



ONTARIO LABOUR RELATIONS BOARD

Brian O'Byrne
Chair

Business Plan

2025- 2028

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ONTARIO LABOUR RELATIONS BOARD

Business Plan 2025-2028

Executive Summary

The Ontario Labour Relations Board (the “Board”) continues to maintain its reputation for excellence and expertise. The Board works to improve service to the public by increasing access to administrative justice in the workplace community and to fulfill its statutory mandate in an even more timely and expeditious manner. To this end, the Board takes a modern and innovative approach to access to justice which currently includes electronic filing including e-payments, electronic voting, video hearings and mediations where applicable, electronic sharing of documents at in-person hearings, remote attendance of witnesses or parties at in-person hearings and a modernized website. Protocols, policies and updates are provided to the community and to all Board staff and adjudicators.

The Board considers that having in-person hearings as a primary mode of hearing is important for a number of reasons including access to justice, the particular context and mandate of a labour relations board, the relationships it fosters, and its institutional needs. In the spring of 2023, in-person hearings and mediations resumed for new matters. Video hearings would remain the presumptive method of proceeding in certain matters such as Case Management Hearings, where the workplace is located 200 km or more from the Board and as directed by the Board such as for preliminary objections. The Board expects to continue to maintain a presumption in favour of in-person hearings and mediations, subject to changing circumstances. Requests to change the mode of hearing will be considered on consent and/or with a clear and compelling rationale. The parties are required to address the basis for the request including a number of factors which are set out in the Notice to the Community. The Board’s Notice was updated in April 2024.

Where there is significant public interest in attending a video hearing, the Board will continue to offer a channel created to live-stream a video hearing where appropriate. Members of the public may attend other video hearings upon request. An access terminal to allow those without access to technology to participate in a Zoom hearing or mediation remains available to increase accessibility for the public. Power BI is now available to the Board and provides interactive business intelligence

capabilities with access to detailed data in real time. It may be used to enhance planning and reports on performance. The Board continues to migrate data as part of a multi-year project to upgrade internal metrics, KPIs and various reporting dashboards. As a result of the technological improvements outlined above as well as additional measures adopted, the Board will ensure continued access to administrative justice.

The Board continues to expand its case management practices including: expedited hearings on a variety of files, such as certification and termination of bargaining rights applications in the construction industry, and first contract and unlawful strike/lockout applications. In addition, consultations are used for various *Occupational Health and Safety Act (OHSA)* complaints and expedited case management is used in *School Boards Collective Bargaining Act, 2014* and *Crown Employees Collective Bargaining Act* cases.

Additional statutory responsibilities continue to be added to the Board's jurisdiction. The enforcement mechanisms regarding the licencing of temporary help agencies and recruiters (which were added to the *Employment Standards Act* by the *Working for Workers Act, 2021*) became effective in 2024. These provisions give the Board jurisdiction to hear applications for review where a license is refused. The *Digital Platform Workers' Rights Act, 2022*, proclaimed to be in force effective July 1, 2025, establishes a set of rights for digital platform workers and complaint mechanisms comparable to those under the *Employment Standards Act*, and gives the Board jurisdiction to review the orders of compliance officers made under the *DPWRA*. These additional responsibilities cover new subject matter not currently adjudicated by the Board, and will require additional resources, processes and forms prior to the Board hearing applications. The four *Working for Workers Acts* introduced since late 2023 (the last of which has been passed but is not yet in effect) add further rights and obligations to the *Employment Standards Act* and the *Occupational Health and Safety Act* which may be the subject of an application for review or an appeal to the Board. Additional statutory responsibilities could be added to the Board's jurisdiction in the event of new legislation or under new regulations. The Board's caseload may be expected to increase in future years due in part to its additional jurisdiction. The Board is preparing processes, administration, and resources to manage these new jurisdictions to ensure a smooth transition when the legislation comes into effect.

The tri-annual construction open period will occur again in 2025 and bring an increase in certification and termination of bargaining rights applications and related cases, votes, hearings, decisions and mediations commencing in March and April 2025.

The Board may also see an increasing number of files related to the “gig” economy involving major companies and potentially affecting thousands of employees. These files may arise from the *Digital Platform Workers’ Rights Act, 2022* or under existing labour and employment legislation.

As the mechanisms regarding the licencing of temporary help agencies and recruiters (which were added to the *Employment Standards Act* by the *Working for Workers Act, 2021*) became effective in 2024, the Board expects to hear a number of applications challenging the denial of licenses.

Current staffing restrictions within the OPS continue to present significant challenges in recruitment and retention, particularly for designated positions. New and increasing demands on the Board, including requests under the *Tribunal Adjudicative Records Act, 2019* (“TARA”) and the added jurisdiction referred to above, continue to put pressure on the Board’s resources. Requestors under TARA have included parties to a case, media, other organizations, lawyers and members of the public. They seek active files currently being heard by a Vice-Chair, files which have been adjourned and older closed files. Many of these files are complex and may contain hundreds of pages, if not boxes of documents, which must be reviewed by the Board’s Solicitor or a Vice-Chair. The Board will continue to monitor and review its staffing levels and resource allocation where possible and revise internal processes and policies where required.

