

# ONTARIO LABOUR RELATIONS BOARD

## Annual Report 2023-2024



The Ontario Labour Relations Board (OLRB) is an independent, quasi-judicial tribunal which mediates and adjudicates a variety of employment and labour relations related matters under various Ontario statutes.

ISSN 2562-8259

# Table of Contents

Chair’s Message .....3-4

Ontario Labour Relations Board - Overview.....5

The Board’s Principal Statutes .....6-7

Organization.....8-9

Overview of Board Processes .....10

Continued Modernization in 2023/2024 and resumption of in-person hearings/mediations .....11

Key Activities - Achievement of Performance Measures .....12-13

Key Activities - IT Initiatives.....14

Key Activities - Electronic Voting.....15

Key Activities - Hearings Scheduled and Held .....16

Key Activities - External Review/ Requests for Access to Documents .....17

Overview of Board’s Caseload .....18

Total Applications Received, Disposed and Pending .....19

Applications Received and Disposed of - 5 Year Comparison .....20

Cases Resolved Without a Final Hearing.....21

Certification and Termination of Bargaining Rights - Applications Received .....22

Certification and Termination of Bargaining Rights - Vote Activity .....23

Certification and Termination of Bargaining Rights - Vote Analysis .....24

Certification and Termination - North American Industry Classification System... .....25

Contravention of the Labour Relations Act.....26

Construction Industry Grievances .....27

Sale of Business/Related Employer Applications.....27

Appeals under the Employment Standards Act.....28

Occupational Health and Safety Act.....29

Unlawful Reprisals .....30

Other Applications.....31-32

Time Required to Dispose of Applications, by Major Case Type.....33

Percentage of Cases Closed Within 3, 6 and 9 Months of Application Date .....34-35

Activities with Stakeholder Groups.....36

Key Decisions .....37-40

Financial Position .....41

Appendix A - List of Statutes assigning Jurisdiction to the Board.....42

Appendix B - Order in Council Appointments - Full-time .....43

Appendix B - Order in Council Appointments - Part-time .....44

Appendix C - Organizational Chart.....45

Accountability Statement.....46

# Chair's Message

I am pleased to present, in the pages that follow, a comprehensive outline of the activities of the Ontario Labour Relations Board during the fiscal year April 1, 2023 to March 31, 2024. This Report has been put together by the Board's Registrar and Deputy Registrar – Catherine Gilbert and Ursula Boylan – and on behalf of all those who read it, I wish to express my appreciation to them for all the time and effort they put in to produce this Report.

During the past fiscal year, the Board continued to fulfill its mandate efficiently and provide excellent service to its various stakeholders thanks to the efforts of all its hardworking dedicated employees and Order in Council appointees. I am very proud and privileged to work with all these fine people.

The information in the pages that follow speaks for itself. It gives a very detailed account of what the Board is all about – the jurisdiction it has; its organizational structure; the types of cases it deals with; a variety of statistical information regarding the cases it dealt with over the past year and also summaries of various key decisions it issued over the past year. Some of the interesting points to note from the Report are:

- Over the course of the last fiscal year, the Board received 3,026 new applications - an increase of 5.8% from the previous fiscal year. 67% of these new cases were under the *Labour Relations Act, 1995* ("LRA"); 20% were under the *Employment Standards Act, 2000* ("ESA"); 12% were under the *Occupational Health and Safety Act* ("OHSA") and 1% were under various other statutes.
- The total number of cases the Board dealt with during the past fiscal year was 4656. This was made up of the 3,026 new applications, 1518 cases from prior years that were still pending or had been adjourned sine die as of April 1, 2023 plus 112 files that were reopened during the year. A total of 3,015 cases were closed during the fiscal year. As of March 31, 2024, there were a total of 1425 cases that were still pending as well as 217 cases that had been adjourned sine die.
- A total of 1695 hearings were held – the most in the last 5 years and a 6.7% increase over the number of hearings held in the last fiscal year before the pandemic.
- Cases involving the construction industry continued to constitute a major proportion of all Board cases. Of the 2027 new applications filed that were under the LRA, 1237 or 61% involved the construction industry. In fact, 40% of all new applications (LRA, ESA, OHSA and other statutes) filed with the Board this last fiscal year involved the construction industry.
- The gradual return to in person hearings and mediations began successfully early in the last fiscal year. As of April 3, 2023, all new cases were scheduled for in person hearings and mediations with some limited exceptions. Of the hearings held during the last fiscal year, 28% were in person. One of the main reasons for this relatively low percentage is that hearings in older files continued in the same video mode as they had started. It is expected that this percentage will increase considerably this current fiscal year. The Board remains of the view that in person hearings are important for a number of reasons including access to justice, the particular context and mandate of a labour relations board, the relationships such mode of hearing fosters and the Board's own institutional needs.

- The Board's performance metrics continued to be excellent this past fiscal year. These include:
  - 99.1% of new files opened within two days after an application is filed in accordance with the Board's Rules of Procedure;
  - 90% of all cases settled without final litigation – *LRA* 89.6%; *ESA* 88.9%; *OHSa* appeals 95.7% and *OHSa* reprisal complaints 94.5%;
  - 95% of all Board decisions were upheld on judicial review.
  
- Electronic voting has now been firmly established as the norm although it is recognized that an in-person vote might still be the most appropriate way to proceed in a given case. During the past fiscal year 305 votes were held - all electronically. Voter turnout in the 288 certification, termination and displacement votes was 88.3%. In the 13 final offer votes, the turnout was 89.4%

The terms of two of the Board's Vice Chairs ended during this past fiscal year. Patrick Kelly decided to retire as a full time Vice Chair when his term ended but he agreed to stay on as a part time Vice Chair. We are all delighted that Patrick is staying on. He is an outstanding colleague and has contributed greatly to the Board over his many years of service. Tom Kuttner has retired as a part time Vice Chair although he will still be with us a while longer as he finishes up a few cases on which he was seized. Tom is also an excellent colleague who has provided great service to the Board over the past many years. He will be greatly missed.

We were very fortunate to attract numerous new Vice Chairs to the Board over the past fiscal year. Rishi Bandhu, Tim Liznick, Maheen Merchant and Mireille Giroux joined as full time Vice Chairs and Jason Hanson, Allan Kaufman, Brian Mulroney, Scott Thompson and Paul Young joined as part time Vice Chairs.

I want to assure you that all of us at the Board are committed to doing everything we can to ensure that the Board continues to provide the excellent service that the community expects and deserves. I encourage everyone to contact me if you have any comments, concerns or suggestions that you want us to consider.

Brian O'Byrne

Chair

# Ontario Labour Relations Board – Overview

The Ontario Labour Relations Board (the “Board”) is an independent adjudicative agency of the Government of Ontario. As a tribunal operating at arm’s length from the Ministry of Labour, Immigration, Training and Skills Development, the OLRB mediates and decides cases under more than 25 different workplace and employment-related laws, a complete list of which is attached at Appendix A. In addition to the primary responsibility that comes from its founding statute, the *Labour Relations Act, 1995*, a significant portion of the Board’s work falls under the *Employment Standards Act, 2000* and the *Occupational Health and Safety Act*, as is described in later pages.

As an independent adjudicative tribunal, the Board’s mandate is to mediate and adjudicate a broad variety of workplace disputes. Its staff are appointed under the *Public Service of Ontario Act, 2006*. Direction for its mission, mandate, service standards, governance and accountability are set out in the *Adjudicative Tribunals Accountability, Governance and Appointments Act, 2009*.

The Board is composed of a Chair, an Alternate Chair, Vice-Chairs, Board Members, a complement of Mediators, Vote Officers, a Solicitors’ Office and a Registrar’s office. These individuals, aided by the Board’s support staff, draw upon specialized expertise in the labour and employment field to ensure the settlement and adjudication of cases before the Board. The Board strives to keep its procedures informal, expeditious and fair. However, it is important to recognize that legal rights are at issue, the statutory frameworks are sometimes complex, and parties are encouraged to seek independent legal advice, if not legal representation, to assist them in Board proceedings.

The Board is entitled to determine its own practices and procedures and has the authority to make rules and forms governing its practices and the conduct of those appearing before it. The Board’s Rules, Forms and Information Bulletins are available on its website at [www.olrb.gov.on.ca](http://www.olrb.gov.on.ca) or from the Board’s offices at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1.

The Board plays a fundamental role in the labour relations, employment standards, and health and safety regimes in Ontario. Board decisions are based on the evidence presented and submissions received, and on the adjudicator’s interpretation of the facts in dispute, relevant legislation and jurisprudence.

In keeping with the Ministry of Labour, Immigration, Training and Skills Development’s overarching principles, the Board encourages harmonious relations among employers, employees and trade unions. It acts as expeditiously and fairly as reasonably possible in processing, settling or adjudicating all matters that come before it.

## Other Tribunals and Commissions

The Board also has administrative responsibility for another agency – the Pay Equity Hearings Tribunal (“PEHT”) – the reporting structures and activities of which are described in its Annual Report.

The Board is also responsible for providing administrative support to the Education Relations Commission (“ERC”). The ERC provides advice to the Lieutenant Governor in Counsel pursuant to the *School Boards Collective Bargaining Act, 2014* S.O. 2014, c. 5, s. 60.

Support services for all of these bodies are under the administration of the Director/Registrar.

# The Board’s Principal Statutes

## ***Labour Relations Act, 1995***

The Ontario Labour Relations Board was established by section 2 of the *Labour Relations Act, 1948* and is continued by subsection 110(1) of the current *Labour Relations Act, 1995*.

The Board’s work under the *LRA* is guided by the legislative policy set out in section 2 of the *Act*:

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 cooperative participation of employers and trade unions in resolving workplace disputes.
7. To promote the expeditious resolution of workplace disputes.

With this policy as a basis, the *LRA* confers on the Board the authority over many significant aspects of labour relations including the certification of unions to represent employees, termination of bargaining rights, the handling of unfair labour practices (including a union’s duty of fair representation or fair referral of its members), successor bargaining rights, essential services, strikes, lock-outs, first contract directions, jurisdictional disputes, the relationship between parent/national/international unions and their subordinates, and a range of issues arising in the construction industry, including the arbitration of grievances.

## ***Employment Standards Act, 2000***

The *ESA* confers authority on the Board to hear applications for review of decisions made by Employment Standards Officers. Claims filed under the *ESA* with the Ministry of Labour, Immigration, Training and Skills Development (for wages, overtime, termination or severance pay and various other violations of the *Act*) are investigated by Employment

Standards Officers who can direct payment of outstanding monies, issue orders for wages or compensation, orders for compliance or refuse to issue orders. Appeals of Employment Standards Officers’ decisions or refusals to make orders are handled by the Board.

Mediation is attempted in almost all *ESA* matters before the Board. Where mediation is unsuccessful, the Board usually conducts what is, in essence, a fresh hearing of the workplace dispute. Parties to the dispute are expected to attend the hearing with their evidence and witnesses and be able to persuade the Board of the merits of their case.

## ***Occupational Health and Safety Act***

The *OHS Act* is designed to ensure that every workplace is safe and every worker is protected against injury or harm. Enforcement of the *OHS Act* is conducted by health and safety inspectors, who may enter workplaces to inspect or investigate working conditions, equipment and compliance with the *Act*. Orders (including failure to make orders) or decisions of inspectors can be appealed to the OLRB.

There are also protections for workers who exercise their rights under the *OHS Act* and are disciplined or discharged for doing so (reprisals). These applications can be brought directly to the Board or referred by a health and safety inspector.

## ***School Boards Collective Bargaining Act, 2014***

This legislation sets out the structure for collective bargaining in the education sector. The parties bargain their collective agreement on two tiers: central issues at a “central table”, where the Crown is a party, and local issues at a “local table”, where it is not. In the event the parties are unable to agree to what are central or local issues, disputes are decided by the Board upon the application of either party or the Crown, as well as any issues arising from the application of the parties’ agreement or Board order. In addition, the Board may be asked to decide whether a matter, that is the subject of central bargaining, may prejudicially affect constitutionally-protected denominational or linguistic rights and can exclude the issue from central bargaining, make it the subject of local bargaining and/or issue other orders as the Board determines are appropriate in the circumstances. The Crown or a party to central bargaining may also apply to the Board to decide if a local term in a collective agreement conflicts with or is inconsistent with a central term in the agreement. The Board

# The Board's Principal Statutes - continued

Board has the jurisdiction to hear complaints of alleged violations or failure to comply with the *Act* or those provisions of the *Labour Relations Act* incorporated into it.

## ***Crown Employees Collective Bargaining Act***

Any employer of Crown employees and the bargaining agent for Crown employees must make an essential services agreement when negotiating a collective agreement and prior to any strike or lockout being lawful. Either party may apply to the Ontario Labour Relations Board to determine any matter that is not resolved including the matters to be included in the essential services agreement and its terms. The Board may consult with the parties and/or inquire into any matter raised by the application. The Board also has jurisdiction under this *Act* to enforce or amend the agreement upon application, as well as to make a declaration that an agreement has prevented meaningful bargaining and to amend the number of positions or employees designated in the agreement. The Board also has jurisdiction to deal with certain representation issues that arise under the *Act*.

## ***Public Sector Labour Relations Transition Act***

The *Public Sector Labour Relations Transition Act (PSLRTA)* was passed in 1997 to cover mergers, amalgamations and other restructuring in three public sectors: municipalities and local boards, school boards and hospitals. The OLRB, upon application, holds a consultation with the affected unions and employers to determine if *PSLRTA* applies and what bargaining units and bargaining agents in the new workplace are appropriate. The Board occasionally directs representation votes to determine the successor bargaining agents.

## **Other Applications**

The Board receives a smaller number of applications under the other legislation it administers. Generally speaking, these are treated in a manner analogous to how the Board deals with the applications already described.

# Organization

## Vice Chairs, Members and Staff

The OLRB’s operations and staff can be broadly divided into: Adjudication, Administration, Mediation Services and Legal Services.

The Board’s adjudicators (the Chair, Alternate Chair, Vice Chairs and Board Members) are all appointed by the Lieutenant Governor in Council as Order in Council appointments for fixed terms. A chart of the OICs working in 2023/2024 and the term of their appointment is attached at Appendix B.

The administrative, mediation and legal staff are public servants appointed under Part III of the *Public Service of Ontario Act, 2006*. The Board’s Organizational Chart is attached at Appendix C.

## Office of the Director and Registrar

The Director/Registrar is the chief administrative officer of the Board. She, along with the Deputy Registrar, is responsible for the overall administration of the Board’s business operations, mediation and adjudication. The Director/Registrar, along with the Deputy 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 issues in the processing of any given case. Every application received by the Board enters the system through the Director/Registrar’s office.

## Manager of Administration

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

## Information Technology Support

Services in IT are centralized within the Ministry of Labour, Immigration, Training and Skills Development and are now provided to the Board by a central help desk. Business Support Specialists at the Board maintain the systems, website and reporting services and work on major IT projects within the Board.

## Mediation Services

The Manager, Mediation Services, and Senior Mediators/Mediators (“Mediators”) are responsible for mediating settlements in almost all of the Board’s cases. In addition to settling cases, Mediators assist parties in identifying issues and streamlining the cases that are adjudicated in order to avoid unnecessary litigation. They also, along with the Board’s Vote Officers, carry out the Board’s pre-and post-vote 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, Mediators 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 Solicitors are the Board’s media spokespersons and handle all inquiries, investigations and complaints under freedom of information or human rights legislation and from Ombudsman Ontario. The Board’s Solicitors also represent the Board in court proceedings, including applications for judicial review.

### **Library Services**

The Ontario Workplace Tribunals Library is the library of the Board, the Workplace Safety and Insurance Appeals Tribunal and the Pay Equity Hearings Tribunal and is located at 505 University Avenue, Toronto, 7th floor and its website can be found at <https://www.owtlibrary.on.ca/>

Library holdings related to the Board 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.

