediation	ES cases = 75% HS cases = 75%	ES cases = 75% HS cases = 75%	Actual: 74.0% - ESA appeals 97.0% - OHSA appeals
% of judicial reviews upheld	90-100% of judicial reviews upheld Board decision	90-100% of judicial reviews upheld Board decision	Actual: 100% *Based on 13 disposed cases: 0 - granted 10 - dismissed, 1 - abandoned 1 - withdrawn

IV OLRB - Financial Performance – Managing the Dollars

The OLRB is established as an independent administrative tribunal, and operates at arm's length from the Ministry of Labour. However, from a budgetary perspective, the OLRB is an Adjudicative Agency accountable to the Minister of Labour. The Board's annual operating budget is part of the Ministry's estimates and allocation process and the Board is required to report quarterly on its expenditures and planned commitments.

The Deputy Minister of Labour has delegated authority for specific financial and administrative transactions to the Chair of the Board, the Director and Managers.

The OLRB is subject to audit review and expenditure constraints and its managers are accountable for following established management practices and using public resources for authorized purposes.

Fiscal Year – 2007/2008

All figures in \$000.0 thousand

Account	Final Budget	Total Actual Expenditure	Variance	% of Variance	Explanation
Salaries & Wages	8,268.7	7,835.4	433.3	5%	Vacancy savings*
Benefits	999.2	1,010.7	(11.5)	(1%)	
Transp. & Comm.	693.5	582.0	111.5	16%	Reduced travel costs
Services (incl. Lease)	2,347.5	2,581.2	(233.7)	(10%)	IT and Shared Service Pressures
Supplies & Equipment	120.8	128.6	7.8	(6%)	Constraints applied
Total ODOE	3,161.8	3,291.8	(130.0)	(4%)	
Total ***	12,429.7	12,137.9	291.8	2%	
*Savings used to offset costs/expenditures					

Revenues Generated From:	Forecast	Total Actual Revenue	Variance	% of Variance	Explanation
Construction Grievances	400.0	409.8	+9.8	2%	Higher activity levels in construction industry
Subscriptions	35.0	37.3	+2.3	6%	
Total	435.0	447.1	12.1	3%	