Interesting and developmental internal employee engagement events, including anti-racism topics, will continue.

Mandate and Statutory Authority

Mandate: To provide excellence in administrative justice through the effective resolution of labour and employment disputes.

The Board was established by section 2 of the *Labour Relations Act, 1948* and is continued by subsection 110(1) of the *Labour Relations Act, 1995* S.O. 1995, c. 1, (“LRA”) as amended. The Board is an adjudicative agency of the Government of Ontario and its staff are appointed under the *Public Service Act of Ontario, 2006*, S.O. 2006. The Board has original jurisdiction under the LRA but also appellate jurisdiction under the *Employment Standards Act, 2000*, S.O. 2000, c. 41 (under which additional responsibilities for review by the Board are still pending) and original and appellate jurisdiction under the *Occupational Health and Safety Act* R.S.O. 1990, c. O.1. It also has jurisdiction over complaints under a myriad of other statutes (currently the Board has jurisdiction under 25 statutes). The Board also has jurisdiction to deal with various issues arising under numerous other statutes including the *School Boards Collective Bargaining Act, 2014* S.O. 2014, c. 5 with respect to both local and central bargaining regarding teachers and other education-related workers, the *Colleges Collective Bargaining Act* 2008, S.O. 1990 c. 5, *Crown Employees Collective Bargaining Act, 1993*, S.O. 1993, c. 38, *Ambulance Services Collective Bargaining Act, 2001*, S.O. 2001, c.10, *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H. 14, the *Public Sector Labour Relations Transition Act, 1997*, S.O. 1997, c. 21, Schedule B, the *Building Opportunities in the Skilled Trades Act, 2021*, and *Digital Platform Workers’ Rights Act, 2022*.

The Board is an independent adjudicative tribunal issuing decisions based upon the evidence presented and submissions made to it by the parties, as well as its interpretation of the relevant legislation and jurisprudence. It plays a fundamental role in the labour relations regime in Ontario. By dealing with matters before it as expeditiously and as fairly as possible, the Board provides effective delivery of neutral dispute resolution and adjudicative services, thereby encouraging harmonious relations among employers, employees and trade unions and the just treatment of individual employees. This, in turn, maintains the stability of labour relations in the Province by ensuring that economic activity is not disrupted by labour disputes and providing for the expeditious resolution and/or adjudication of such disputes whether they be strikes or lockouts, construction industry grievances or the acquisition or termination of bargaining rights. Often, the Crown itself is a litigant before the Board.

The acceptance of (and therefore compliance with) the Board's decisions plays a crucial role in all of the above. Stakeholders, including the Crown, expect qualified senior experienced adjudicators to hear the most important/urgent cases, as does the public, when the resolution of issues can have a significant impact on great numbers of Ontario's citizens and businesses such as transit, education or other public sector strikes, construction industry disputes, and health and safety appeals in all sectors including police forces, schools, hospitals and correctional institutions.

By law, the Board is required to schedule certain cases very quickly, such as construction industry grievances and first contract arbitrations. Other urgent cases such as applications regarding unlawful strikes/lockouts are normally scheduled within a day or two, and interim order applications may be scheduled within four to six days. Certification and termination votes are normally conducted within five days of application as the statute requires, unless the Board orders otherwise. To fulfil its mandate under the *School Boards Collective Bargaining Act* and to facilitate teacher bargaining in the Province, the Board hears and resolves cases such as whether an issue is to be bargained provincially or locally within weeks. Under the *Crown Employees Collective Bargaining Act* (CECBA), the Board is required to mediate and hear essential service agreement disputes. The Board anticipates it may receive numerous applications under CECBA in the coming year which will require expedited response times and Board resources. (It is noteworthy that the Board's administrative staff are also covered by CECBA). The construction open period under the *LRA* which occurs every three years, commences in March 2025. This period regularly results in a surge of new applications to the Board. They are scheduled as expeditiously as possible with deadlines for filing and submissions.

Overview of Programs and Key Activities

The OLRB can be described as engaging in two key activities: Mediation and Adjudication, primarily, although not exclusively, in the areas of labour relations, employment standards and occupational health and safety. These two core functions are the foundation for the Board's vision of maintaining a reputation for adjudicative and dispute resolution excellence. The Board engages in these activities as it fulfills its mandate under three key statutes, as well as over twenty-five others within its mandate. The Board hears and resolves applications for the certification of trade unions, termination of bargaining rights, school board collective bargaining disputes, unfair labour practice complaints, unlawful strikes and lockouts, construction grievance referrals, essential services agreements under the *Crown Employees Collective Bargaining Act*, sale of business/related employer applications, certain broader public sector restructuring actions which lead to bargaining unit and union representation issues, and employer reprisal complaints, among others. As well, the Board settles and adjudicates appeals from decisions of Employment Standards Officers and Occupational Health and Safety Inspectors. Additional jurisdiction has been given to the Board under the *Building Opportunities in the Skilled Trades Act*, and amendments to the *Employment Standards Act* with respect to the licensing of temporary help agencies and recruiters. The *Digital Platform Workers' Rights Act, 2022* also adds to the Board's responsibilities.