## Organization

# Overview of Board Processes

<p><b>MEDIATION</b></p> <p>Almost all applications that are filed with the Board are first assigned to a Mediator. The Mediator is given an opportunity to contact or meet with the parties to explore the possibility of settlement. Parties are encouraged to mediate matters. Practically speaking, mediation is a less formal and often less costly process than a hearing. The settlement of a workplace dispute, worked out by the parties with the assistance of a mediator, allows parties more responsibility and ownership of the agreed-to conditions. In 2023/2024, 90% of all disputes coming before the Board were resolved, including by mediation, prior to litigating the matter at a final hearing.</p> <p>If an application cannot be mediated successfully, the matter is forwarded to the Registrar to review and assign to a Vice Chair for preliminary review or schedule a consultation/ hearing, where one has not already been scheduled.</p> <p><b>PRELIMINARY REVIEW</b></p> <p>Some cases are sent to a Vice Chair for preliminary review to consider whether there is a prima facie objection or preliminary matter which needs to be decided before scheduling. This may also be done before mediation where appropriate - for example, where it appears the application may have been filed in the wrong jurisdiction.</p> <p><b>CONSULTATION</b></p> <p>A consultation is a less formal type of adjudication and may take on different forms. The Vice-Chair (adjudicator) plays a more active role in a consultation than at a hearing and takes greater control over how the proceeding is conducted. The goal of the consultation is to allow the Vice Chair to expeditiously focus in on the issues in dispute. Often, there is no need for sworn testimony. The Vice-Chair may ask questions of the parties or may direct that the questioning be limited in scope.</p> <p><b>HEARING</b></p> <p>A hearing is a formal adjudication, with opening statements, the examination and cross-examination of witnesses, presentation of relevant documentary evidence, and submission</p>	<p>of final arguments. In some cases, the Board may determine that a matter may be decided based on written submissions.</p> <p><b>CASE MANAGEMENT HEARING</b></p> <p>As part of the Board’s efficient management of files, case management hearings may be scheduled prior to or during the course of a proceeding, in order to determine and direct next steps in the litigation.</p> <p><b>INITIAL HEARING DATE</b></p> <p>To ensure an efficient and expeditious processing of cases, several types of cases may be scheduled for a hearing or consultation when they are initially filed with the Board and the hearing date is sent out together with the Board’s confirmation of filing. Such cases may include certification/termination applications in the non- construction sector, unfair labour practices involving the discipline or discharge of alleged union supporters, construction industry grievances, reprisal complaints under <i>OHS</i>A, direction for first contract arbitration applications and ministerial references. Case Management Hearings are scheduled upon application. Construction industry are scheduled at the time the Board sends out its confirmation of filing.</p> <p><b>EXPEDITED HEARING</b></p> <p>Applications for strike/lockout are heard within a day or two, as circumstances require, and hearings into applications for interim orders may be held within four to six days. Cases involving the discharge of employees are given priority scheduling. During the construction open-period, expedited hearings are set at the time of confirmation of the filing of each application.</p> <p><b>OPEN TO THE PUBLIC</b></p> <p>Consultations, case management hearings and hearings are open to the public, save for exceptional circumstances. Hearings are not recorded and no transcripts are produced. The Board issues written decisions that are sent to the parties and become public documents available for searching on public databases.</p>
---	--

# Continued Modernization in 2023/2024 and resumption of in-person hearings/mediations

The operations of the Board in 2023/2024 included the following:

- OPS staff at the Board continued working a minimum of 3 days a week in the office, as they have done since May 2022.
- As a result of staff being in the office each day, the Board is able to process all applications, responses and submissions, whether or not they are filed electronically. Board staff upload all submissions to the electronic files, which are accessible to all staff and OICs at the Board at any time.
- The Board's Rules of Procedure, Information Bulletins, confirmations of filing, notices and website were reviewed on an ongoing basis to ensure that they were up-to-date and met operational realities and changing circumstances.
- The gradual return to in-person hearings and mediations began successfully in the spring of 2023, in accordance with a notice to community. Of the hearings held, 28% were in-person, as the hearings of older files continued in the same video mode as they had started. It is expected that the percentage held in person will increase next year.
- All applications for certification and termination continued to be permitted to be filed electronically and be accompanied by electronic membership evidence and electronic signatures of employees not wishing to be represented by the union.
- All votes were held electronically in 2023/2024.
- Various procedures to deal with the filing of large volumes of documents through the use of a third party cloud tool (such as Drop Box, Google Drive or Microsoft OneDrive) were revised and further developed. The processing of files benefited from the increased attachment size on forms from 7 MB to 15 MB which occurred in December 2022, and a naming protocol for documents which was posted on the Board's website in February 2023.
- Processes were updated to streamline interpretation for the video hearings (French language, American Sign Language) and livestreaming hearings of particular public interest on YouTube.
- An Access Terminal is available at the Board's offices for parties who need a computer or reliable WiFi to participate in a video hearing or mediation.
- Significant work was undertaken to allow the Board to resume in-person hearings starting in the spring of 2023 following the pandemic. Multiple monitors were installed in all hearing rooms in order for parties to display their electronic documents during the hearing to encourage parties to move away from paper files.
- In 2023/2024, the Board adopted a successful hybrid solution for in-person hearings when warranted. By using a 360 degree fully integrated camera in a hearing room, witnesses or parties may participate in an in-person hearing without disrupted communication.
- Microphones and audio were upgraded in most hearing rooms to provide better sound quality during in-person hearings. Wifi has been upgraded to ensure consistency of service reception when multiple parties in multiple hearing rooms are using it at the same time.
- The Board's project to upgrade to Power BI is completed. Power BI provides interactive business intelligence capabilities and may be used to enhance the Board's ability to retrieve data and report on its performance.
- The Board partnered with the Workplace Safety and Insurance Appeals Tribunal (WSIAT) and the Pay Equity Hearings Tribunal to upgrade the website of the Ontario Workplace Tribunals Library to make it more accessible and user-friendly.
- The Board has an anti-racism working group comprised of staff and management which meets and develops the Board's anti-racism action plan, with the input and guidance of the Ministry of Labour, Immigration, Training and Skills Development Anti-Racism Team. It explores opportunities for learning and dialogue, engaging resources both in and outside the Ministry.

# Key Activities

## Achievement of Performance Measures

### A. Meeting Legislated Timelines for Industrial Certification Votes

#### 2023/2024 Commitment

- 90% industrial certification votes held within 5-7 days
- 95% held within 10 days
- 5% or less held within more than 10 days

#### 2023/2024 Achievement

- 95% of industrial certification votes held within 5-7 days
- 98.3% held within 10 days
- 1.7% held within more than 10 days

### B. Efficient Case Processing

#### 2023/2024 Commitment

- 80% of new files opened within two days after an application is filed in accordance with the Board’s Rules of Procedure
- 80% of confirmations of filing of applications sent to parties within four days of application filed in accordance with the Board's Rules of Procedure (except ESA appeals)

#### 2023/2024 Achievement

- 99.1% of new files opened within two days after an application is filed in accordance with the Board’s Rules of Procedure
- 93.6% of confirmations of filing of applications sent to parties within four days of application filed in accordance with the Board’s Rules of Procedure (except ESA appeals)

### C. Efficient Mediation Assignment

#### 2023/2024 Commitment

- 80% of mediator assignments are made within three business days after an application is filed in accordance with the Board’s Rules of Procedure

#### 2023/2024 Achievement

- 91.4% of mediator assignments made within three business days after an application is filed in accordance with the Board’s Rules of Procedure

# Key Activities

## Achievement of Performance Measures

### D. Mediation Results

**Mediation – Percentage of Cases Resolved without Final Hearing**

**2023/2024 Commitment**

- 80-85% of cases settled without final litigation
- LRA cases: 85%
- ESA (appeals): 75%
- OHSA (appeals): 80%
- OHSA (reprisal complaints): 80%

**2023/2024 Achievement**

- 90% of all cases settled without final litigation
- LRA cases: 89.6%
- ESA (appeals) cases: 88.9%
- OHSA (appeals) cases: 95.7%
- OHSA (reprisal complaints) cases: 94.5%

### E. Fair and Reasonable Adjudication

- 2023/2024 Commitment: 80-90% of the Board’s decisions are upheld on judicial review
- 2023/2024 Achievement: 95%

### F. Fiscal Measures

**2023/2024 Commitment**

- Less than 2% variance between year-end allocation and expenditure.

**2023/2024 Achievement**

- Actual variance: 0.8%
- Approved budget: \$12,957.6M
- Actual expenditure: \$12,850.9M

# Key Activities

## IT Initiatives

The Board continues to work to improve service delivery to the public through information technology. The Board has electronic filing for Board forms, submissions, attachments, and fee payments for construction-industry grievances making the Board more accessible to the public and its stakeholders. The Board’s website has also been modernized to provide greater access to its services and information to the public, in addition to a refreshed website of the Ontario Workplace Tribunals Library, which occurred in early 2024.

In 2023/2024, 27,140 forms and submissions were filed electronically, accounting for 90.4% of all forms and submissions filed. (Figure 1) The remainder were filed by mail or courier, hand- delivered or filed by email in response to particular circumstances. The Board no longer has fax machines and relies on more efficient means of filing such as electronic filing. The attachment size limit for all forms was increased in 2022/2023 from 7 MB to 15 MB which made it easier for parties to file their attachments. A document naming protocol was announced in February 2023 to ensure e-filed documents were more easily identifiable for staff and OICs when reviewing an electronic file. This protocol is followed by stakeholders and makes the processing of files easier and the hearings run more smoothly.

The Board began a return to in-person hearings/mediations as it transitioned out of the pandemic in the spring of 2023. It put an emphasis on scheduling in-person hearings and mediations while continuing to have a list of types of applications and circumstances which would be scheduled as a video hearing.

All of the hearing rooms are equipped with multiple monitors for each party to utilize during in-person hearings and upgraded electrical service to support an electronic service platform. Documents are electronically shared and viewed during an in-person hearing. Most hearing rooms are equipped with a digital audio system which include TTY capabilities and modernized microphone systems, and it is expected that more will be so equipped in the next year. The Board also purchased a 360 degree fully integrated camera to facilitate a hybrid hearing in which a witness or party may be permitted to appear remotely at an in-person hearing.

The Board continues to build its statistical data and reporting capabilities on a Power BI platform, which allows access to real time data.

The Board allows parties to attend at the Board’s premises to use an “access terminal in circumstances where they do not have access to equipment needed to participate in a video hearing, or reliable Wi-Fi.

Where there is significant public interest in attending a video hearing, the Board will offer a channel created to live-stream the video hearing where warranted, thus avoiding disruptions to video hearings while still allowing for public hearings.

The Board has upgraded its Wi-Fi capability on the floors with hearings to allow for better connectivity during hearings with minimal disruption for users.

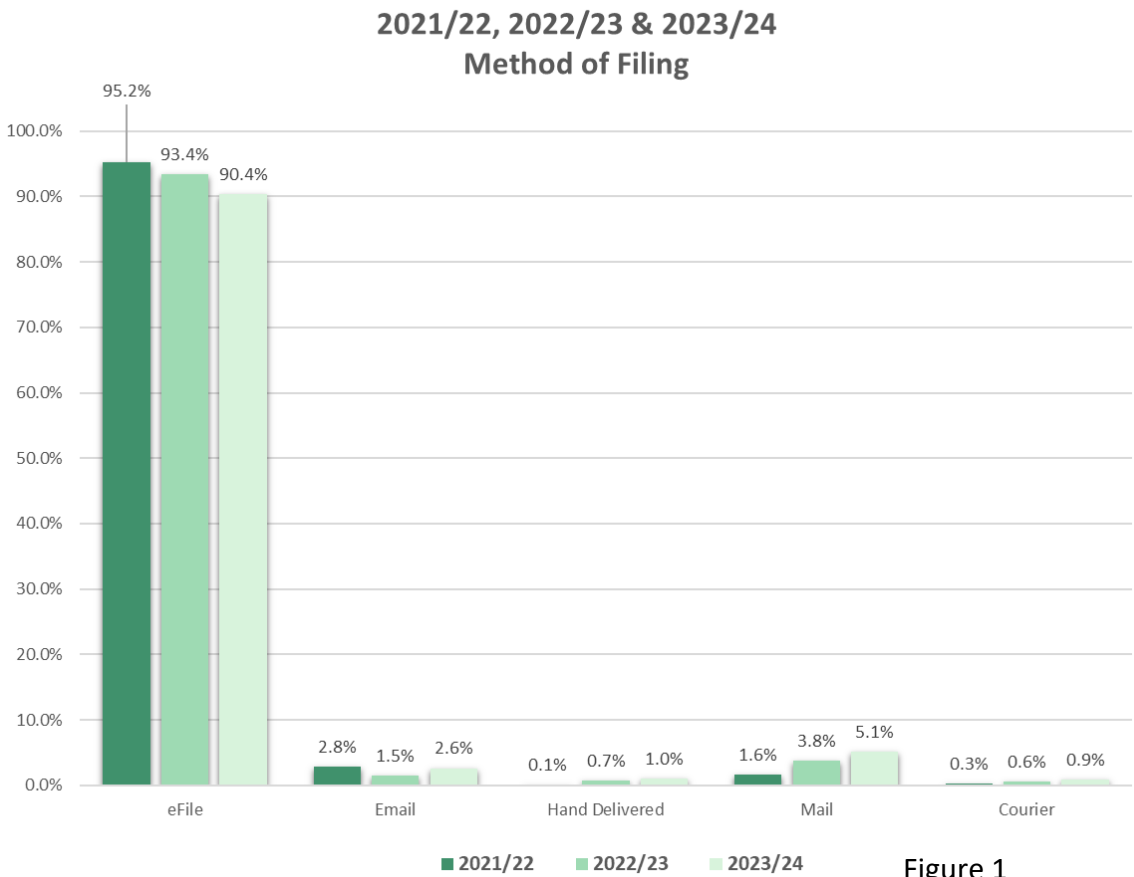


Figure 1

# Key Activities

## Electronic Voting

The Board began conducting electronic votes in November 2017. During the pandemic, the Board held only electronic votes in 2020/2021 (237), 2021/2022 (282) and 310 in 2022/2023 (as well as two in-person votes).

In 2023/2024 the Board held all votes electronically. The Board conducted 305 electronic votes, which included thirteen final offer votes, two votes under the *Public Sector Labour Relations Transition Act*, and two votes pursuant to the sale of business provisions of the *Labour Relations Act*.

In 288 certification, termination and displacement applications, a total of 14,931 ballots were cast electronically (which includes online and telephone ballots). The average percentage of voter turnout for all votes was 88.3%.

In 2023/2024, 95% of votes in industrial certification and 96.9% of industrial termination applications were held within seven days. (Figure 11) Board vote officers and mediators manage the electronic voting process and staff the Board's Help Desk, as needed.

The Board received thirteen requests for final offer votes during the fiscal year and 1,271 ballots were cast in these final offer votes. Average voter turnout among the final offer votes was 89.4%, which was 4% higher than the previous year. Of the twelve files disposed of, the employees voted to reject the collective agreement in eleven cases and voted in favour of the collective agreement in one case. The ballot box is sealed in the other final offer vote, and the file remains open.

The Board also conducted:

- two electronic votes under the *Public Sector Labour Relations Transition Act*. In total, there were 443 ballots cast in these two votes, for a 77.9% voter turnout
- two electronic votes pursuant to section 69 of the *Labour Relations Act*, with a 90.8% average voter turnout.

# Key Activities

## Hearings Scheduled and Hearings Held

In 2023/2024 there were 4,426 hearings scheduled, which involved 6,107 separate files, as some files were related and were scheduled together in one hearing.

In 2023/2024, there were 1,695 hearings held, which involved 2,596 separate files, as one hearing was held for multiple related files.

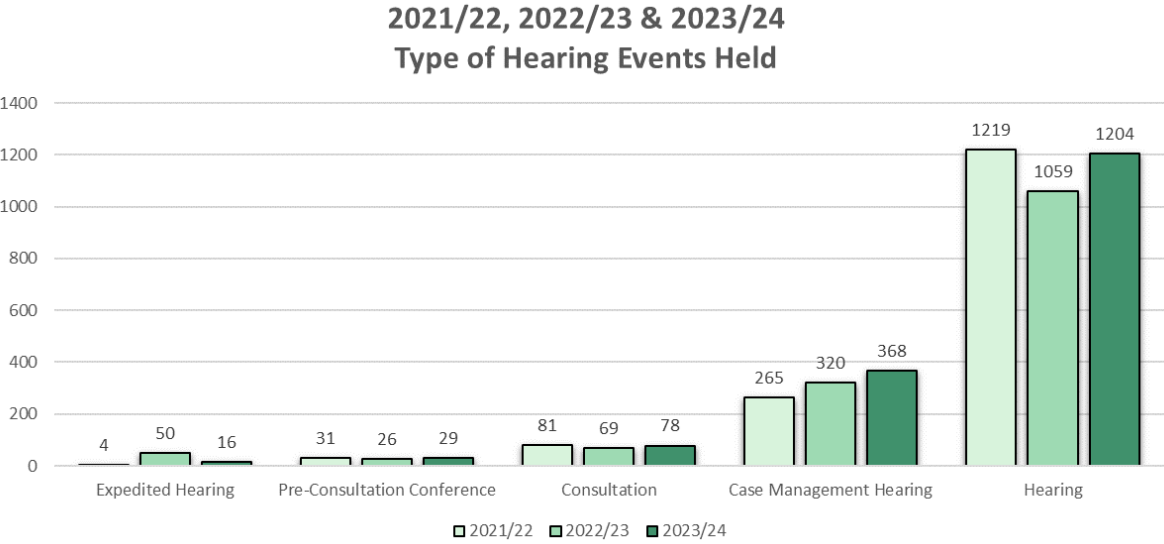


Figure 2

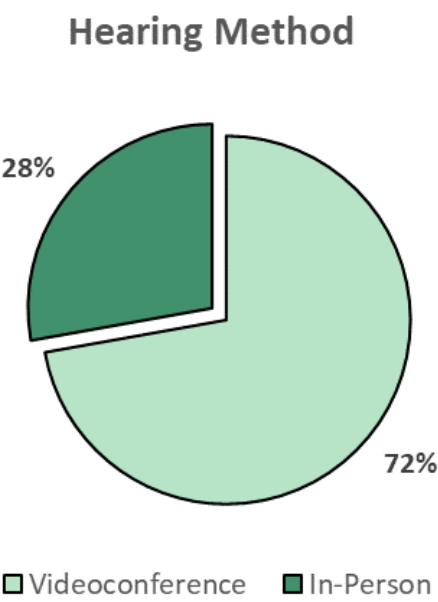


Figure 3



# External Review and Requests for Access to Documents

## Court Activity

On April 1, 2023, there were 48 Board matters pending before the courts:

- 39 were judicial review applications before the Divisional Court
- 6 were leave to appeal motions before the Court of Appeal
- 3 were leave to appeal motions before the Supreme Court of Canada.

**Divisional Court**  
During the 2023/2024 fiscal year, there were 9 new applications for judicial review of Board decisions.

Thirteen applications for judicial review were disposed of by the Divisional Court. Eleven were dismissed on the merits, one was granted and one was abandoned. \* Note that in the case of *Director of Employment Standards v. Sleep Country Canada*, 2023 ONSC 3975, the judicial review was dismissed on the main issue. However, it was allowed in part on a secondary issue. For this reason, this case has been noted as dismissed.

Thirty-five applications for judicial review remained outstanding at the Divisional Court on March 31, 2024.