Adjudication – Vice-Chairs are experienced lawyers appointed to the Board who draw upon specialized expertise in labour and employment law issues in hearing and determining the cases before them. The Board is quasi-judicial in nature and must conduct hearings consistent with the principles of natural justice and procedural fairness. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic. Board Members from employer and union constituencies may be appointed to sit on certain cases as part of the tripartite system.

The Board has exclusive jurisdiction to exercise the powers conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal, and privative or finality clauses in the *Labour Relations Act* and other legislation are intended to limit the scope of judicial review. The Board is also entitled to determine its own practices and procedures, to make rules and to deal with issues on many case types in a consultative manner rather than a traditional hearing.

Mediation – The Board is considered expert in the area of alternative dispute resolution. Mediators at the Board are responsible for mediating most cases coming to the Board. In addition to settling cases, Mediators assist parties in identifying

issues and streamlining cases in order to avoid unnecessary litigation and expedite those issues that must be litigated.

Provision of Administrative Services - The OLRB provides services to the Pay Equity Hearings Tribunal (“PEHT”) and the Education Relations Commission (“ERC”). Services provided by the Board include administration and support staff, budgeting and scheduling expertise, human resources, legal services, library and information technology services and client services. The benefits of these arrangements include an efficient use of resources, consistency of process and outcome and the ability to maintain and monitor quality control practices. These objectives are accomplished while also safeguarding the particular and unique expertise of each agency or tribunal.

Education Relations Commission: The role of the ERC is to determine when, in its opinion, students’ course of study is in jeopardy due to a strike or lock-out occurring at a school or schools and to advise the government accordingly. The OLRB provides administrative support to the ERC. Presently, there are two part-time appointments to the ERC: the Presiding Officer of the Pay Equity Hearings Tribunal is appointed as a Vice-Chair/ Member and a Vice-Chair of the Board is appointed as a Member. The ERC Chair and Member positions are currently vacant. In 2015, for the first time in over a decade, the ERC was asked by the Minister of Education to advise the government of its opinion as to whether students’ course of study was in jeopardy due to the continuation of strikes at several school boards. Following consultation with stakeholders, the ERC issued an advisement to the Minister. The ERC has not been called upon to issue an advisement since 2015.

Pay Equity Hearings Tribunal: The *Pay Equity Act* established the PEHT to hear and decide pay equity disputes. The Tribunal has exclusive jurisdiction to determine all questions of fact or law that arise before it and decisions of the Tribunal are final and conclusive for all purposes. Currently, an OLRB Vice-Chair (part-time) is the PEHT Alternate and Deputy Presiding Officer and an OLRB Member (part-time) is a Member.

Service Delivery

The Board continues to work to improve service delivery to the public. Electronic filing for forms, submissions, attachments, and electronic fee payments for construction industry grievances and related hearings provide access to the public and its

stakeholders. The Board's website is modernized to provide greater access to its services and information to the public. Over 90 Board forms, as well as Notices, Information Bulletins, Guides and Rules of Procedure in English and French are available for public use. Legislative and other changes will often result in requirements to revise and create new electronic forms which are hosted by Ontario Shared Services and the Board is charged for all changes and all new forms. An access terminal is available at the Board's offices for video hearings and mediations for parties who do not have access to a computer. The Board will continue to update legal resources to which it refers the public to better meet their diverse needs.

The Board considers that having in-person hearings as a primary mode of hearing is important for several reasons including access to justice, the particular context and mandate of a labour relations board, the relationships it fosters, and its institutional needs. In November, 2022, following consultation with stakeholders, the Board notified its community and the public that effective April 2023, all new matters would be scheduled for in-person hearings and mediations. Video hearings would remain the presumptive method of proceeding in certain matters such as Case Management Hearings, where the workplace is located 200 km or more from the Board and as directed by the Board such as for preliminary objections. It expects to continue to maintain a presumption in favour of in-person hearings and mediations, subject to changing circumstances. Requests to change the mode of hearing will be considered on consent and/or with a clear and compelling rationale. The parties are required to address the basis for the request including a number of factors which are set out in the Notice to the Community. The Board's Notice was updated in April 2024.

Board staff continue to work in the office, in accordance with the OPS Safe Return to the Workplace Directive, through a hybrid model of a minimum of three days in office and two days working remotely. The Ontario Labour Relations Board will ensure it is aligned with OPS directives and guidelines on in-office attendance.

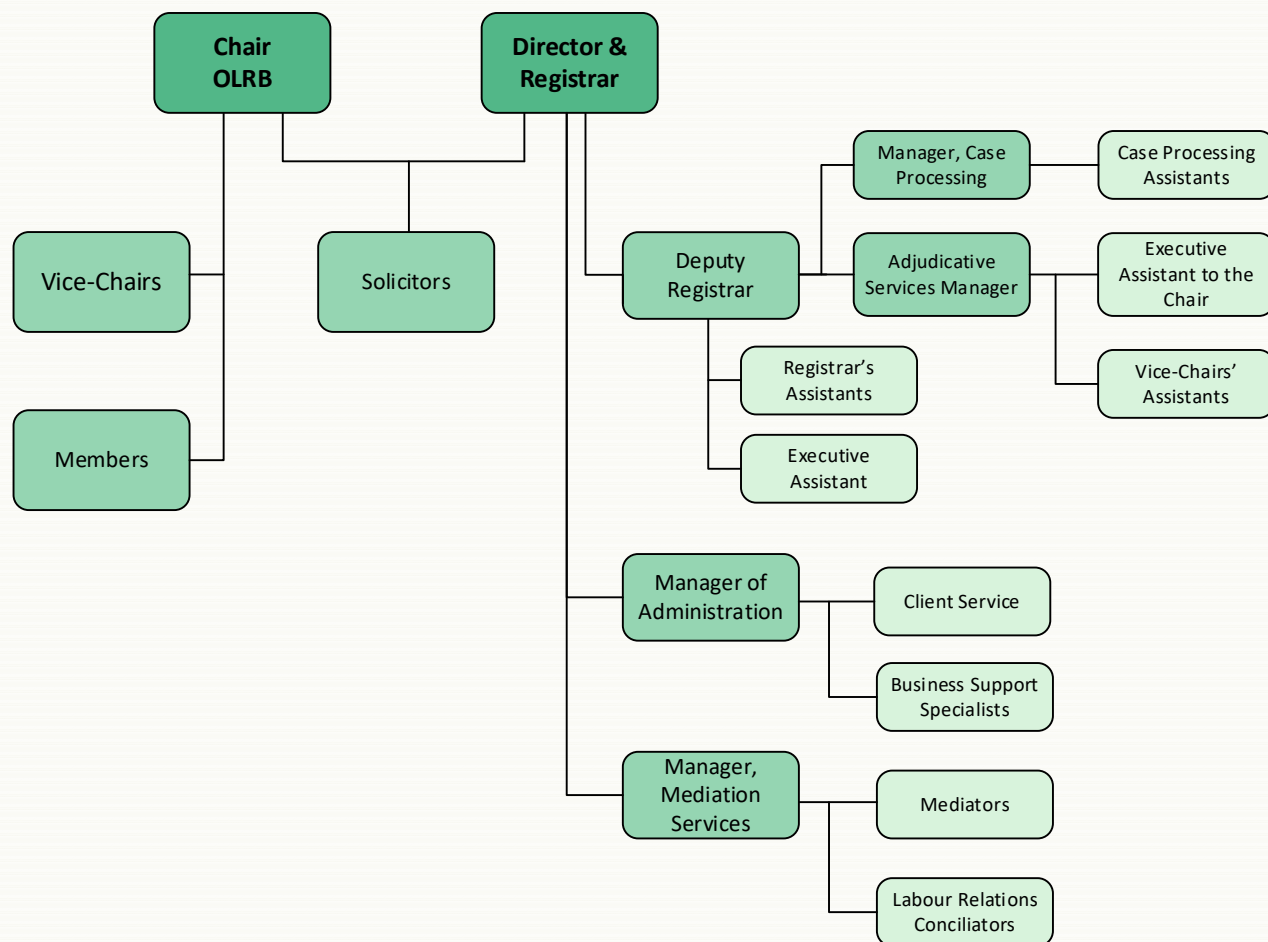
A hearing room modernization project has allowed for the return to in-person hearings and at the same time, for the Board to continue to employ digital enhancements such as the electronic display of documents and exhibits at in-person hearings. A new audio system has been added to every hearing room which has capabilities for the hearing impaired without the need for special equipment. Hearing rooms are equipped to allow for hybrid hearings which permit a party or witness to attend an in-person hearing by video. The Board will continue to explore suitable upgrades.

Where there is significant public interest in attending a video hearing, the Board will continue to offer a channel to live-stream a video hearing as warranted thus avoiding disruptions to video hearings while still allowing for public hearings. Members of the public may also attend other video hearings upon request. The Board will continue to modernize its services and maintain recent digital improvements.

The Board holds votes of employees in certification and termination of bargaining rights cases, final offer cases as well as *Public Sector Labour Relations Transition Act* applications and strike votes under the *Colleges Collective Bargaining Act*. The Board now holds electronic votes in most cases, allowing employees to vote via phone or online as a means to provide greater accessibility, flexibility and to save travel costs for Board staff who travel province-wide to conduct in-person votes on short notice. The Board's mediation staff are trained to run the Help Desk provided for e-voters in most cases, where staffing allows. It is expected that electronic voting will continue to be used in most cases although in-person voting will still be used on occasion, where appropriate. Information on electronic voting will be updated to provide more detail for the public's assistance. The Board has begun a project to self-manage electronic votes where possible which may result in cost-savings to the Board. It is currently engaged in training staff, creating related processes and updating a voting manual.