- Court of Appeal**  
During the 2023/2024 fiscal year, two motions for leave to appeal to the Court of Appeal were filed.

Four motions for leave to appeal were dismissed.

Four motions for leave to appeal remained outstanding at the Court of Appeal on March 31, 2024.

- Supreme Court of Canada**  
During the 2023/2024 fiscal year, one motion for leave to appeal to the Supreme Court of Canada was filed.

Four applications for leave to appeal were dismissed.

There were no outstanding motions for leave to appeal to the Supreme Court of Canada on March 31, 2024...

Type of Case	Caseload			Disposed of				Pending March 31, 2024
	Total	Pending April 1, 2023	Received	Total	Granted	Dismissed	Abandoned	
Total	60	48	12	21	1	19 *	1	39
Divisional Court (Merits)	48	39	9	13	1	11 *	1	35
Divisional Court (Stay)	0	0	0	0	0	0	0	0
Ontario Court of Appeal (Seeking Leave)	8	6	2	4	0	4	0	4
Ontario Court of Appeal (Merits)	0	0	0	0	0	0	0	0
Supreme Court of Canada (Seeking Leave)	4	3	1	4	0	4	0	0
Supreme Court of Canada (Merits)	0	0	0	0	0	0	0	0

Ombudsman Review Figure 4

The Ontario Ombudsman has the authority to investigate complaints about the Ontario Government and its agencies, including the Board. There were no new or outstanding Investigations in 2023/2024.

### Information and Privacy Commissioner of Ontario

The Information and Privacy Commissioner of Ontario has the authority to investigate privacy complaints about the Ontario Government and its agencies, including the Board. There were no new investigations by the IPC in 2023/2024.

### Requests for Access to Documents in the Board’s Adjudicative Files

Since the Superior Court Decision in *Toronto Star v. AG Ontario*, 2018 ONSC 2586 (CanLII) and the subsequent enactment of the *Tribunal Adjudicative Records Act* (“TARA”), the Board has received an increased number of requests for documents in its adjudicative files. The task of reviewing entire files and each document in detail has proven time consuming and requires significant Board resources.

During the 2023/2024 fiscal year, the Board received and processed 74 requests for access to documents in a total of 90 Board files, as compared with 44 requests in a total of 58 Board files in the previous year. Many of the requests sought access to multiple Board files. Those making requests included parties to a case, the media, other organizations, lawyers not involved in the file and members of the public. The requests sought records in active files currently being heard by Vice Chairs, files which had been adjourned and older closed files.

Many of the files were complex and contained hundreds of pages of documents which were then reviewed by the Board’s solicitors, Vice Chairs and/or Chair. In a small number of cases, parties were notified and submissions were directed which were then also reviewed. Requests were processed in accordance with the Board’s Policy, TARA and the Board’s Rules of Procedure, as applicable.

# Overview of Board’s Caseload

## Applications Received

The Board received 3026 new applications this year, an increase of 5.8% from 2022/2023.

There were 1518 additional cases remaining open from previous years and 112 cases which were re-opened\*, resulting in a total number of 4656 files which were processed before the Board this year. (Figures 5 and 6)

The majority of cases filed in 2023/2024 fall under five main categories:

1. Under the *Labour Relations Act*, Certification and Termination of bargaining rights - 602 applications for certification and 69 applications for termination of bargaining rights;
2. Contraventions of the *LRA* – 526;
3. Under the *LRA*, Referrals of Construction Industry Grievances – 621;
4. Under the *ESA*, Appeals of decisions of Employment Standards Officers – 609;
5. Under the *OHSA*, Complaints under s. 50 -304 and Appeals of Inspector’s orders/suspension applications – 51.

Of the new applications filed in 2023/2024, 67% were under the *Labour Relations Act*, 20% were under the *Employment Standards Act* and 12% were under the *Occupational Health and Safety Act*.

\*Files are re-opened for various reasons including when an application for reconsideration is received or a dispute arises regarding the implementation of a settlement. The category of “re-opened” files is a result of the case management system.

\*\*In Figure 5, the Total Closed column reflects the activity on a file: a file may have been closed more than once. In Figure 7, the Total Closed column reflects the final disposition of an individual case before hearing. Each unique case is only recorded as closed once.

## Applications Disposed of With or Without a Hearing

Of the 4656 files before the Board, 3015 were disposed of\*\* (with/without a hearing), for example, by final decision, settlement, withdrawal or abandonment and then closed.

Consequently, 1642 cases were carried into 2024/2025. This number includes 217 cases which have been adjourned sine die, so there are 1425 active files pending.

The Board continues to work toward its goal to increase the percentage of number of cases disposed of in a year, and to that end, looks for more efficient ways to case manage, schedule, and deploy its resources.

The charts which follow provide greater detail on the processing of cases by individual category.

## Time to Dispose of Cases

The Board continues to analyze and track the time to dispose of cases.

In 2023/2024, 55% of cases were disposed of within approximately 90 calendar days of receipt of application and 68.9% were disposed of within six months (Figure 27). This can be compared with 2022/2023 in which 52.3% were disposed of within approximately 90 days and 67.1% within 6 months. In 2021/2022, 49.4% of cases were disposed of within approximately 90 days and 64.6% within 6 months.

However, these are overall averages and an analysis of various different case types shows that the time to dispose of cases varies considerably depending on the type and complexity of the case.

For example, 84% of industrial certification/termination applications were disposed of within 3 months and 89% within six months and 67% of reprisal cases under the *Occupational Health and Safety Act* were disposed of within three months and 83% within six months. The Board has undertaken further analysis of the data in this regard. (See Figures 28-34)

Total  
Applications  
Received,  
Disposed and  
Pending

	Total Received	Re-Opened	Pending April 1, 2023	Total Caseload	Total Closed	Granted / Partially Dismissed	Terminated	Settled	Withdrawn	Abandoned	Advice Provided	Not Processed	Pending Other Cases	Sine Die	Pending March 31, 2024	Total Pending + Sine Die
	3026	112	1518	4656	3015	706	348	120	1718	1	18	104	217	1425	1642	
Accreditation (Construction)	3	2	0	5	5	3	0	0	2	0	0	0	0	0	0	0
Building Opportunities in the Skilled Trades Act Certification	1	0	0	1	1	0	0	0	0	0	0	1	0	0	0	0
Certification (Construction - Card Based)	602	13	283	898	587	419	48	3	110	0	3	4	14	297	311	
Certification (Construction - Open Period)	307	8	177	492	303	229	9	3	58	0	2	2	6	183	189	
Certification (Construction)	0	1	13	14	5	2	1	0	1	0	1	0	0	9	9	
Certification (Industrial)	31	2	29	62	27	6	6	0	14	0	0	1	3	32	35	
Colleges Collective Bargaining Act	264	2	64	330	252	182	32	0	37	0	0	1	5	73	78	
Colleges Collective Bargaining Act	2	0	2	4	3	0	1	1	1	0	0	0	0	2	2	
Certification	0	0	1	1	0	0	0	0	0	0	0	0	0	1	1	
Violation of Colleges Collective Bargaining Act	2	0	1	3	3	0	1	1	1	0	0	0	0	1	1	
Construction Grievance	621	52	329	1002	660	143	11	4	422	0	0	80	129	213	342	
Employment Protection for Foreign Nationals	4	0	1	5	3	0	0	0	3	0	0	0	0	2	2	
Employment Standards	609	19	238	866	595	30	64	64	426	0	10	1	1	270	271	
Appeal (Director)	49	5	16	70	34	1	13	3	17	0	0	0	0	36	36	
Appeal (Employee)	160	2	101	263	195	15	28	15	136	0	1	0	0	68	68	
Appeal (Employer)	400	12	120	532	365	13	23	46	273	0	9	1	1	166	167	
Referral under Employment Standards Act	0	0	1	1	1	1	0	0	0	0	0	0	0	0	0	
Essential Services	1	0	2	3	3	0	0	0	3	0	0	0	0	0	0	
Essential Services Agreement - Ambulance	1	0	2	3	3	0	0	0	3	0	0	0	0	0	0	
Fire Protection and Prevention Act	4	0	0	4	1	0	0	0	1	0	0	0	0	3	3	
First Agreement Direction	7	1	8	16	13	3	0	0	10	0	0	0	1	2	3	
Health & Safety Appeals	51	2	55	108	69	7	10	1	51	0	0	0	4	35	39	
Appeal of Inspector's Order	41	2	52	95	58	4	5	1	48	0	0	0	4	33	37	
Suspension of Order	10	0	3	13	11	3	5	0	3	0	0	0	0	2	2	
Interim Order	28	0	6	34	29	6	4	0	19	0	0	0	0	5	5	
Jurisdictional Dispute	51	0	63	114	51	11	10	0	28	0	0	2	5	58	63	
Jurisdictional Dispute (Construction)	49	0	60	109	50	10	10	0	28	0	0	2	5	54	59	
Jurisdictional Dispute (Industrial)	2	0	3	5	1	1	0	0	0	0	0	0	0	4	4	
Last Offer Votes	13	0	2	15	13	1	12	0	0	0	0	0	0	2	2	
Ministerial Referrals	5	0	3	8	4	0	1	0	2	1	0	0	1	3	4	
Ministerial Referral (General)	2	0	2	4	2	0	0	0	1	1	0	0	0	2	2	
Ministerial Referral (HLDAA)	3	0	1	4	2	0	1	0	1	0	0	0	1	1	2	
Public Sector Labour Relations Transition Act	1	0	3	4	3	2	0	0	1	0	0	0	0	1	1	
Sale of Business/Related Employer	91	3	137	231	128	27	11	3	83	0	0	4	15	88	103	
School Boards Application	0	0	1	1	0	0	0	0	0	0	0	0	1	0	1	
Termination	69	2	18	89	72	28	28	4	11	0	1	0	0	17	17	
Termination - Non-Construction Employer	0	0	1	1	1	0	0	0	1	0	0	0	0	0	0	
Termination - Other (Non Vote-Based)	5	0	6	11	5	2	1	0	2	0	0	0	0	6	6	
Termination (Construction - Open Period)	0	1	5	6	2	1	0	0	1	0	0	0	0	4	4	
Termination (Construction)	1	1	2	4	4	1	1	0	2	0	0	0	0	0	0	
Termination (Industrial)	63	0	4	67	60	24	26	4	5	0	1	0	0	7	7	
Unfair Labour Practices	526	12	278	816	470	15	108	26	308	0	3	10	34	312	346	
Duty of Fair Referral	3	0	3	6	4	0	3	0	1	0	0	0	1	1	2	
Duty of Fair Representation	248	6	95	349	240	2	92	22	121	0	2	1	12	97	109	
Failure to Comply with Settlement	22	0	8	30	17	2	3	0	11	0	0	1	1	12	13	
Unfair Labour Practice	220	5	163	388	181	8	10	3	151	0	1	8	17	190	207	
Unfair Labour Practice (Bad Faith Bargaining)	30	0	8	38	24	3	0	1	20	0	0	0	3	11	14	
Unlawful Lockout	1	0	0	1	1	0	0	0	1	0	0	0	0	0	0	
Unlawful Strike	2	1	1	4	3	0	0	0	3	0	0	0	0	1	1	
Unlawful Reprisals	310	6	78	394	278	0	36	14	225	0	1	2	12	104	116	
Health and Safety - Inspector Referral	6	0	1	7	6	0	2	1	3	0	0	0	0	1	1	
Health and Safety Reprisal	298	5	77	380	267	0	33	12	219	0	1	2	12	101	113	
Reprisal - Public Inquiries Act	1	0	0	1	1	0	1	0	0	0	0	0	0	0	0	
Reprisal - Public Service of Ontario Act	2	1	0	3	2	0	0	1	1	0	0	0	0	1	1	
Reprisal - Smoke-Free Ontario Act	3	0	0	3	2	0	0	0	2	0	0	0	0	1	1	
Misc.	27	0	11	38	27	11	4	0	12	0	0	0	0	11	11	
Consent to Institute Prosecution	1	0	0	1	1	0	1	0	0	0	0	0	0	0	0	
Early Termination of Collective Agreement	11	0	0	11	10	10	0	0	0	0	0	0	0	1	1	
Employee Status	2	0	3	5	2	0	1	0	1	0	0	0	0	3	3	
Ontario Provincial Police Collective Bargaining Act	1	0	0	1	0	0	0	0	0	0	0	0	0	1	1	
Religious Exemption	1	0	1	2	2	0	0	0	2	0	0	0	0	0	0	
Right of Access	2	0	1	3	2	0	1	0	1	0	0	0	0	1	1	
Sector Dispute (Construction)	8	0	6	14	9	0	1	0	8	0	0	0	0	5	5	
Successor Trade Union	1	0	0	1	1	1	0	0	0	0	0	0	0	0	0	

Figure 5

Applications  
Received and  
Disposed of –  
5 Year  
Comparison

Fiscal Years 2019-20 to 2023-24	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	2019-20	2020-21	2021-22	2022-23	2023-24	Total	2019-20	2020-21	2021-22	2022-23	2023-24
Type of Case	14,745	3,571	2,875	2,413	2,860	3,026	15,276	3,804	3,055	2,578	2,824	3,015
Accreditation (Construction)	19	2	-	6	8	3	27	5	2	4	11	5
Breach of Settlement under section 105 or 141 of PSOA	1	-	-	-	1	-	1	-	-	-	1	-
Building Opportunities in the Skilled Trades Act	1	-	-	-	-	1	1	-	-	-	-	1
Certification	2,771	617	498	477	577	602	2,814	674	537	457	559	587
College Vote	3	-	-	3	-	-	5	1	-	3	1	-
Consent to Institute Prosecution	4	1	-	-	2	1	5	1	1	-	2	1
Construction Grievance	3,035	679	642	486	607	621	3,201	704	696	583	558	660
Duty of Fair Referral	14	5	2	2	2	3	16	7	2	1	2	4
Duty of Fair Representation	1,055	225	130	220	232	248	1,064	233	164	184	243	240
Early Termination of Collective Agreement	47	12	5	7	12	11	46	12	5	7	12	10
Employee Status	12	3	3	1	3	2	15	7	2	2	2	2
Employment Standards (Appeal)	3,381	1,067	706	458	541	609	3,612	1,168	789	524	536	595
Essential Services Agreement - Ambulance	11	4	2	2	2	1	12	4	2	3	-	3
Failure to Comply with Settlement	76	17	10	9	18	22	76	20	9	10	20	17
Failure to Furnish Financial Statement	8	3	2	1	2	-	10	2	3	3	2	-
Fire Protection and Prevention Act	3	-	-	-	-	3	1	-	-	-	-	1
First Agreement Direction	49	5	16	8	13	7	49	3	12	9	12	13
Foreign Nationals - Appeal	32	3	7	7	11	4	31	4	1	10	13	3
Health and Safety - Appeals	358	72	130	62	43	51	382	56	113	75	69	69
Health and Safety - Inspector Referrals	35	14	3	3	9	6	37	14	5	3	9	6
Health and Safety - Reprisals	1,184	278	214	189	205	298	1,165	281	222	194	201	267
Inadequate Financial Statement	3	-	2	1	-	-	4	1	1	2	-	-
Interim Order	121	16	27	19	31	28	119	16	26	21	27	29
Jurisdictional Dispute	238	41	46	51	49	51	223	44	40	55	33	51
Last Offer Vote	45	8	8	8	8	13	45	5	7	12	8	13
Ministerial Referrals	35	12	10	7	1	5	33	10	8	6	5	4
Ontario Provincial Police Collective Bargaining Act	1	-	-	-	-	1	0	-	-	-	-	-
Project Agreement	5	3	-	1	1	-	6	2	1	1	2	-
Public Sector Labour Relations Transition Act	24	8	4	6	5	1	31	13	4	5	6	3
Religious Exemption	5	2	1	-	1	1	5	2	-	1	0	2
Reprisal - Environmental Bill of Rights Act	3	1	-	1	1	-	3	1	-	1	1	-
Reprisal - Environmental Protection Act	1	-	-	1	-	-	1	-	-	1	-	-
Reprisal - Long Term-Care Homes Act	3	1	2	-	-	-	3	1	1	-	1	-
Reprisal - Public Inquiries Act	4	1	-	1	1	1	4	1	-	1	1	1
Reprisal - Public Service of Ontario Act	10	1	3	3	1	2	10	1	2	3	2	2
Reprisal - Smoke-Free Ontario Act	3	-	-	-	-	3	2	-	-	-	-	2
Review of Structure of Bargaining Units	0	-	-	-	-	-	3	3	-	-	-	-
Right of Access	5	1	1	-	1	2	5	1	2	-	-	2
Sale of Business/Related Employer	510	96	115	93	115	91	555	111	115	88	113	128
School Boards Collective Bargaining Act	7	3	2	-	2	-	6	3	1	1	1	-
Sector Dispute (Construction)	20	2	2	2	6	8	19	3	3	0	4	9
Successor Trade Union	7	1	1	3	1	1	7	1	-	2	3	1
Termination	436	111	67	71	118	69	453	114	74	73	120	72
Unfair Labour Practice	1,115	243	207	194	221	250	1,119	262	196	227	229	205
Unlawful Lockout	5	-	1	2	1	1	6	1	1	-	3	1
Unlawful Strike	30	10	5	5	8	2	34	10	7	4	10	3
Violation of Colleges Collective Bargaining Act	10	3	1	3	-	3	10	2	1	2	2	3