An electronic case management system supports the Board in its aim to deliver timely, cost-effective mediation and adjudication to parties. The Board will continue to rely on its case management system and electronic files. The system is over 10 years old, and the Board continues to look for ways to improve upon the system where required, both for efficiency in delivery of services as well as to enhance the Board's ability to measure performance. The Board is able to use Power BI which provides interactive business intelligence capabilities and may be used to enhance the Board's ability to retrieve data, improve planning and report on its performance.

Ontario Labour Relations Board - Organizational Chart



OLRB Environmental Scan

External Scan:

Client and stakeholder expectations for quicker, less expensive and less onerous forms of dispute resolution and adjudication are a constant pressure on the OLRB. The Board's case management system includes an experienced and flexible roster of adjudicators who, where appropriate, can use a range of options to address cases, including consultations rather than formal hearings, case management, adjudicator-led mediation or by making determinations and directions to eliminate issues with the expectation that hearings will move along more expeditiously as a result.

The Board consults with the community about innovative ways of dealing with files to ensure more efficient processing of cases and therefore fewer hearing dates lost to the consideration of preliminary, procedural or production issues. It will continue using an expedited process for certification applications in the construction industry which includes increased obligations on the parties to identify issues and deliver detailed submissions and a Vice-Chair review of the file prior to a case management hearing. It is to be noted that these processes result in more time spent by Vice-Chairs in the early stages of a case. However, the hearings are ultimately concluded in a shorter period of time. The Board will also continue to engage Mediators in the early stages of construction jurisdictional disputes in an effort to reduce hearing times. Expedited mediations and hearings of specified cases will continue for discharges, interim orders, unlawful strikes or lockouts and urgent matters where appropriate. Case management methods for employment standards appeals and construction industry grievances which constitute a significant amount of the Board's caseload are employed where appropriate.

The Board considers that having in-person hearings as a primary mode of hearing is important for a number of reasons including access to justice, the particular context and mandate of a labour relations board, the relationships it fosters, and the Board's institutional needs. In early 2023, following consultation with stakeholders, the Board gradually resumed in-person hearings and mediations, while continuing to hear and mediate certain cases by video. The Board will continue to modernize its services and maintain recent digital improvements, where appropriate.

The Board expects that electronic voting will continue to be used in most cases although in-person voting will still be used on occasion, where appropriate. The Board intends to update its policy to provide more detailed information on electronic voting for the assistance of the public.

The increasing need to address and meet the diverse needs of client groups and to deliver accessible services across all channels will continue to be a pressure and a priority for the Board. Processes have been put in place to streamline interpretation for video hearings (American Sign Language, French language). The Board will continue to modernize its website to improve accessibility where applicable. The Board continues to provide ongoing training on service delivery for the front desk customer service representatives to ensure that staff are aware of the Board's changing jurisdiction and that customer service referrals and information are up to date and inclusive.

Electronic filing is available for the Board's stakeholders and updates are made as required. The costs involved in engaging in IT transformation, including changes to its electronic forms, have shown to be substantial in the past and will continue to be a pressure for the Board as such costs are funded from within the Board's budget.

The Board will continue to use a channel by which it can live-stream video hearings where warranted, for example, by the media and public interest in a case. An "access terminal" to allow access to video hearings is available at the Board's premises for those who do not have the necessary equipment available to them. The Board continues to explore and adopt new technologies to meet the changing needs of its clients. To this end, the hearing rooms now allow for:

- the ability to share documents electronically at in-person hearings without reliance on paper documents;
- "hybrid hearings" where a party or witness may appear by video at an in-person hearing; and
- an upgraded audio system to better meet accommodation requests.

Legislative changes to any one of the more than 20 statutes under the Board's jurisdiction or the addition of new jurisdiction for the Board must be responded to within required timelines. This may result in a pressure on the Board, both in terms of response time and effort in creating new processes, forms and Rules of Procedure as well as additional pressure on the Board's available resources including additional costs for changes to electronic forms which require engaging Ontario Shared Services.

A significant caseload of judicial review applications and related motions and appeals, many of which involve self-represented litigants, can be expected to continue. The caseload causes a noticeable pressure on the Board's resources due to the time-consuming and legal nature of the work which falls necessarily to the Board's solicitors.

Finally, the Board expects to continue to receive numerous requests under the *Tribunal Adjudicative Records Act, 2019* ("TARA"). Approximately 74 requests have been received to date in fiscal 2024/25 for access to and copies of Board files and documents contained within 103 Board files. This is the same number received in total in the previous year. The Board will continue to make revisions as may be required to its Access to Documents and Exhibits Policies in light of developing Board jurisprudence under *TARA* and the number of requests. Requestors have included parties to a case, media, lawyers, other organizations and members of the public. They seek active files currently being heard by a Vice-Chair, files which have been adjourned and older closed files. Many of these files are complex and may contain hundreds of pages, which must be reviewed by a Board Solicitor or a Vice-Chair. In some cases, the parties in a case are notified and submissions are directed in a decision and must then be reviewed.

Internal Scan:

The Board is responsible for mediation and adjudication under more than 20 statutes, including the *Labour Relations Act, 1995*, *Employment Standards Act*, *Occupational Health and Safety Act*, *Crown Employees Collective Bargaining Act*, *School Boards Collective Bargaining Act*, *Hospital Labour Disputes Arbitration Act*, *Public Sector Labour Relations Transition Act*, *Building Opportunities in the Skilled Trades Act*. The Board also provides administrative services to the Pay Equity Hearings Tribunal and the Education Relations Commission to which a number of its adjudicators are cross-appointed resulting in more complex administrative arrangements. Future legislative changes adding to the Board's jurisdiction may increase the Board's caseload without much warning. The increasing demands associated with the OLRB's own caseload, including judicial reviews, serious pressures caused by the ongoing difficulty in filling adjudicator positions, delays in appointments and frequent turnover among adjudicators, restrictions on hiring staff externally or permanently as a result of new approval requirements, and expenditure restrictions are all pressures on the Board's resources. It is to be noted that the requirement under *TARA* for access to adjudicative documents creates a pressure on the Board's resources due to the additional and time-consuming workload.

Additional resources may be required in the event of an increased volume of requests for public access to Board files and documents.

Vice-Chair salaries have not kept pace with comparable roles in the private sector or within other areas of government, creating challenges for recruitment and retention. Vice-Chairs are lawyers who the Board and, in particular, stakeholders expect to have practiced for a number of years in order to gain the necessary experience and expertise. Vice-Chair starting rates remain far below that which similarly experienced lawyers, or even very junior lawyers, can earn at law firms which appear before the Board as well as the Board's solicitors who are paid as Crown Counsel 3 and other OPS lawyers. The problem has been exacerbated with the termination, a number of years ago, of the historical alignment between Vice-Chair salaries and those of senior management. While salary increases for senior management have continued over the years, these are no longer provided/matched for Vice-Chairs. As a result, Vice-Chairs' salaries have remained unchanged for many years and the gap in salaries has increased resulting in significant disparity, all in a time of increasing inflation. Their salaries are also dramatically less than what Vice-Chairs could earn as private arbitrators and mediators which has resulted in increased pressure as Vice-Chairs leave the Board as experienced adjudicators and mediators to successfully pursue private careers at enhanced income levels. To date in the fiscal year 2024-2025, five full-time Vice-Chairs, or 23% of the Board's current appointments, have left and continue to work as private arbitrators. The Board currently has six vacant full-time Vice-Chair positions.

These problems are compounded by the Agency and Appointments Directive and the 10-year rule which may result in the loss of the expertise of senior Vice-Chairs and occurs in the context of the frequent turnover of Vice-Chairs who leave to practice private arbitration. The Government Directive continues to provide that appointees will not normally be appointed in excess of 10 years except in exceptional circumstances and recent changes require the Chair to demonstrate the failure of other recruiting methods before seeking an exemption to the 10-year rule. This requirement adds to the delay for re-appointments. The small number of current Vice-Chairs with tenure of over 10 years denotes the significant turnover and difficulty in appointing and retaining expert adjudicators.

The low salaries, delays in the processing of recommended appointments, unsuccessful recommendations for appointments from the Chair of the OLRB and job insecurity associated with the limits imposed on appointment terms, result in the loss of extremely valuable, senior OLRB adjudicators and makes it difficult for the OLRB to attract well-qualified replacements as part of its succession plan. The Board will continue to make applications for the re-appointment of its senior Vice-Chairs based on

exceptional circumstances. In the Board's view, the well-established pattern of turnover in Vice-Chairs, the specialized legal expertise and institutional knowledge required for appointment to an adjudicative agency recently recognized again by the courts as an expert tribunal, and the limited number of qualified candidates obviates the need for the application of the 10-year Rule to the Board or shorter terms. The Board cannot be expected to fulfill its statutory mandates, meet stakeholder expectations and provide adjudicative excellence without senior Vice-Chairs who have security of tenure.

There is a continued need for succession and recruitment activities to support a modern service organization that reflects Ontario's diversity and ensures that the Board is well positioned for the future. Training, development and engagement activities are priorities.

Innovation and the modernization of services will continue as a priority. The e-filing system allows for electronic submission of English and French forms, attachments and related fees and efficiencies in case processing. Since all electronic forms are now hosted by OSS on its electronic system and OSS charges the Board for all changes, any new forms or changes to existing forms required, for example, when the Board is given new jurisdiction, will result in pressure on the Board's resources.

A major overhaul of the Board's case management system will be required in future. This complex and detailed system was built over 10 years ago and a modernization project will be considered. This may involve creation of a new system, given the age of the current one and technological developments which have occurred since it was implemented. Significant costs have historically been incurred when developing case management systems. It is expected that any updates will result in significant pressures to the Board.