Figure 6

Cases  
Resolved  
Without a  
Final Hearing

Case Type Description	Total Closed	Settled	% of Cases Settled	To Final Hearing / Consultation
	2,987	2,689	90.0%	298
<b>Building Opportunities in the Skilled Trades Act</b>	1	1	100.0%	0
<b>Certification</b>	587	532	90.6%	55
Certification (Construction - Card Based)	303	268	88.4%	35
Certification (Construction - Open Period)	5	2	40.0%	3
Certification (Construction)	27	25	92.6%	2
Certification (Industrial)	252	237	94.0%	15
<b>Colleges Collective Bargaining Act</b>	3	3	100.0%	0
Violation of Colleges Collective Bargaining Act	3	3	100.0%	0
<b>Construction Grievance</b>	660	597	90.5%	63
<b>Employment Protection for Foreign Nationals</b>	3	3	100.0%	0
<b>Employment Standards</b>	595	529	88.9%	66
Appeal (Director)	34	27	79.4%	7
Appeal (Employee)	195	161	82.6%	34
Appeal (Employer)	365	341	93.4%	24
Referral under Employment Standards Act	1	0	0.0%	1
<b>Essential Services</b>	3	3	100.0%	0
<b>Fire Protection and Prevention Act</b>	1	1	100.0%	0
<b>First Agreement Direction</b>	13	10	76.9%	3
<b>Health &amp; Safety Appeals &amp; Suspension Requests</b>	69	66	95.7%	3
<b>Interim Order</b>	29	22	75.9%	7
<b>Jurisdictional Dispute</b>	51	32	62.7%	19
Jurisdictional Dispute (Construction)	50	32	64.0%	18
Jurisdictional Dispute (Industrial)	1	0	0.0%	1
<b>Ministerial Referrals</b>	4	2	50.0%	2
Ministerial Referral (General)	2	1	50.0%	1
Ministerial Referral (HLDAA)	2	1	50.0%	1
<b>Public Sector Labour Relations Transition Act</b>	3	2	66.7%	1
<b>Sale of Business/Related Employer</b>	128	103	80.5%	25
<b>Termination</b>	72	67	93.1%	5
Termination - Non-Construction Employer	1	1	100.0%	0
Termination - Other (Non Vote-Based)	5	3	60.0%	2
Termination (Construction - Open Period)	2	1	50.0%	1
Termination (Construction)	4	4	100.0%	0
Termination (Industrial)	60	58	96.7%	2
<b>Unfair Labour Practices</b>	470	437	93.0%	33
Duty of Fair Referral	4	4	100.0%	0
Duty of Fair Representation	240	224	93.3%	16
Failure to Comply with Settlement	17	13	76.5%	4
Unfair Labour Practice	181	171	94.5%	10
Unfair Labour Practice (Bad Faith)	24	21	87.5%	3
Unlawful Lockout	1	1	100.0%	0
Unlawful Strike	3	3	100.0%	0
<b>Unlawful Reprisals</b>	278	263	94.6%	15
Health and Safety - Inspector Referral	6	4	66.7%	2
Health and Safety Reprisal	267	254	95.1%	13
Reprisal - Public Inquiries Act	1	1	100.0%	0
Reprisal - Public Service of Ontario Act	2	2	100.0%	0
Reprisal - Smoke-Free Ontario Act	2	2	100.0%	0
<b>Misc.</b>	17	16	94.1%	1
Consent to Institute Prosecution	1	1	100.0%	0
Employee Status	2	2	100.0%	0
Religious Exemption	2	2	100.0%	0
Right of Access	2	1	50.0%	1
Sector Dispute (Construction)	9	9	100.0%	0
Successor Trade Union	1	1	100.0%	0

\*This does not include other 28 cases closed - last offer votes (13), accreditation applications (5) or applications for early termination of the collective agreement (10).

Figure 7

# Certification and Termination of Bargaining Rights - Applications Received

Non-construction certification applications before the Board are decided by way of a representation vote, as are all termination applications, whether in the construction sector or not. The vast majority of construction certification applications are decided by a “card-check” process and not by vote. As such, the statistics shown about certification votes apply almost exclusively to non-construction sectors and to termination applications.

The Board received a total of 602 applications for certification. These are broken down as follows: 307 construction card-based certification applications as compared with 304 the previous year), 31 vote-based construction certification applications (up 7 from the previous year). (Figure 8) While the total of 338 construction certification applications represents a 4.8 % decrease from 2022/2023, the total for the previous year had included 27 applications filed in the Construction Open Period in April 2022. (Figure 9) The number of non-construction certification applications received was 264, which is an 18.9% increase from the previous year, which was 222. (Figure 10) .

The Board received a total of 69 applications for termination of bargaining rights, 63 of which were in the non-construction sector, as compared with 70 in the non-construction sector the year previous.

	Total Received	Re-Opened	Pending April 1, 2023	Total Caseload	Total Closed	Granted / partially	Dismissed	Terminated	Settled, Withdrawn, Abandoned	Not Processed	Pending Other Cases	Sine Die	Pending March 31, 2024	Total Pending + Sine Die
Certification	671	15	301	987	659	447	76	7	121	4	4	14	314	328
Certification (Construction - Card Based)	602	13	283	898	587	419	48	3	110	3	4	14	297	311
Certification (Construction - Open Period)	0	1	13	14	5	2	1	0	1	1	0	0	9	9
Certification (Construction)	31	2	29	62	27	6	6	0	14	0	1	3	32	35
Certification (Industrial)	264	2	64	330	252	182	32	0	37	0	1	5	73	78
Termination	69	2	18	89	72	28	28	4	11	1	0	0	17	17
Termination - Non-Construction Employer	0	0	1	1	1	0	0	0	1	0	0	0	0	0
Termination - Other (Non Vote-Based)	5	0	6	11	5	2	1	0	2	0	0	0	6	6
Termination (Construction - Open Period)	0	1	5	6	2	1	0	0	1	0	0	0	4	4
Termination (Construction)	1	1	2	4	4	1	1	0	2	0	0	0	0	0
Termination (Industrial)	63	0	4	67	60	24	26	4	5	1	0	0	7	7

Figure 8

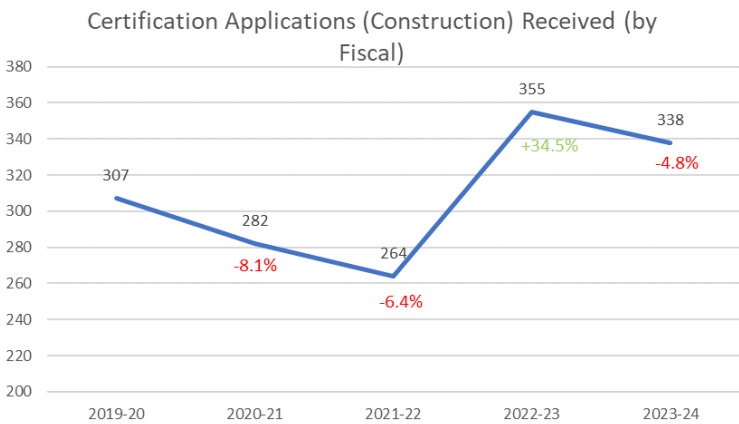


Figure 9

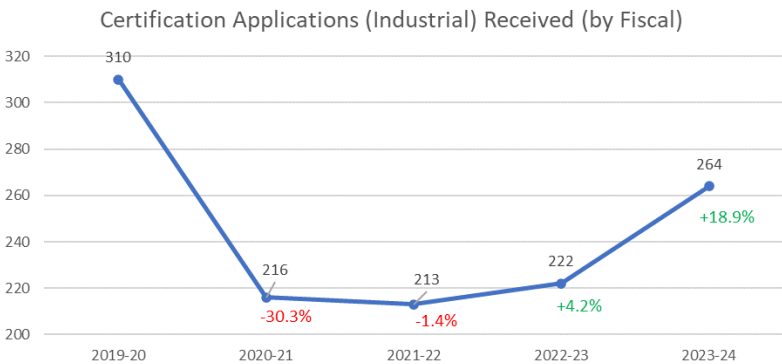


Figure 10

# Certification and Termination of Bargaining Rights – Vote Activity

In 2023/2024, the Board held a total of 288 votes in applications for certification, displacement, and termination. All representation votes were held electronically. Board mediators and Vote Officers are trained to staff the Help Desk required for electronic votes. There were 14,931 ballots cast electronically (which includes online and telephone ballots) in these certification, displacement, and termination votes.

95% of all non-construction certification votes were held within seven days and nearly 97% of non-construction termination applications were held within seven days of application. (Figure 11)

Number of Days	Votes Held		Certification						Termination					
	Votes	% of	Total		Industrial		Construction		Total		Industrial		Construction	
			Votes	% of	Votes	% of	Votes	% of	Votes	% of	Votes	% of	Votes	% of
	288		256		239		17		32		32		0	
< 5	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	-
5	214	74.3%	192	75.0%	192	80.3%	0	0.0%	22	68.8%	22	68.8%	0	-
6	41	88.5%	33	87.9%	27	91.6%	6	35.3%	8	93.8%	8	93.8%	0	-
7	13	93.1%	12	92.6%	8	95.0%	4	58.8%	1	96.9%	1	96.9%	0	-
8	5	94.8%	5	94.5%	3	96.2%	2	70.6%	0	96.9%	0	96.9%	0	-
9	2	95.5%	2	95.3%	2	97.1%	0	70.6%	0	96.9%	0	96.9%	0	-
10	5	97.2%	4	96.9%	3	98.3%	1	76.5%	1	100.0%	1	100.0%	0	-
11-15	1	97.6%	1	97.3%	1	98.7%	0	76.5%	0	100.0%	0	100.0%	0	-
16-20	0	97.6%	0	97.3%	0	98.7%	0	76.5%	0	100.0%	0	100.0%	0	-
21+	7	100.0%	7	100.0%	3	100.0%	4	100.0%	0	100.0%	0	100.0%	0	-

Figure 11

Under the Board’s Rules of Procedure, construction certification applications may be delivered to the employer two days after the date of application. In those cases, where the application was filed under section 8 of the *Labour Relations Act*, the vote occurs five days after delivery to the employer and where the application was filed under section 128.1 of the *Labour Relations Act* a vote occurs after the Board conducts a hearing and determines the composition of the bargaining unit.

The cumulative number in non-construction certification and termination votes includes electronic votes, applications in which a second vote was later held on agreement of the parties or by order of the Board or where the Board directed submissions before the ordering of a vote.

# Certification and Termination of Bargaining Rights – Vote Analysis

Of the 587 certification applications disposed of during 2023/2024, 419 were granted, 48 were dismissed and 3 were terminated. Of the 72 termination applications closed, 28 were granted, 28 were dismissed and 4 were terminated. (Figure 8)

532 certificates were issued covering a total of 10,794 employees. 366 certificates involved bargaining units of 2-9 employees and 6 certificates involved units of over 200 employees.

Employees	Total			Construction			Industrial		
	Cases	Certificates	Employees	Cases	Certificates	Employees	Cases	Certificates	Employees
Total:	410	532	10,794	235	357	2,203	175	175	8,591
2-9	260	366	1,492	201	307	1,175	59	59	317
10-19	49	60	795	19	30	375	30	30	420
20-39	56	60	1,621	11	15	406	45	45	1,215
40-99	31	32	1,891	4	5	247	27	27	1,644
100-199	8	8	1,091	-	-	-	8	8	1,091
200-499	4	4	1,271	-	-	-	4	4	1,271
500 +	2	2	2,633	-	-	-	2	2	2,633

Figure 12



# Certification/Termination Applications Closed

## North American Industry Classification System

Of the non-construction certification applications closed, the majority related to the broader public sector, service and non-manufacturing industries (Figure 13).

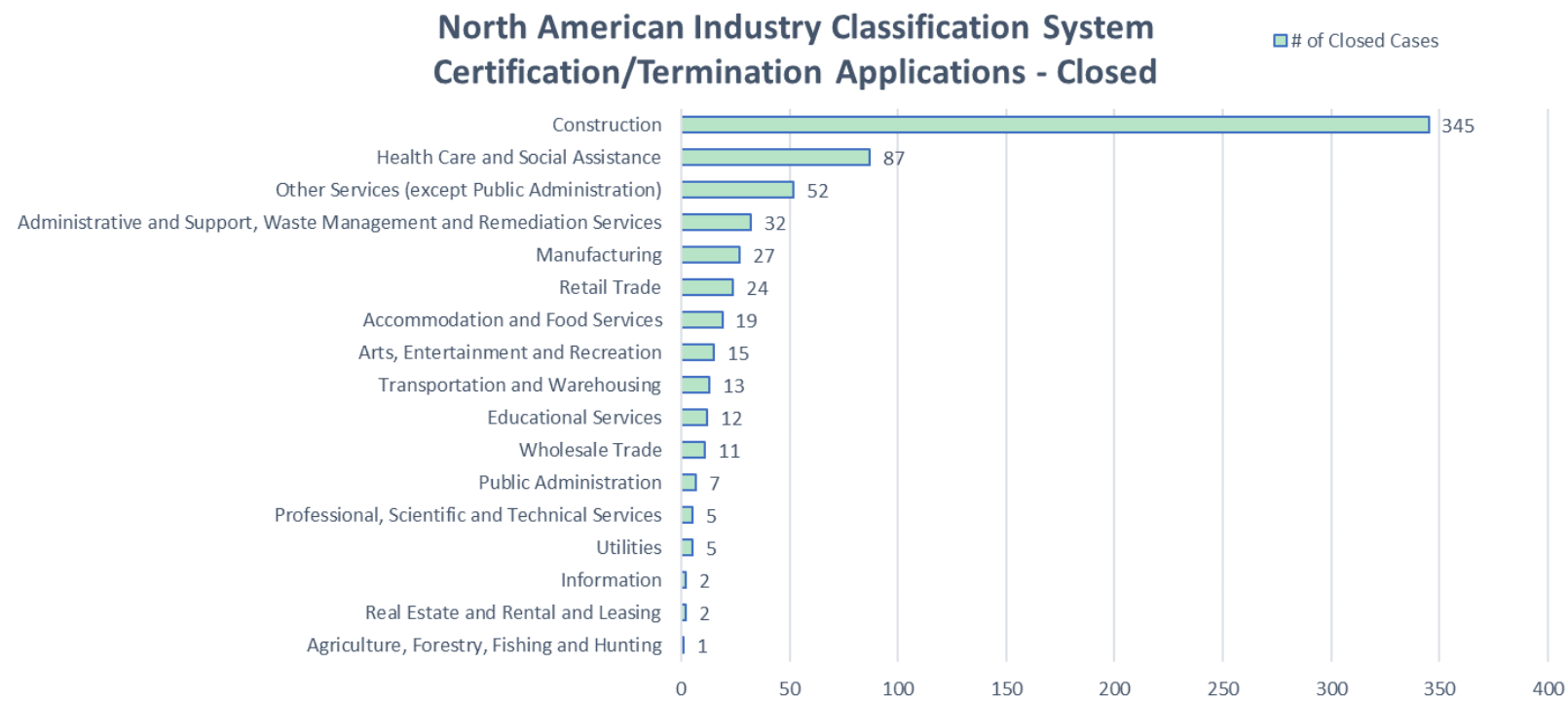


Figure 13

# Contravention of the *Labour Relations Act*

## Complaints alleging contravention of section 96 of the *Labour Relations Act*

In 2023/2024, the Board received 526 unfair labour practice complaints under the *LRA*, an increase of 9.1% from the previous year. In complaints against employers, the principal allegations included unlawful discharge of or discrimination against employees for union activity in violation of sections 70 and 72 of the *LRA*, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These allegations are often made in connection with applications for certification. Of 470 files closed on a final basis, 93% were resolved without a final hearing (Figure 7)

## Duty of Fair Representation / Referral

Complaints against trade unions for a breach of the duty to provide fair representation or referral (ss. 74 and 75 *LRA*) numbered 251, which is 17 more than the previous year. Of 240 individual duty of fair representation files closed, 93.3% were resolved without a final hearing and 16 duty of fair representation applications proceeded to a final consultation (Figure 7).

## Declaration/Direction of Unlawful Strike/Lock-out

In 2023/2024, the Board received 2 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees and 1 application for a declaration under section 101 regarding an alleged unlawful lock-out by an employer.

	Total Received	Re-Opened	Pending April 1, 2023	Total Caseload	Total Closed	Granted / Partially	Dismissed	Terminated	Settled, Withdrawn, Abandoned	Not Processed	Pending Other Cases	Sine Die	Pending March 31, 2024	Total Pending + Sine Die
Unfair Labour Practices	526	12	278	816	470	15	108	26	308	3	10	34	312	346
Duty of Fair Referral	3	0	3	6	4	0	3	0	1	0	0	1	1	2
Duty of Fair Representation	248	6	95	349	240	2	92	22	121	2	1	12	97	109
Failure to Comply with Settlement	22	0	8	30	17	2	3	0	11	0	1	1	12	13
Unfair Labour Practice	220	5	163	388	181	8	10	3	151	1	8	17	190	207
Unfair Labour Practice (Bad Faith Bargaining)	30	0	8	38	24	3	0	1	20	0	0	3	11	14
Unlawful Lockout	1	0	0	1	1	0	0	0	1	0	0	0	0	0
Unlawful Strike	2	1	1	4	3	0	0	0	3	0	0	0	1	1

Figure 14

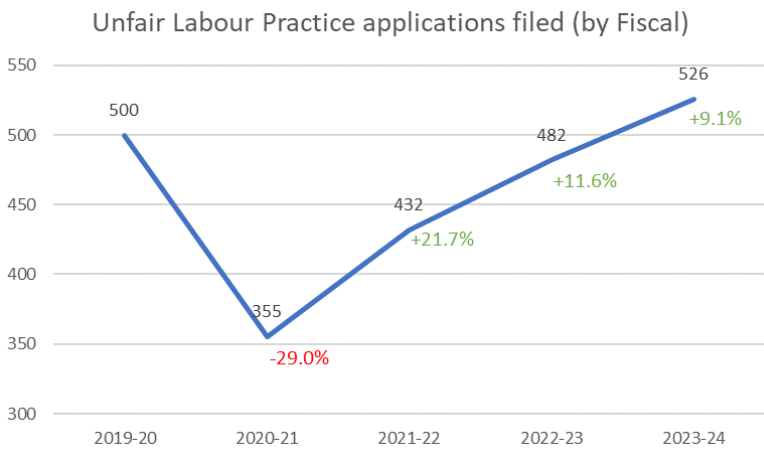


Figure 15

# Construction Industry Grievances

Grievances over alleged violations of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the *LRA*. The principal issues in these grievances are 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.