The Board has a modernized website which provides for greater accessibility. Board staff are able to live-stream video hearings, on a channel established for this purpose, where warranted by public and media interest. The Board also continues to review its internal processes and needs with a view to modernization and efficiencies. Hearing rooms now allow, for example, for the ability to conduct in-person hearings without reliance on paper documents. Hybrid hearings are now available to allow a party or witness to attend an in-person hearing by video. An upgraded audio system was implemented to meet accommodation requests. An "access terminal" is available to allow access to video hearings at the Board's premises for those who do not have the necessary equipment available to them. The Board updated its policy on in-person and video hearings in April 2024 and will continue to do so where warranted.

Out of necessity during the pandemic, the Board suspended its use of travel for votes, mediations and hearings. The Board was able to continue this work using electronic means such as video hearings and mediations and electronic votes which also resulted in a significant fiscal savings to the Board. The Board has continued to provide electronic voting in almost all cases, as well as video hearings for hearings and mediations where the workplace is more than 200 km from the Board's offices. However, should in-person events requiring travel take place on occasion, Board resources will be required. This is not anticipated to be a significant pressure on Board's resources. Mediation staff and labour relations conciliators (vote officers) provide services to voters through an OLRB Help Desk in most electronic votes, thereby reducing costs. Training of staff is expected to continue to allow the Board to self-manage more aspects of the e-voting process going forward. This will also likely result in savings to the Board. However, during the construction open period in 2025, the Board may require the services of the voting company to operate the Help Desk and manage more aspects of the e-voting process in the event of significant labour disputes and increased caseloads.

The Board supports the development and implementation of initiatives to increase management and employee awareness, understanding, respect and engagement with respect to enhancing and embracing diversity. The OLRB maintains an anti-racism working group that develops an action plan in consultation with the Ministry's Anti-Racism Team, and explores opportunities for learning and dialogue, engaging resources both in and outside the Ministry.

Fiscal strategies are reviewed quarterly and contingency offsets identified to safeguard statutory and program priorities and create savings. Corporate directives and policies are followed.

In accordance with the disclosure obligation under s.6.3 of the Responsible Use of AI Directive (December 1, 2024), the agency does not use artificial intelligence in the development or delivery of, or decision-making for any agency-specific policy, program, or service.

Performance Measures and Targets

The OLRB's goal is to provide efficient, fair, accessible and modernized services in all areas, including case processing, mediation, votes and adjudication, in a fiscally responsible manner. In addition to closely monitoring files and processes internally, it uses performance measures and targets to track and focus on outcomes. Performance measures and targets are revised or created where necessary in the event of legislative changes or changes to the Board's operations. Results are published in the Board's annual reports. Internal measures are also used internally to track case processing, caseloads, mediations and decisions to ensure improved performance. The Board now has Power BI which provides access to detailed data in real time. It is expected to assist in the extraction of additional data and enhanced reporting. The Board continues to migrate data at this time.

The following are the performance measures and targets for the 2025-2028 Business Plan:

1. Efficient Case Processing

- Files opened within two days after an application is filed in accordance with the Rules of Procedure. Target: 80%
- Board confirms filing of application to parties within four days of an application filed in accordance with the Rules of Procedure (except for ESA appeals). Target: 85%

2. Meets Legislated Timelines

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

3. Efficient Mediation

Mediation Assignment: Mediator assignments made within three days after an application is filed in accordance with the Board's Rules of Procedure. Target: 80%

Mediation: Percentage of Cases Resolved without a Final Hearing

- 80-85% of disputes settled without final litigation
- *LRA* cases 85%
- *ESA* cases (appeals) 75%
- *OHS*A (appeals) 80%
- *OHS*A (reprisal complaints) 80%

4. Fair and Reasonable Adjudication

Target: 80-90% of the Board's decisions are upheld on judicial review*

5. Fiscally Responsible

Target: less than 2% variance between year-end allocation and expenditure.

* In November 2022, the Ontario Court of Appeal restored decisions of the Board which had been overturned by Ontario's Divisional Court: *Turkiewicz (Tomasz Turkiewicz Custom Masonry Homes) v. Bricklayers, Masons Independent Union of Canada, Local 1*, 2022 ONCA 780 (CanLII); and *Enercare Home & Commercial Services Limited Partnership v. UNIFOR Local 975*, 2022 ONCA 779 (CanLII). In both decisions, the Court of Appeal concluded that the Divisional Court had erred in its application of the reasonableness standard of review and had not shown sufficient deference to the Board's expertise and experience. The revised target for success on judicial review reflects ongoing developments with respect to the judicial application of the reasonableness standard of review in light of the Supreme Court of Canada's decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 and the Court of Appeal's decisions in *Turkiewicz* and *Enercare*. Motions for leave to appeal the *Turkiewicz* and *Enercare* decisions to the Supreme Court of Canada were dismissed in July 2023.

Key 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, the Director of Legal (MLITSD), representatives from the Ontario Bar Association Labour & Employment Law Section and the OLRB Chair, Alternate Chair, Director/Registrar and Solicitors and acts as a resource to the Board for consultation/feedback. The Committee meets three times per year, and more often if necessary. Committee membership and minutes of meetings are posted on the Board's website.