A filing fee of \$250.00 must accompany a grievance referral or a Notice of Intent to Defend. In order to participate in a Case Management Hearing or a hearing, each party must pay a hearing fee for each day (or part of a day).

In 2023/2024, the Board received 621 grievance referrals under this section. Of the 660 grievance referrals closed, 90.5% were resolved without a final hearing. (Figure 7).

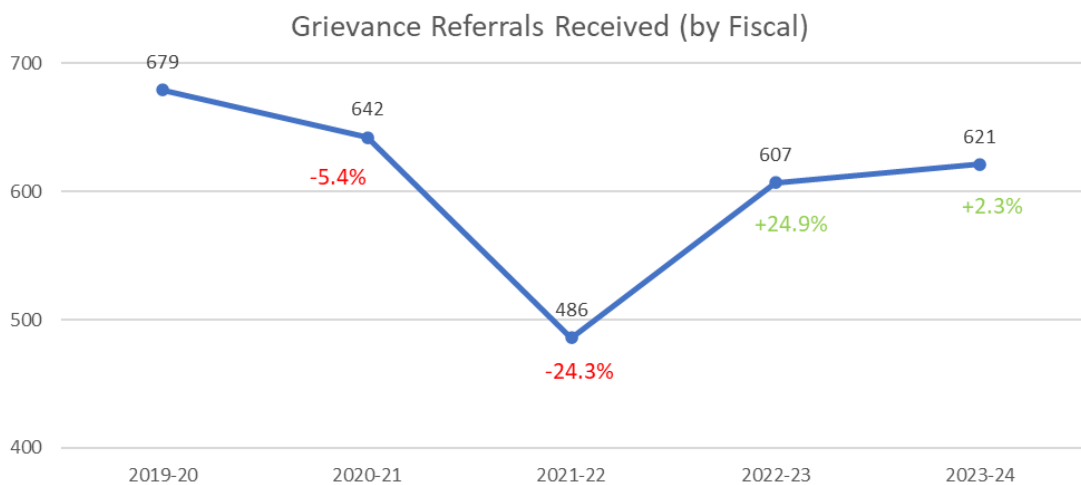


Figure 16

# Sale of Business/Related Employer

The Board received 91 applications alleging that two or more businesses were related and therefore should be treated as one employer under section 1(4) of the *Labour Relations Act* or that there had been a sale of a business or part of a business which has affected the representation rights of the employees (section 69 of the *Labour Relations Act*). This number is comparable to the number received in 2021/2022 and a decrease of almost 21% from 2022/2023. (Figure 17)

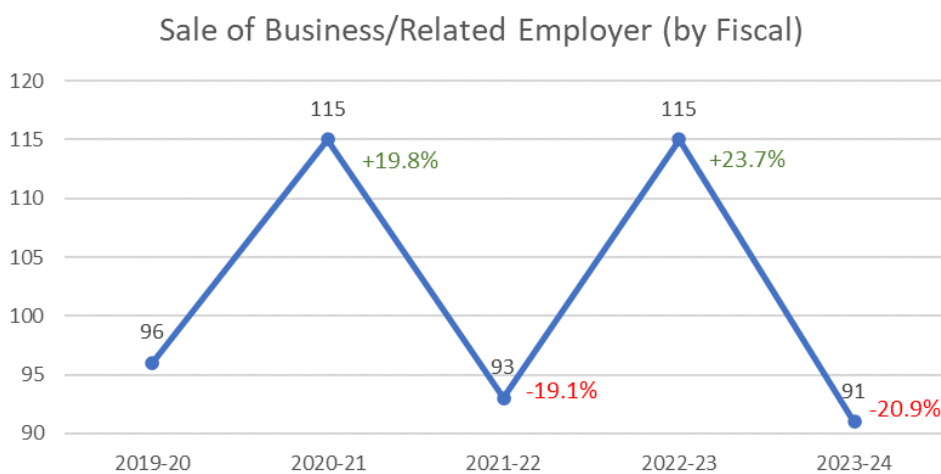


Figure 17

# Appeals under the *Employment Standards Act*

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

The Board received 609 cases in 2023/2024 which is an increase of 12.6% from 2022/2023. Of the 595 cases closed, 88.9% were resolved without a hearing and 66 cases went to a final hearing (Figure 7). Of the appeals received, 66% were filed by the employer. (Figure 19)

	Total Received	Re-Opened	Pending April 1, 2023	Total Caseload	Total Closed	Granted / Partially Dismissed	Terminated	Settled, Withdrawn, Abandoned	Not Processed	Pending Other Cases	Sine Die	Pending March 31, 2024	Total Pending + Sine Die	
Employment Standards	609	19	238	866	595	30	64	64	426	10	1	1	270	271
Appeal (Director)	49	5	16	70	34	1	13	3	17	0	0	0	36	36
Appeal (Employee)	160	2	101	263	195	15	28	15	136	1	0	0	68	68
Appeal (Employer)	400	12	120	532	365	13	23	46	273	9	1	1	166	167
Referral under Employment Standards Act	0	0	1	1	1	1	0	0	0	0	0	0	0	0

Figure 18

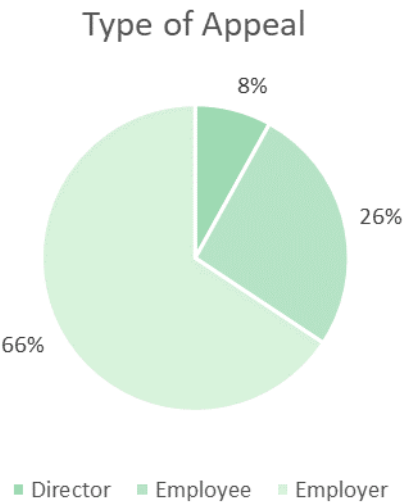


Figure 19

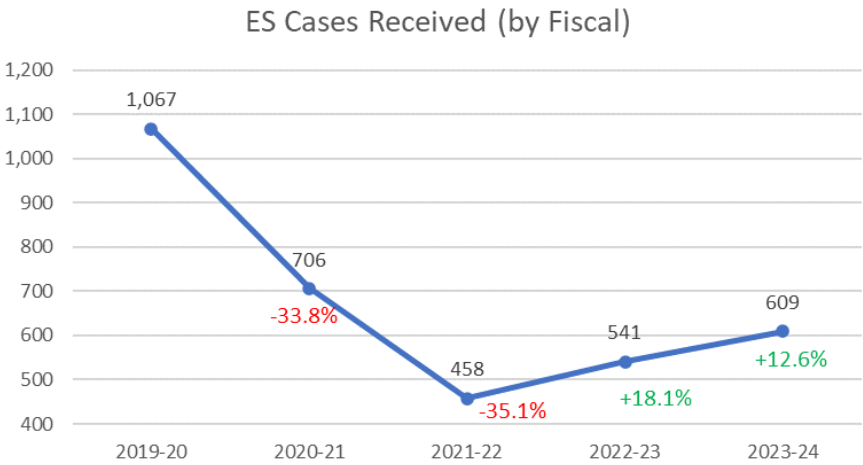


Figure 20

# Occupational Health and Safety Act

## 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 *OHS*A are investigated by health and safety inspectors from the Ministry of Labour, Immigration, Training and Skills Development; orders or decisions of inspectors are the subject of appeals to the Ontario Labour Relations Board.

There were 51 appeals filed in 2023/2024 (including suspension requests), an increase of 18.6% from the year previous. Of 69 individual files closed, 95.7% were resolved prior to a final hearing (Figure 7).

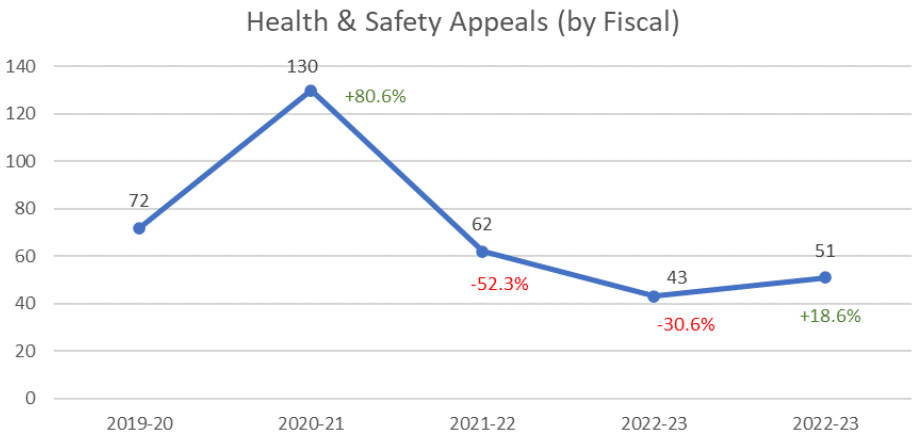


Figure 21

	Total Received	Re-Opened	Pending April 1, 2023	Total Caseload	Total Closed	Granted / Partially Dismissed	Terminated	Settled, Withdrawn, Abandoned	Sine Die	Pending March 31, 2024	Total Pending + Sine Die
Health & Safety Appeals	51	2	55	108	69	7	10	1	51	4	39
Appeal of Inspector’s Order	41	2	52	95	58	4	5	1	48	4	37
Suspension of Order	10	0	3	13	11	3	5	0	3	0	2

Figure 22

# Unlawful Reprisals

In 2023/2024, the Board received 304 complaints under Section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Six of the applications filed in 2023/2024 were referred by health and safety inspectors (Figure 24).

Overall there was a significant increase of 42.9% in the number of reprisal applications under all statutes received by the Board in 2023/2024.

Of the 278 individual unlawful reprisal cases closed, 263 cases (94.6%) were resolved without a final hearing. (Figure 7).

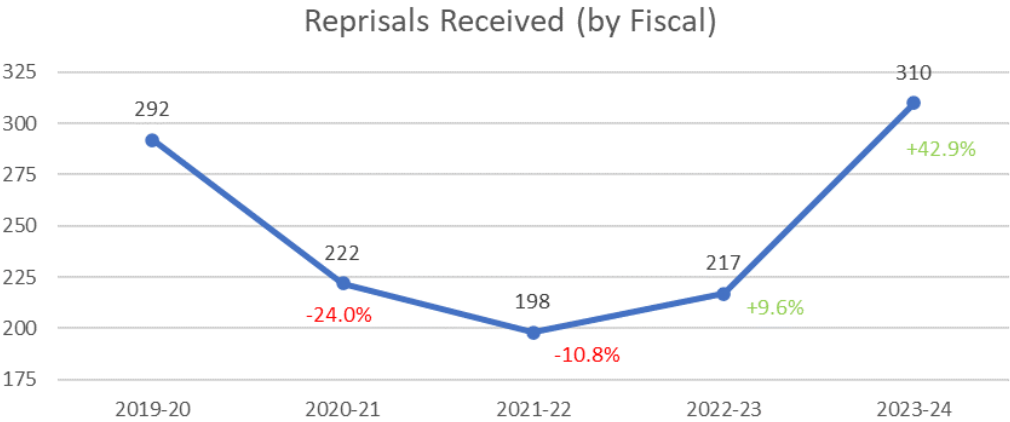


Figure 23

	Total Received	Re-Opened	Pending April 1, 2023	Total Caseload	Total Closed	Granted / Partially Dismissed	Terminated	Settled, Withdrawn, Abandoned	Not Processed	Pending Other Cases	Sine Die	Pending March 31, 2024	Total Pending + Sine Die	
Unlawful Reprisals	310	6	78	394	278	0	36	14	225	1	2	12	104	116
Health and Safety - Inspector Referral	6	0	1	7	6	0	2	1	3	0	0	0	1	1
Health and Safety Reprisal	298	5	77	380	267	0	33	12	219	1	2	12	101	113
Reprisal - Public Inquiries Act	1	0	0	1	1	0	1	0	0	0	0	0	0	0
Reprisal - Public Service of Ontario Act	2	1	0	3	2	0	0	1	1	0	0	0	1	1
Reprisal - Smoke-Free Ontario Act	3	0	0	3	2	0	0	0	2	0	0	0	1	1

Figure 24

# Other Applications

## Applications for Interim Order

Where a proceeding is pending, the Board, on application under *the Labour Relations Act* and the *Occupational Health and Safety Act*, may make interim orders. In 2023/2024 the Board received 28 applications for interim orders.,

## Jurisdictional Disputes

There were 51 applications before the Board under section 99 of the *LRA* involving union work jurisdiction. (Figure 5)

## Essential Services

No applications were received under the *Crown Employees Collective Bargaining Act*.

One case was received under the *Ambulance Services Collective Bargaining Act*.

## Colleges Collective Bargaining Act, 2008

The *Colleges Collective Bargaining Act, 2008* (“*CCBA*”) extended collective bargaining to part-time and sessional employees of Colleges of Applied Arts and Technology. The *CCBA* addresses certifications and terminations of bargaining rights, unfair labour practice complaints and provides for collective negotiation, conciliation and mediation processes that are similar to those set out in the *LRA*.

The Board received no applications for certification under the *CCBA* in 2023/2024. One application for certification was pending as of March 31, 2024.

Pursuant to the *CCBA*, votes to ratify a proposed collective agreement or memorandum of settlement (section 16) and strike votes (section 17(1)) are to be conducted under the supervision of the Board.

In 2023/2024, the Board did not supervise any ratification or strike vote under the *CCBA*. There were two unfair labour practice complaints filed under *CCBA*.

## School Boards Collective Bargaining Act

The *School Boards Collective Bargaining Act* (“*SBCBA*”) sets out the structure for collective bargaining in the education sector. The parties bargain their collective agreement on two tiers: central issues at a “central table”, where the Crown is a party, and local issues at a

“local table” where it is not. In the event the parties are unable to agree to the central/local split, disputes are decided by the Board upon the application of either party or the Crown, as well as any issue arising from the parties’ agreement or Board order. The Board did not receive any applications under *SBCBA* in 2023/2024.

## Last Offer Votes

Under section 42(1) of the *Labour Relations Act*, the Minister of Labour, Immigration, Training and Skills Development has the authority to direct a vote among employees on an employer’s last offer for settlement of a collective agreement. Where such direction is made, the Minister requests the Board to conduct the vote. Although the Board is not responsible for the administration of votes under that section, the Board’s Mediators and Vote Officers are assigned by the Registrar to conduct these votes because of their expertise and experience in conducting representation votes under the *LRA*.

The Board received thirteen requests during the fiscal year. All of the votes were conducted electronically. The thirteen votes averaged 89.4% voter turnout. The employees voted to reject the collective agreement in eleven cases, voted in favour of the collective agreement once, and the remaining vote remains sealed.

## Declaration of Successor Trade Union

One application for declaration of successor trade union was received in 2023/2024.

## Early Termination of Collective Agreement

Eleven applications were received under section 58(3) of the *Labour Relations Act*, seeking early termination of collective agreements in 2023/2024. These are joint applications by employers and trade unions and are made on consent.

## Referral on Employee Status

The Board received two applications under section 114(2) of the *Act*, seeking a decision on the status of individuals as employees under the *LRA*.

## Referrals by Minister of Labour, Immigration, Training and Skills Development

In 2023/2024, the Board received 2 referrals by the Minister under section 115 of the *LRA* for opinions or questions related to the Minister’s authority to appoint a conciliation officer

# Other Applications

under section 18 of the *LRA*.

The Board received 3 ministerial referrals under sections 48 or 49 of the *LRA* for authority to appoint an arbitrator under the *LRA*, or under s.3 (2) of the *Hospital Labour Disputes Arbitration Act*.

## First Agreement Arbitration

In 2023/2024, the Board received 7 applications for directions to settle first agreements by arbitration. (Figure 5)

## Applications under the *Public Sector Labour Relations Transition Act*

In 2023/2024, the Board had 4 active applications under the *Public Sector Labour Relations Transition Act, 1997* before it, including 1 new application. There were 2 votes held under *PSLRTA* in 2023/2024 with a 78.2% voter turnout.

Case Type	Votes	Employees on Employer's List	Votes Cast	Voter Turnout (%)
PSLRTA Votes	2	564	441	78.2%

Figure 25

## Applications under *Building Opportunities in the Skilled Trades Act*

The Board received one application under the *Building Opportunities in the Skilled Trades Act* in 2023/2024, which was adjourned.