Internship Programs: Collaborative external partnership programs with client labour and management 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: Community outreach by the Chair, Alternate Chair, Vice-Chairs, Solicitors, Director and/or Deputy Registrar 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. In the past, events have included those listed below but are subject to expenditure restrictions:

Representation at Labour Board conferences
Conference of Canadian 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
Canadian Institute of Administrative Justice
Law Society of Ontario

Various private continuing legal education providers
Various stakeholder conferences and meetings

The OLRB provides services in both official languages, including the publication of forms, information bulletins and website notices, 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.

Communications Plan

The OLRB will continue to communicate with its community through the Advisory Committee and through its regular publications including *HIGHLIGHTS*, Bi-monthly Reports, Annual Reports and Notices to the Community. The Board's modernized website allows for greater accessibility and communications. The Chair regularly meets with a large cross-section of the parties and counsel that regularly appear before the Board.

APPENDIX A – OLRB Multi-Year Preliminary Planning Base*

FY 2025-26 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equip.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Ontario Labour Relations Board	104.0	9,613.2	1,075.3	419.5	1,366.9	82.2	1,868.6		12,557.1		12,557.1
Mediation							-		-		-
Adjudication							-		-		-
Operations							-		-		-
Program Sub-total	104.0	9,613.2	1,075.3	419.5	1,366.9	82.2	1,868.6	-	12,557.1	-	12,557.1
IT Corporate Account OLRB							-		-		-
Lease					1,019.5		1,019.5		1,019.5		1,019.5
Grand Total	104.0	9,613.2	1,075.3	419.5	2,386.4	82.2	2,888.1	-	13,576.6	-	13,576.6

FY 2026-27 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equip.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Ontario Labour Relations Board	104.0	9,613.2	1,075.3	419.5	1,366.9	82.2	1,868.6		12,557.1		12,557.1
Mediation							-		-		-
Adjudication							-		-		-
Operations							-		-		-
Program Sub-total	104.0	9,613.2	1,075.3	419.5	1,366.9	82.2	1,868.6	-	12,557.1	-	12,557.1
IT Corporate Account OLRB							-		-		-
Lease					1,019.5		1,019.5		1,019.5		1,019.5
Grand Total	104.0	9,613.2	1,075.3	419.5	2,386.4	82.2	2,888.1	-	13,576.6	-	13,576.6

FY 2027-28 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equip.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Ontario Labour Relations Board	104.0	9,613.2	1,075.3	419.5	1,366.9	82.2	1,868.6		12,557.1		12,557.1
Mediation							-		-		-
Adjudication							-		-		-
Operations							-		-		-
Program Sub-total	104.0	9,613.2	1,075.3	419.5	1,366.9	82.2	1,868.6	-	12,557.1	-	12,557.1
IT Corporate Account OLRB							-		-		-
Lease					1,019.5		1,019.5		1,019.5		1,019.5
Grand Total	104.0	9,613.2	1,075.3	419.5	2,386.4	82.2	2,888.1	-	13,576.6	-	13,576.6

* Multi-year numbers are based on the approved 2025-26 SPP.

APPENDIX B – FTE PLAN: OLRB 2025-28

Compensation Group	Regular		Fixed Term		Total		Regular		Fixed Term		Total		Regular		Fixed Term		Total	
	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies
SMG / ITX					1.0	0.0					1.0	0.0					1.0	0.0
MCP					27.0	0.0					27.0	0.0					27.0	0.0
Excluded					0.0	0.0					0.0	0.0					0.0	0.0
OPSEU					43.0	0.0					43.0	0.0					43.0	0.0
AMAPCEO					8.0	0.0					8.0	0.0					8.0	0.0
PEGO					0.0	0.0					0.0	0.0					0.0	0.0
ALOC					0.0	0.0					0.0	0.0					0.0	0.0
OCAA (Excluded)					2.0	0.0					2.0	0.0					2.0	0.0
PSAT					0.0	0.0					0.0	0.0					0.0	0.0
AOPDPS					0.0	0.0					0.0	0.0					0.0	0.0
OPPA					0.0	0.0					0.0	0.0					0.0	0.0
Minister's Staff					0.0	0.0					0.0	0.0					0.0	0.0
OIC					23.0	0.0					23.0	0.0					23.0	0.0
To be Determined					0.0	0.0					0.0	0.0					0.0	0.0
Students					0.0	0.0					0.0	0.0					0.0	0.0
Total	0.0	0.0	0.0	0.0	104.0	0.0	0.0	0.0	0.0	0.0	104.0	0.0	0.0	0.0	0.0	0.0	104.0	0.0

TOTAL with Funded Vacancies

104.00

TOTAL with Funded Vacancies

104.00

TOTAL with Funded Vacancies

104.00

The total FTE count of 104 is representative of both full-time Order in Council (OIC) Appointees and OPS staff. Full-time OICs are included for budget planning purposes as S/W allocations include full-time OIC costs.