	Total Received	Re-Opened	Pending April 1, 2023	Total Caseload	Total Closed	Granted / Partially	Dismissed	Terminated	Settled / Withdrawn / Abandoned	Advice Provided	Pending Other Cases	Sine Die	Pending March 31, 2024	Total Pending + Sine Die
Accreditation (Construction)	246	6	245	497	292	64	44	4	172	1	7	23	182	205
Building Opportunities in the Skilled Trades Act	3	2	0	5	5	3	0	0	2	0	0	0	0	0
College Collective Bargaining Act	1	0	0	1	1	0	0	0	0	0	1	0	0	0
Certification	2	0	2	4	2	0	1	1	0	0	0	0	2	2
College Vote	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Violation of Colleges Collective Bargaining Act	0	0	1	1	0	0	0	0	0	0	0	0	1	1
Early Termination of Collective Agreement	2	0	1	3	2	0	1	1	0	0	0	0	1	1
Employment Protection for Foreign Nationals	11	0	0	11	10	10	0	0	0	0	0	0	1	1
Essential Services	4	0	1	5	3	0	0	0	3	0	0	0	2	2
Essential Services Agreement - Ambulance	1	0	2	3	3	0	0	0	3	0	0	0	0	0
Fire Protection and Prevention Act	1	0	2	3	3	0	0	0	3	0	0	0	0	0
First Agreement Direction	4	0	0	4	1	0	0	0	1	0	0	0	3	3
Interim Order	7	1	8	16	13	3	0	0	10	0	0	1	2	3
Jurisdictional Dispute	28	0	6	34	29	6	4	0	19	0	0	0	5	5
Jurisdictional Dispute (Construction)	51	0	63	114	51	11	10	0	28	0	2	5	58	63
Jurisdictional Dispute (Industrial)	49	0	60	109	50	10	10	0	28	0	2	5	54	59
Ministerial Referrals	2	0	3	5	1	1	0	0	0	0	0	0	4	4
Ministerial Referral (General)	5	0	3	8	4	0	1	0	2	1	0	1	3	4
Ministerial Referral (HLDAA)	2	0	2	4	2	0	0	0	1	1	0	0	2	2
Public Sector Labour Relations Transition Act	3	0	1	4	2	0	1	0	1	0	0	1	1	2
PSLRTA (Bargaining Units/Bargaining Agents)	1	0	3	4	3	2	0	0	1	0	0	0	1	1
Sale of Business/Related Employer	1	0	3	4	3	2	0	0	1	0	0	0	1	1
Sector Dispute (Construction)	91	3	137	231	128	27	11	3	83	0	4	15	88	103
School Boards Application	8	0	6	14	9	0	1	0	8	0	0	0	5	5
Votes	0	0	1	1	0	0	0	0	0	0	0	1	0	1
Last Offer Vote	13	0	2	15	13	1	12	0	0	0	0	0	2	2
Misc.	13	0	2	15	13	1	12	0	0	0	0	0	2	2
Consent to Institute Prosecution	16	0	11	27	17	1	4	0	12	0	0	0	10	10
Employee Status	1	0	0	1	1	0	1	0	0	0	0	0	0	0
Ontario Provincial Police Collective Bargaining Act	2	0	3	5	2	0	1	0	1	0	0	0	3	3
Religious Exemption	1	0	0	1	0	0	0	0	0	0	0	0	1	1
Right of Access	1	0	1	2	2	0	0	0	2	0	0	0	0	0
Sector Dispute (Construction)	2	0	1	3	2	0	1	0	1	0	0	0	1	1
Successor Trade Union	8	0	6	14	9	0	1	0	8	0	0	0	5	5
	1	0	0	1	1	1	0	0	0	0	0	0	0	0

Figure 26



# Time Required to Dispose of Applications, by Major Case Type

	All Cases		Certification		Unfair Labour Practices		Health & Safety		Employment Standards		Construction Industry Grievances		Sale of Business		Termination		All Other Cases	
Time Taken (Calendar Days)	Cumulative % Dispositions		Cumulative % Dispositions		Cumulative % Dispositions		Cumulative % Dispositions		Cumulative % Dispositions		Cumulative % Dispositions		Cumulative % Dispositions		Cumulative % Dispositions		Cumulative % Dispositions	
Total	3015		587		470		342		595		660		128		72		161	
0-7	133	4.4	41	7.0	10	2.1	8	2.3	1	0.2	31	4.7	2	1.6	24	33.3	16	9.9
8-14	243	12.5	105	24.9	7	3.6	9	5.0	3	0.7	102	20.2	1	2.3	8	44.4	8	14.9
15-21	250	20.8	123	45.8	23	8.5	15	9.4	21	4.2	33	25.2	3	4.7	17	68.1	15	24.2
22-28	145	25.6	41	52.8	20	12.8	14	13.5	24	8.2	36	30.6	1	5.5	4	73.6	5	27.3
29-35	143	30.3	23	56.7	18	16.6	22	19.9	53	17.1	14	32.7	4	8.6	1	75.0	8	32.3
36-42	122	34.4	16	59.5	13	19.4	29	28.4	33	22.7	20	35.8	5	12.5	0	75.0	6	36.0
43-49	100	37.7	12	61.5	20	23.6	26	36.0	15	25.2	21	38.9	2	14.1	0	75.0	4	38.5
50-56	121	41.7	13	63.7	21	28.1	17	40.9	45	32.8	14	41.1	2	15.6	3	79.2	6	42.2
57-63	102	45.1	16	66.4	16	31.5	20	46.8	28	37.5	14	43.2	2	17.2	0	79.2	6	46.0
64-70	89	48.0	8	67.8	27	37.2	12	50.3	28	42.2	9	44.5	3	19.5	0	79.2	2	47.2
71-77	91	51.0	10	69.5	15	40.4	15	54.7	34	47.9	13	46.5	1	20.3	1	80.6	2	48.4
78-84	53	52.8	8	70.9	10	42.6	4	55.8	18	50.9	9	47.9	1	21.1	0	80.6	3	50.3
85-91	65	55.0	4	71.6	17	46.2	7	57.9	21	54.5	11	49.5	0	21.1	1	81.9	4	52.8
92-98	45	56.5	2	71.9	7	47.7	8	60.2	18	57.5	4	50.2	2	22.7	0	81.9	4	55.3
99-105	34	57.6	0	71.9	10	49.8	10	63.2	9	59.0	1	50.3	1	23.4	1	83.3	2	56.5
106-126	118	61.5	12	73.9	31	56.4	14	67.3	34	64.7	21	53.5	4	26.6	0	83.3	2	57.8
127-147	90	64.5	5	74.8	28	62.3	11	70.5	29	69.6	12	55.3	2	28.1	2	86.1	1	58.4
148-168	87	67.4	10	76.5	16	65.7	10	73.4	34	75.3	10	56.8	1	28.9	0	86.1	6	62.1
169-183	45	68.9	9	78.0	9	67.7	2	74.0	10	77.0	9	58.2	3	31.3	0	86.1	3	64.0
183+	939	100.0	129	100.0	152	100.0	89	100.0	137	100.0	276	100.0	88	100.0	10	100.0	58	100.0

Figure 27

# Percentage of Cases Closed Within 3, 6 and 9 Months of Application Date

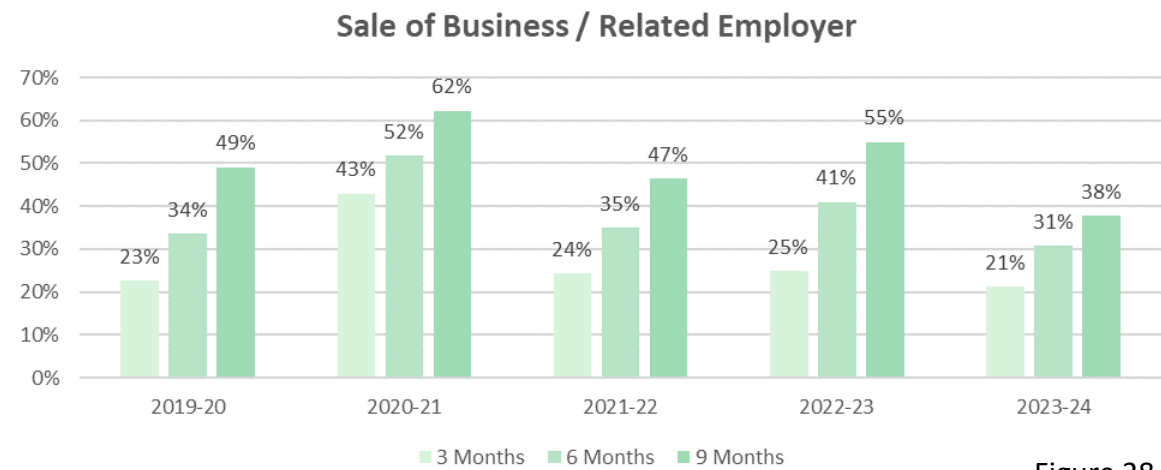


Figure 28

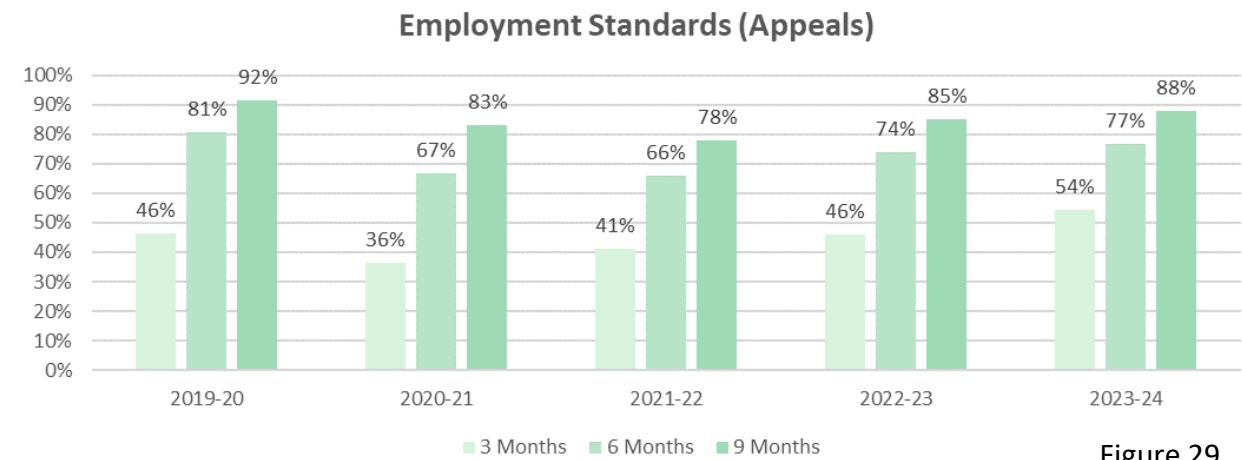


Figure 29

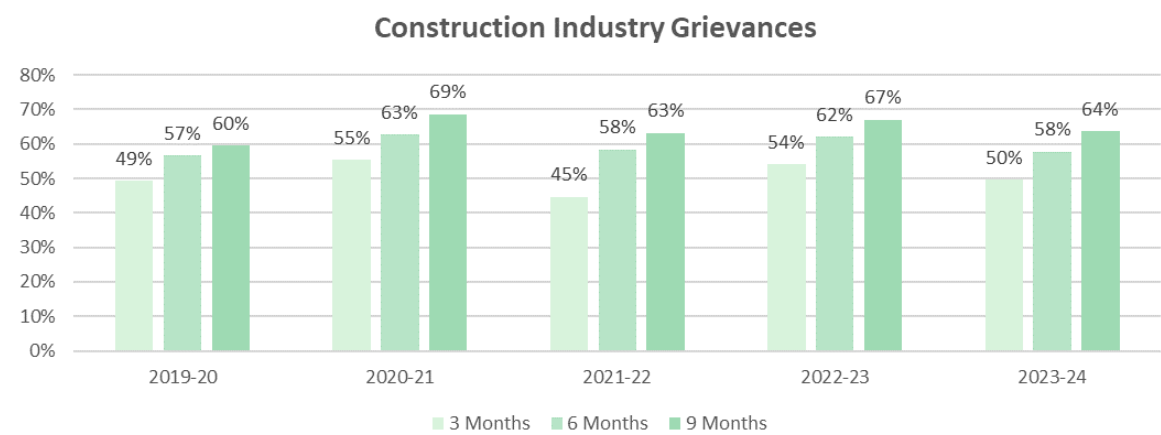


Figure 30

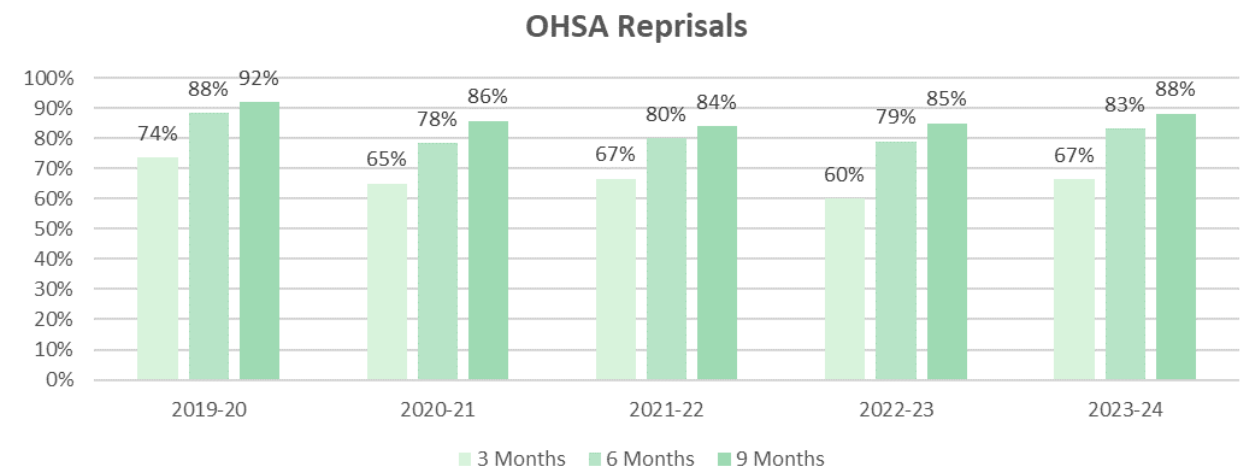


Figure 31

# Percentage of Cases Closed Within 3, 6 and 9 Months of Application Date

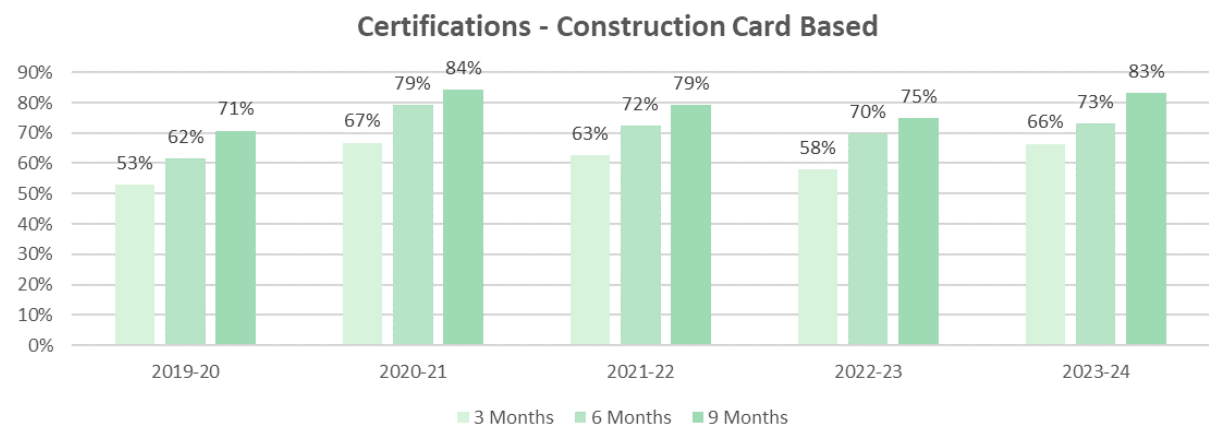


Figure 32

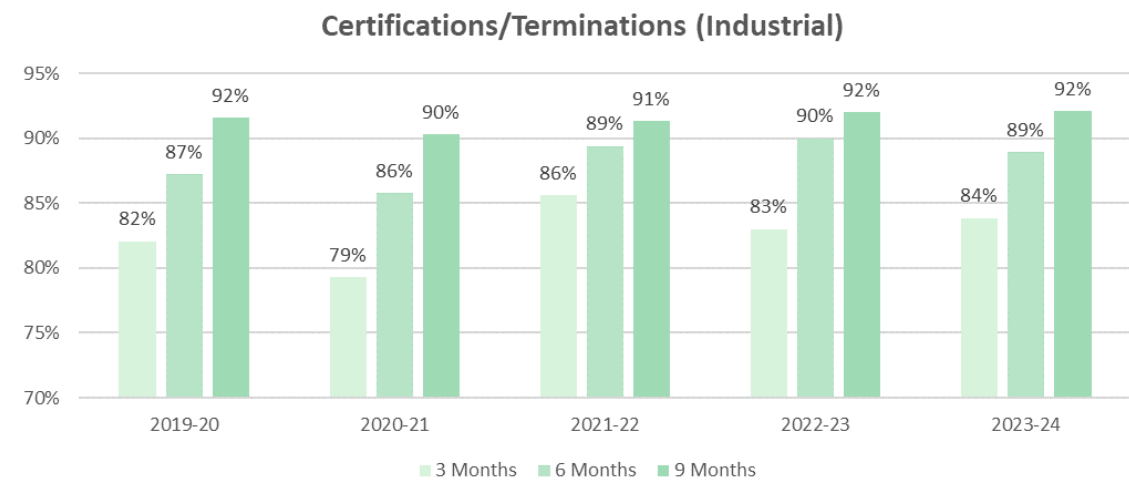


Figure 33

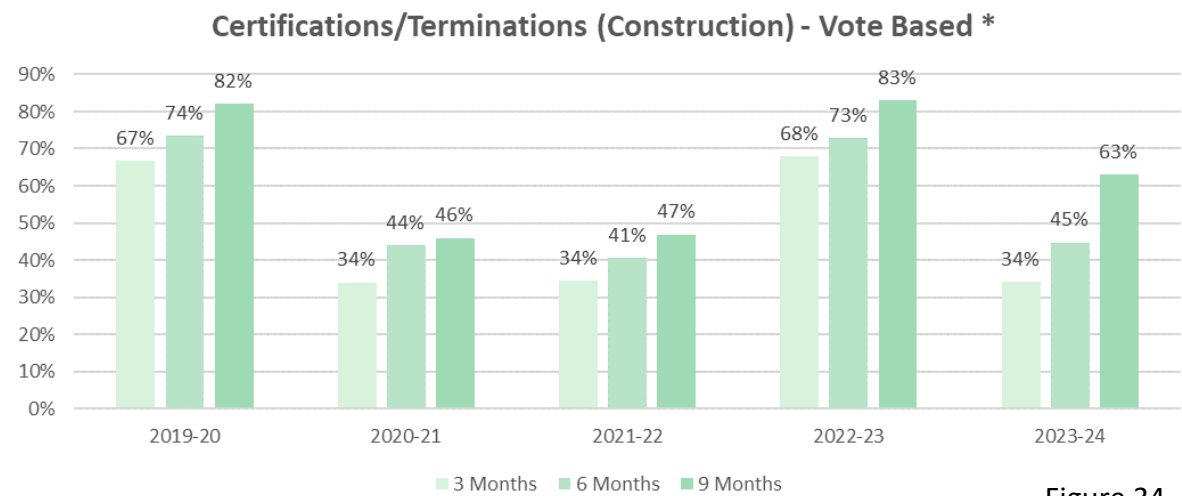


Figure 34

\* Based on 37 applications. Because the applications for certification in the construction industry are predominantly card-based, there are far fewer vote-based applications for certification. These are often filed with an unfair labour practice complaint which needs to be adjudicated before these files can be closed.

# Activities with Stakeholder Groups

**Advisory Committee:** The Ontario Labour Relations Board has established an Advisory Committee whose mandate is to function as a consultative group for the Board. The Committee is composed of members of the labour and management side bar, Director of Legal Services (MLITSD), representatives from the Ontario Bar Association Labour & Employment Law Section and the OLRB Chair, Alternate Chair, Director/Registrar and Solicitors. It acts as a resource to the Board for consultation/feedback. The Committee meets at least three times per year, and more often if necessary. Committee membership and minutes of meetings are posted on the Board’s website. In 2023/2024, the Committee continued to meet by videoconference.

**Internship Programs:** Collaborative external partnership programs with client labour law firms and post-secondary institutions continue. The program provides opportunities for students currently articling and recent graduates and/or current students of MIR and Labour Studies programs to put their academic training to practical use with a hands-on professional learning experience at the OLRB.

**Outreach:** Regular community outreach by the Chair, Alternate Chair, Director/Registrar and Deputy Registrar takes place at consultations held with client and stakeholder groups and Town Hall and community meetings where advisable.

These individuals are invited to and routinely speak at professional and stakeholder conferences, conventions, seminars, continuing education programs and meetings. Upcoming events may include:

- Representation at Labour Board conferences
- Conference of Labour Board Chairs and Senior Administrators
- Association of Labor Relations Agencies (ALRA)
- Council of Canadian Administrative Tribunals (CCAT)
- Canadian Institute of Administrative Justice (CIAJ)
- Society of Ontario Adjudicators and Regulators
- Ontario Bar Association
- Law Society of Ontario

The OLRB provides services in both official languages, including the publication of forms, information bulletins, website messages etc., and strives to ensure the accessibility of our websites and the conduct of hearings. The ability of our clients and stakeholders to readily communicate with the Board in an accessible manner in either French or English, from reception through to adjudication, continues to be a priority.

# Key Decisions April 1, 2023 – March 31, 2024

**Practice and Procedure - Construction Industry – Certification – Unfair Labour Practice –** BUC certified in respect of employees of MCI – Labourers filed unfair labour practice and s. 1(4)/69 application asserting that MCI and MPI, with which Labourers had bargaining rights, were a single employer and that BUC certificate should be rescinded – Labourers requested order for a forensic audit of cell phones of BUC, MCI and MPI representatives – Labourers sought extraction of all communications of any type for a one-month period prior to the certification date – In the alternative, it sought the audit to locate certain text messages were missing from parties’ production – Board noted that it had the power to direct such an audit, but that it should only be ordered in extraordinary circumstances given the highly invasive nature of the request – General request constituted a fishing expedition and an overreach – As it related to the text messages, these messages could be arguably relevant but not sufficiently important to justify intrusive and time-consuming forensic audit which would deprive individuals of their cell phones for extended period of time, subject their potentially highly personal contents to third party scrutiny, and delay the proceeding – Harm in doing so far outweighs potential gain from results of audit – Request denied – Matter continues

THE BUILDING UNION OF CANADA, RE: **MASTERCREE CONSTRUCTION INC.**; OLRB Case Nos. 1045-21-R, 1168-21-R & 1560-21-U; Dated April 27, 2023; Panel: Jack J. Slaughter

**Interim Order – Unfair Labour Practice –** QSG was bound to collective agreements with the Labourers covering tilesetters and covering carpet and other flooring installers – Carpenters displaced Labourers in respect of the bargaining unit of carpet and other flooring installers – Labourers then advised QSG that it was abandoning its bargaining rights in respect of tilesetters – Labourers also advised builders’ employer bargaining agencies (TRCLB and DRCLB) that QSG was no longer eligible to perform tile work for its members since it was no longer a unionized subcontractor – QSG filed unfair labour practice applications and also sought an interim order that Labourers could not abandon bargaining rights – QSG declared that it was currently involved in nearly 90 projects that would be affected by the abandonment, and that more than 90 installers would lose work as a result – QSG asserted that its business could potentially be permanently damaged - Board considered *NJI* factors, determining that balance of harm, balance of convenience/inconvenience and the apparent strength of the applicant’s case/defence of the responding party were the most relevant factors – Potential harm to QSG was evident and significant, since the legality of it carrying

on present or future work for any TRCLB or DRCLB builder was in doubt, which exposed builders to potential damages claims and potential construction delays and disruptions – In contrast, potential harm to Labourers in maintaining bargaining rights pending resolution of unfair labour practices was minimal – Regarding the apparent strength of the parties’ respective cases, Board observed that the case raised novel legal issues regarding a union’s ability to unilaterally abandon bargaining rights – Case raised genuine, albeit novel, issue that could succeed – Balance of harm and convenience/inconvenience weighed heavily in favour of granting interim relief – Board directed that effect of Labourers’ abandonment of bargaining rights was temporarily suspended on an interim basis and directed schedule for litigation of underlying unfair labour practice application on an expedited basis – Application granted

**QUALITY STERLING GROUP**, RE: LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 183; OLRB Case Nos. 0313-23-U & 0314-23-IO; Dated May 29, 2023; Panel: Jesse Kugler

**UNFAIR LABOUR PRACTICE – CONSTRUCTION INDUSTRY – REMEDIAL CERTIFICATION –** Union sought remedial certification after four bargaining unit members dismissed in rapid succession – Union tendered evidence of Employer’s anti-union animus in the form of conversations between employees and owner, and evidence that campaign had stalled as a result of termination - Employer asserted that terminations were justified for various reasons, including justified disciplinary action and anticipated lack of work – Board found that sections 70, 72 and 76 of the *Labour Relations Act, 1995* (the “*Act*”) were violated - Employer’s explanation of terminations was contradictory and not compelling – Employer was aware of union activity prior to terminations – Employer may have had good reasons to terminate some of the employees but its actions were tainted by anti-union animus in respect of three of the terminated employees – No evidence linking termination of fourth employee to union activity – Board concluded that although campaign was underway, employees were no longer willing to engage with Union after terminations – Remedial certification appropriate where inside organizers terminated – Certificate issued

IRON WORKERS DISTRICT COUNCIL OF ONTARIO, RE: **ALLOY FUSION INC.**; OLRB Case No. 0519-21-R & 0540-21-U; Dated July 7, 2023; Panel: Roslyn McGilvery

# Key Decisions April 1, 2023 – March 31, 2024 (continued)

**JUDICIAL REVIEW – EMPLOYMENT STANDARDS** – Application for review of an employment standards officer’s decision concluding that TPS was the employer of certain employees working at AVE, a wholesale florist operation – TPS was a temporary help agency within the meaning of the *Employment Standards Act, 2000* (“ESA”) and supplied temporary employees to clients – TPS also entered into an agreement with T on behalf of “Subcontractor CBH”, pursuant to which T dispatched workers to TPS’s clients – TPS asserted that CBH was the employer of these workers, not TPS – Board analyzed documents and relationships and noted that AVE’s contract with TPS specified that workers assigned to AVE would be employed by TPS, and made no reference to subcontracting – Board also found no difference between how “CBH workers” and “TPS workers” were treated by TPS – CBH testified that he had nothing to do with supplying temporary workers and had just permitted T to use him as a “front” for T to supply workers, in exchange for a payment from T – Board concluded that “Subcontractor CBH” was not a legitimate enterprise – In most respects TPS, not T, acted as the employer of the temporary workers – Board concluded that TPS was the employer of the employees and liable for their wages – TPS sought judicial review arguing that s. 74.3 of the ESA required a direct relationship between employer and employees for an employment relationship to exist, and arguing that Board’s findings concerning “Subcontractor CBH” were not reasonable – Court noted that Turkiewicz decision of the Ontario Court of Appeal required a reviewing court to have regard to the Board’s expertise – Court reviewed the statutory scheme and the Board’s interpretation of the ESA and found it to be reasonable – Nothing in s. 74.3 of the ESA required a “direct” relationship – Board’s conclusion that TPS was the employer within the meaning of s. 1(1) of the ESA was reasonable – Board’s conclusion that “Subcontractor CBH” was not a legitimate enterprise was reasonable – Board reasonably concluded that s. 74.3 addressed the relationship between a THA and its client, not the relationship among THAs as to which is the true employer – Application dismissed

**2517906 ONTARIO INC. o/a TEMPORARY PERSONNEL SOLUTIONS**, RE: ONTARIO LABOUR RELATIONS BOARD and the DIRECTOR OF EMPLOYMENT STANDARDS; Divisional Court File No. 529/22; Dated August 23, 2023; Panel: Sachs, Backhouse, and Schabas JJ

**JUDICIAL REVIEW – SUCCESSOR EMPLOYER** – Responding parties operated shuttle buses for UHN – Responding party M took over routes replacing SP – Interpretation of s 69.1 of the *Labour Relations Act, 1995* (the “Act”) – Whether “services to premises” includes shuttle bus

operations – Board reviewed principles of statutory interpretation – Legislation to be given large and liberal interpretation – Legislative interpretations ought not to produce absurd outcomes – Adjudicative expertise of Board informs how it should interpret home statutes – Words in statute coloured by statutory context – Shuttle buses were “servicing premises” – Board concluded that there had been a sale of a business – Court concluded that Board’s decision was reasonable – Decision did not unduly expand meaning of “building service provider” – Conclusion was consistent with the evidence of the shuttle bus drivers – No basis for a conclusion that the terms used in Employment Standards Act (“ESA”) must determine the scope of the Act – Board reasonably concluded that statutory objectives of *ESA* and the Act were not the same and terms did not have to be given “harmonious” meanings – Application dismissed

**MULMER SERVICES LTD.**, RE: LABOURERS’ INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 183 and ONTARIO LABOUR RELATIONS BOARD; Divisional Court File No. 504/22; Dated August 16, 2023; Panel: McWatt A.C.J.S.C., Backhouse, and Howard JJ

**First Contract Direction** – Employer sought first contract arbitration direction pursuant to s. 43 of the *Labour Relations Act, 1995* (the “Act”), alleging Union had taken uncompromising position – After many days of negotiations, Union had commenced strike that was in its tenth week as of the date of the decision – Wage rates and term of the agreement were the significant issues left to be determined – Employer alleged that Union had given ultimatum with respect to wages and was unwilling to consider an agreement with a term ending after 2024 – Union asserted that it took firm positions consistent with other collective agreements in the library sector – On wage increases, Employer argued that Union was unwilling to settle a collective agreement containing wage increases less than a flat \$1.35 to all rates in 2023 and 2024 and that this position was unjustified – Union argued that wage rate increase justified based on similarly classified library employees and other municipal employees – Board determined that bargaining was unsuccessful and the failure of bargaining was due at least in part to the Union’s uncompromising position with respect to wages without justification – Board noted that there was no objective justification for the \$1.35 proposal and that it was based on the “wants of the membership” only – Reasonableness of Union’s position had decreased as the strike went on – First contract arbitration appropriate – Application granted

# Key Decisions April 1, 2023 – March 31, 2024 (continued)

**BRADFORD WEST GWILLIMBURY PUBLIC LIBRARY**, RE: CANADIAN UNION OF PUBLIC EMPLOYEES.; OLRB Case No. 1253-23-FA; Dated September 29, 2023; Panel: Timothy P. Liznick

**Union Access to Property** – Union seeking access pursuant to s. 13 of the *Labour Relations Act, 1995* (the “Act”) to Magino Lodge Site located fourteen km from Magino Gold Mine at which the Employer’s employees, whom the Union sought to organize, resided – Magino Lodge owned by the mine owner and not by the Employer - Union asserted that Employer controlled access to the Magino Lodge – Employees lived at Magino Lodge for up to twenty consecutive days at a time - Employer asserted that it neither owned nor controlled access to the Lodge – Mine owner submitted that it controlled access to the Lodge – Since parties agreed that Employer did not own the Magino Lodge, the question for the Board to determine is whether it controlled access to it – – Board noted that remoteness was not a condition precedent to ordering a direction under s. 13 and that employees’ ability to leave the premises was not material - Employer’s control of access over the Magino Lodge limited to placing workers on a reservation list – No evidence of the Employer being consulted with respect to presence of anyone at Magino Lodge or that it was delegated the right to control access – Submitting list of employees to stay in Magino Lodge did not amount to control of access – Employer had no right to control access of those employees it placed on reservation list nor did it have the ability to override any decision made at Magino Lodge gate or during the currency of an individual’s residence – Employer did not control access to Magino Lodge – Application dismissed

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 793 RE: **ARGONAUT GOLD INCORPORATED** and SIGFUSSON NORTHERN LIMITED v COMPASS GROUP CANADA; OLRB Case No. 2715-22-M; Dated October 30, 2023; Panel: Derek L. Rogers

**Construction Industry - Grievance – Subcontracting** – Union alleged that RC violated no-subcontracting clause in collective agreement – RC owned and managed a retail mall, in which JRP was a retail store tenant – T was contracted by JRP to perform construction work on the premises leased by JRP – Previous mall owner had required its tenants to have construction work on mall property performed by union members, but RC removed this requirement from its lease agreements – Union had originally asserted that RC had violated

collective agreement by engaging T to perform construction work, but then subsequently alleged that the violation resulted from RC contracting with JRP to perform construction work – Union argued that lease agreement constituted subcontracting to JRP – RC argued that the Union was seeking to improperly expand the scope of its grievance – RC had not been involved in selecting T, nor had it directed the construction work completed by T – There was no evidence that the construction work would provide a benefit to RC– RC provided a tenant allowance to JRP merely as an incentive for it to enter into a long-term lease agreement – Board held that there was no breach of the collective agreement regardless of whether the allegation involved a contract, or other engagement, with either T or JRP – For the Board to hold that the subcontracting provisions had been breached, RC would have had to have exercised control over the construction work – The term “engagement” in the agreement suggests a direct relationship between employer and contractor or subcontractor – RC as landlord, simply approved JRP’s choice of contractor via the lease agreement – Negotiation of terms on which a tenant may perform construction work on leased property is not equivalent to engaging a contractor to perform construction work – Grievance dismissed

LABOURERS’ INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 506, RE: **RIOCAN HOLDINGS INC.**, RIOCAN MANAGEMENT INC. and RIOCAN REAL ESTATE INVESTMENT TRUST; OLRB Case No. 3547-19-G; Dated November 10, 2023; Panel: Caroline Rowan

**Judicial review – Construction Industry – Certification** - Union applied for certification for construction bargaining unit, as well as an industrial bargaining unit, in respect of A, a division of R - R took the position that a “divisional” bargaining unit was not appropriate, and that the appropriate bargaining unit consisted of all of R’s employees, not just A’s employees – A was one of many divisions purchased by R, some of which were already unionized, such that there were existing bargaining units consisting only of the employees of a division of R – Board found that division-based bargaining unit was appropriate in the circumstances – On judicial review, R argued that there was a presumption against a division-based bargaining unit, which the Board had ignored – R also argued that Board’s assessment that the bargaining unit would not cause “serious labour relations harm” was unreasonable – Court noted fundamental role of Board in determining an appropriate bargaining unit – Court found that there was no presumption against a division-based bargaining unit – Court concluded that R’s argument concerning labour relations harm was an invitation to the Court to re-weigh the evidence, which the Court would not do – Application dismissed

# Key Decisions April 1, 2023 – March 31, 2024 (continued)

**RT HVAC HOLDINGS INC.**, RE: UNITED ASSOCIATION OF JOURNEYMEN AND APPRENTICES OF THE PLUMBING AND PIPEFITTING INDUSTRY OF THE UNITED STATES AND CANADA, LOCAL 787 AND THE ONTARIO LABOUR RELATIONS BOARD; Divisional Court File No. 131/23; Dated November 22, 2023; Panel: Sachs, E. Stewart and Tzimas JJ

**Occupational Health and Safety – Reprisal** –Application alleging reprisal contrary to the *Occupational Health and Safety Act* (the “Act”) – Applicant made harassment complaint against former manager – Applicant was provided with layoff notice within a week of commencement of investigation – Board reviewed elements of reprisal under the Act: that the employee engaged in protected activity, suffered an adverse consequence, and there was a causal connection between the two – Onus was on employer to satisfy Board that, on the balance of probabilities, the employee’s exercise of rights under the Act played no part in the decision –Employer claimed that layoff occurred in normal course of business/restructuring – While evidence indicated that applicant’s role with the employer would end, no efforts were made to assess applicant’s skills and re-assign, even though this process was initially promised to the applicant – At time of layoff, applicant had been identified as critical to restructuring and stood to earn a substantial bonus if she remained until the restructuring was complete - Applicant’s co-worker was offered extension of layoff rather than termination and there was no satisfactory evidence explaining this discrepancy – Only material change in circumstances was the harassment complaint – Board concluded that the layoff and termination were reprisal under s. 50 of the Act – Application allowed.

RANDI LIBMAN, RE: **IA CLARINGTON INVESTMENTS INC.**; OLRB Case No. 19722-UR; Dated December 29, 2023; Panel: Brian Smeenck

**Displacement application for certification filed under the *Labour Relations Act, 1995*** – Dispute arose concerning voting eligibility of employees on layoff or leave for over two years – Incumbent Union and Employer argued that anyone on the recall list who voted should be entitled to have their vote counted – Applicant Union argued that only those working at least one shift per week for seven out of the 13 weeks before the date of the application ought to be eligible to vote – Board reviewed history of its approach to voter eligibility - Board discussed its previous use of the “30/30 rule” and concluded that a modified 30/30 rule was appropriate in this case – Voting eligibility was confined to those who worked on the application filing date as well as those who worked at least once in the thirty days before

and who had a reasonable expectation of working at least once in the thirty days after the application filing date – Modified 30/30 rule encapsulates the policy that decision-making on unionization should be made by employees working in the period surrounding the application date – Including employees on indefinite layoff or away from the workplace for long periods of time does not serve the interests of workplace democracy – Active and current employees should be making decision around unionization and doing otherwise undermine the ability to organize – In the circumstances of this case, however, there was no way to determine who had a reasonable expectation of working at least once in the thirty days after the application filing date, so voters who worked at least once in the thirty days before and in the thirty days after the application filing date would be eligible - Parties were directed to proceed in agreeing on and counting votes of eligible voters who meet this criteria – Matter continues

TORONTO HOSPITALITY EMPLOYEES UNION – CSN (THEU-CSN), RE: **FAIRMONT ROYAL YORK**; OLRB Case No. 0186-22-R; Dated February 2, 2024; Panel: C. Michael Mitchell

**Sale of Business – Related Employer - Certification** - NOWU filed an application under sections 1(4) and 69 of the *Labour Relations Act, 1995* asserting that HRH and HM were a single employer, or that a sale of business had occurred from HRH to HM – SEIU later filed certification application seeking to certify a bargaining unit of employees at HM – HRH, HM and SEIU moved to dismiss the s. 1(4)/69 application without a hearing for failing to set out a *prima facie* case for remedies sought – Board found that the s. 1(4)/69 application as originally pled and new facts later asserted did not contain any pleadings of material fact which set out a *prima facie* case for remedies sought – NOWU sought to file additional facts after SEIU certification application was filed - Board refused to grant leave to NOWU to amend its application to include new facts not in existence at the time of its application – Granting leave would cause real and substantial prejudice to SEIU in the certification application – NOWU was instead permitted to file a fresh application and any such application will be considered in light of the outcome of the certification application – Sale of business/related employer application dismissed – Board directed ballots to be counted in the certification application.

NATIONAL ORGANIZED WORKERS UNION, RE: HUMBER RIVER HOSPITAL, HUMBER RIVER HOSPITAL CORPORATION AND **HUMBER MEADOWS LONG-TERM CARE HOME**; OLRB Case Nos. 0090-23-R and 1165-23-R; Dated February 27, 2024; Panel: Timothy P. Liznick (23 pages)



# Financial Position

The Board’s annual operating budget is part of the Ministry’s estimates and allocation process and the Board is required to report regularly on its expenditures and planned commitments. The Deputy Minister 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.

Salary and wage expenditures were comparable to the prior fiscal due to strategic recruitment initiatives and non-material changes to full-time Vice-Chair salaries. Transportation expenditures continued to result in a significant savings due to lower travel costs as a result of increased electronic voting processes and mediation services. Throughout the fiscal year, services expenses were higher than the prior fiscal due to higher part time per diem costs and the procurement of hearing room audio equipment.. The total remuneration for all OIC appointees was \$3,321,264 which represents an increase of \$150,715 due to the use part-time per diem OICs.

Account	FY 2023-24				Variance	% Variance
	Expenditure Estimates	In-year Board Approvals	Year-end Budget	Year-end Actuals		
Salaries & Wages	8,762.0	165.0	8,927.0	8,420.4	506.6	5.7%
Benefits	1,075.50	50.0	1,125.5	1,116.8	8.7	0.8%
ODOE:						
Transportation & Communication	419.5	35.0	454.5	123.3	331.2	72.9%
Services (Including Lease)	2,368.4		2,368.4	3,001.2	(632.8)	-26.7%
Supplies & Equipment	82.2		82.2	189.2	(107.0)	-130.2%
Total ODOE	2,870.1	35.0	2,905.1	3,313.7	(408.6)	-14.1%
Grand Total	12,707.6	250.0	12,957.6	12,850.9	106.7	0.8%

Figure 35

Non-Tax Revenue	2023-24 Revenue
Construction Grievance	563.6
Publications	
Subscriptions	2.4
TOTAL	566.0

Figure 36

# Appendix A

Overall, the Board has varying degrees of jurisdiction assigned to it under the following statutes:

- *Ambulance Services Collective Bargaining Act, 2001*, S.O. 2001, c.10
- *Building Opportunities in the Skilled Trades Act, 2021*, S.O. 2021, c. 28
- *Colleges Collective Bargaining Act, 2008* S.O. 1990. c.5
- *Crown Employees Collective Bargaining Act, 1993*, S.O. 1993, c.38
- *Education Act*, R.S.O. 1990, c.E.2
- *Employment Protection for Foreign Nationals Act, 2009*, S.O. 2009, c.32
- *Employment Standards Act, 2000*, S.O. 2000, c.41
- *Environmental Bill of Rights, 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
  - *Fisheries Act*, R.S.C. 1985, c.F-14
  - *Nutrient Management Act, 2002*, S.O. 2002, c. 4
  - *Ontario Water Resources Act, R.S.O. 1990*, c.O.40
  - *Pesticides Act, R.S.O. 1990*, c.P.11
  - *Safe Drinking Water Act, 2002*, S.O. 2002, c.32
  - *Toxics Reduction Act, 2009*, S.O. 2009, c.19
- *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4
- *Fixing Long-Term Care Act, 2021*, S.O. 2021, c. 39, Sched. 1
- *Government Contract Wages Act, 2018*, S.O., c.92
- *Hospital Labour Disputes Arbitration Act, R.S.O. 1990*, c.H.14
- *Labour Relations Act, 1995*, S.O. 1995, c.1
- *Local Health System Integration Act, 2006*, S.O. 2006, c.4
- *Occupational Health and Safety Act, R.S.O. 1990*, c.O.1
- *Ontario Provincial Police Collective Bargaining Act, 2006*, S.O. 2006, c.35, Sch. B
- *Protecting Child Performers Act, 2015*, S.O. 2015, c.2
- *Public Inquiries Act, 2009*, S.O. 2009, c. 33, Sch. 6
- *Public Sector Dispute Resolution Act, 1997*, S.O. 1997, c.21, Schedule A
- *Public Sector Labour Relations Transition Act, 1997*, S.O. 1997, c. 21, Schedule B
- *Public Service of Ontario Act, 2006*, S.O. 2006, c.35, Schedule A
- *Retirement Homes Act, 2010*, S.O. 2010, c.11
- *School Boards Collective Bargaining Act, 2014*, S.O. 2014, c.5
- *Smoke-Free Ontario Act, S.O. 2017*, c. 26 Sched. 3
- *Tribunal Adjudicative Records Act 2019*, S.O. 2019, c. 7, Sched. 60

# Appendix B – Order in Council Appointments – Full-Time

The Board’s adjudicators (the Chair, Alternate Chair, Vice- Chairs and Board Members) are all appointed by the Lieutenant Governor in Council as Order in Council appointments (OICs), for a fixed term. The following is a chart of OICs working in 2023/2024, their appointment terms and remuneration paid in 2023/2024.

Annual remuneration for full-time appointees to the Board is set by a Directive issued by Management Board of Cabinet. The maximum annual salary varies on whether the term of appointment is a first, second or third term. The remuneration actually paid to an individual appointee may be less than the maximum set by the Management Board Directive due to individual circumstances such as a change in term of appointment during the year including resignation or retirement, sick leave, unpaid leave of absence or time spent by an appointee cross-appointed to another tribunal. Remuneration for part-time appointees to the Board is based on a per diem rate established by Management Board of Cabinet. As a result, annual remuneration set out in the chart above will vary according to work assigned to individual part-time appointees.

\*\* The Vice Chair and Members’ appointments ended in prior fiscal periods. Pursuant to subsection 110(7) of the Labour Relations Act, the Chair authorized the Vice Chair or Member to complete matters on which they were seized.

Name	First Appointed	Term of Appointment	Annual Renumeration
Chair			
O'Byrne, Brian	February 28, 2022	February 27, 2026	\$223,581.28
Alternate Chair			
Lawrence, Lindsay	November 3 2022	September 1, 2025	\$151,425.29
Full Time VCs			
Bandhu, Rishi	October 5, 2023	October 4, 2025	\$33,496.06
Debane, Genevieve	June 30, 2016	June 29, 2026	\$155,542.92
Doyle, Maureen	February 7, 2021	February 22, 2026	\$155,542.92
Giroux, Mireille	June 1, 2023	May 31, 2025	\$99,441.44
Keating, Neil	January 22, 2021	January 21, 2026	\$145,810.34
Kelly, Patrick M.	May 17, 1999	June 2, 2023	\$61,020.68
Kugler, Jesse	August 26, 2021	August 25, 2025	\$128,046.80
Lewis, John D.	March 11, 2009	March 10, 2027	\$155,542.92
Liznick, Tim	June 15, 2023	June 14, 2025	\$99,441.44
McCrory, Michael	August 29 2019	August 28, 2024	\$140,203.01
McFadden, Michael	November 5, 2014	November 4, 2024	\$155,542.92
McGilvery, Roslyn	September 9, 2013	October 30, 2025	\$155,542.92
Merchant, Maheen	August 31 2023	August 30, 2025	\$62,805.12
Mitchell, C. Michael	July 22, 2015	March 8, 2025	\$155,170.79
Morrison, Danna	February 17 2022	February 16, 2026	\$137,200.75
Ross, David M.	November 15, 2017	November 14, 2025	\$3,073.39
Ross, Peigi	August 29 2019	August 28, 2024	\$145,810.34
Rowan, Caroline	May 6, 1999	May 6, 2025	\$153,882.28
Slaughter, Jack J.	February 3, 2003	February 2, 2026	155,542.92
Waddingham, Kelly A.**	April 7, 2004	December 31, 2022	\$9,571.87

## Appendix B – Order in Council Appointments – Part-Time

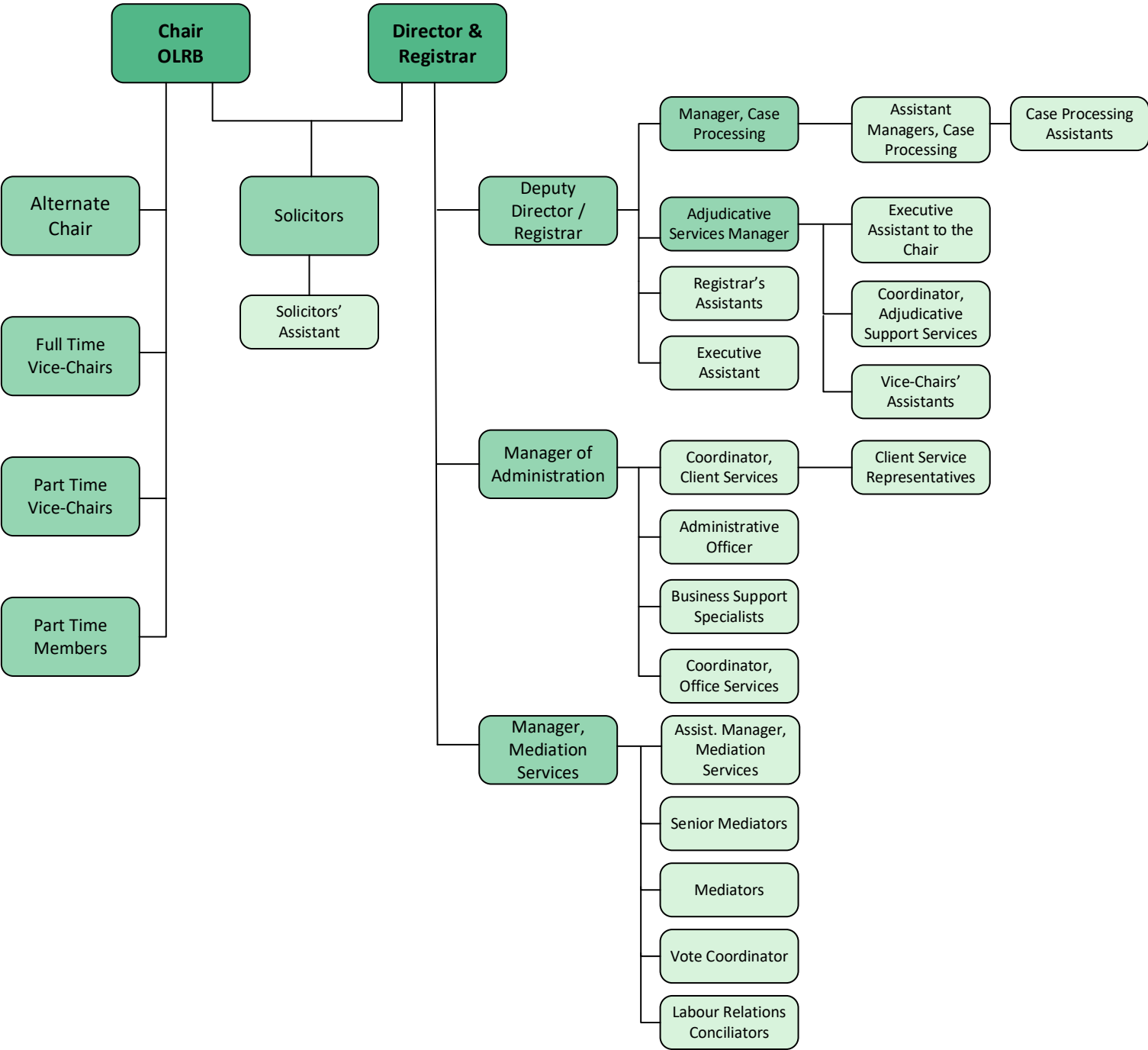
Name	First Appointed	Term of Appointment	Annual Renumeration
<b>Part Time VCs</b>			
Cavé, Johanne	March 7 2019	March 6, 2027	\$3,890.75
Hanson, Walter Jason	April 13, 2023	April 12, 2025	\$33,918.58
Kaufman, Allan	April 6, 2023	April 5, 2025	\$21,152.88
Kelly, Patrick M.	May 17, 1999	July 26, 2025	\$35,583.13
Kitchen, Robert W.	May 30, 2012	July 8, 2027	\$59,149.29
Kuttner, Thomas	September 11, 2013	October 30, 2023	\$58,016.50
Martelli, John	May 20 2021	May 19, 2025	\$62,557.35
Mulroney, Brian	April 13, 2023	April 12, 2025	\$71,135.83
Rogers, Derek	August 28, 2013	October 30, 2025	\$56,415.92
Smeenk, Brian	May 20, 2021	May 19, 2025	\$70,575.25
Thompson, Scott	May 25, 2023	May 24, 2025	\$52,697.50
Young, Paul	April 13, 2023	April 12, 2025	\$59,912.68
<b>P/T Members (Employer)</b>			
Bolton, Lori	March 11, 2015	March 10, 2025	\$0.00
Cook, William S.	March 18, 2015	March 17, 2025	\$0.00
St. Louis, David	February 18, 2015	February 17, 2025	\$0.00
Taylor, Margaret	November 29, 2017	December 7, 2027	\$0.00
Zachar, Wayne	June 22, 2016	June 21, 2026	\$0.00
<b>P/T Members (Employee)</b>			
Dowding, John (Jack)	June 22, 2016	June 21, 2026	\$0.00
MacDonald, Brian	June 22, 2016	June 21, 2026	\$0.00
Nicholls, William	May 6, 2015	May 5, 2025	\$0.00
Nielsen, Heino	June 30, 2016	June 29, 2026	\$0.00

# Appendix C

## Organizational Chart

The OLRB’s operations and staff can be broadly divided into: Adjudication, Administration, Mediation Services and Legal Services.

The administrative, mediation and legal staff are public servants appointed under Part III of the *Public Service of Ontario Act, 2006*.



# Accountability Statement

The OLRB's Annual Report for the fiscal year ending March 31, 2024 was prepared under my direction for submission to the Minister of Labour, Immigration, Training and Skills Development in accordance with the Agencies and Appointments Directive as issued by Management Board of Cabinet.

The Public Accounts of Ontario are the annual financial statements that are prepared in accordance with the accounting principles for governments issued by the Public Sector Accounting Board (PSAB). 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, Immigration, Training and Skills Development'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. As an agency of the Ministry of Labour, Immigration, Training and Skills Development, the OLRB's Annual Report is subject to the minimum reporting requirements established in the Agencies and Appointments 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, 2023 to March 31, 2024.**

## **For More Information**

**Local: 416-326-7500**

**Toll-Free: 1-877-339-3335**

**Hearing Impaired (TTY): 416-212-7036**

**Hours of Operation: 8:30am - 5:00pm**

**Website: <https://www.olrb.gov.on.ca>**

**505 University Avenue, 2nd Floor**

**Toronto, Ontario**

**M5G 2P1**