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**ONTARIO
LABOUR RELATIONS BOARD**

ANNUAL REPORT

**1990-91
1991-92**



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TABLE OF CONTENTS

	Letter of Transmittal	
	Chair's Message	1
I	Introduction	3
II	A History of The Act	4
III	Board Organization	10
IV	The Board	11
V	Board Publications	33
VI	Staff and Budget	34
VII	Court Activity 1990-1991	35
VIII	Court Activity 1991-1992	36
IX	Caseload 1990-1991	37
X	Caseload 1991-1992	49
XI	Statistical Tables 1990-1991	61
XII	Statistical Tables 1991-1992	87



Ontario
Labour Relations
Board

Commission
des relations
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September 15, 1992

The Honorable Bob MacKenzie
Minister of Labour
400 University Avenue
14th Floor
Toronto, Ontario
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Dear Minister:

It is my pleasure to provide to you the eleventh Annual Report of the Ontario Labour Relations Board, which covers both the period commencing April 1, 1990 to March 31, 1991, and the period commencing April 1, 1991 to March 31, 1992.

Sincerely,

M. G. Mitchnick
Chair

CHAIR'S MESSAGE

The past year really marks the transition of this Board to a computer-enhanced agency from one functioning totally on the basis of manual processes (and memory). With some 4,000 cases making their way through the Board each year now, it surely was a change that had to take place.

Such a change-over, however, is not accomplished without a great deal of time and effort, and I extend sincere thanks and congratulations to the full administration and support staff of the Board for the manner in which they coped with a difficult task. With that system in place, we now are able to:

- 1) co-ordinate the inputting of all case data;
- 2) provide instant case-tracking in response to both internal and external queries;
- 3) monitor the Board's performance on an immediate and ongoing basis; and
- 4) capture our own statistical data, to allow for longer-term reporting and planning.

The fourth of those phases has taken the longest to be developed, resulting in a period of delay from the time that the Board would normally have anticipated being in a position to draw together its 1990-91 annual report. With those procedures now in place, however, the Board has been able to advance the presentation date for its 1991-92 year-end report, with the result that we have been able to combine the report of both of those years into the present single edition.

What that combined report shows, particularly in Tables 7/7A and 11, is a reflection of the steps this Board has been taking over the past two to three years to better meet its service obligations to the community. No Labour Board fulfills its proper mandate without continuing concern for the time-sensitivity of the workplace issues, and especially those of a "representational" nature, that it is entrusted with. With a significant increase in caseload and no similar increase in staff, the Board nonetheless has been able to reduce both its processing and overall case-disposition times substantially. Certainly the computer has assisted us in that regard, but close attention to file movement and the monitoring of weekly performance has allowed us to take full advantage of the many new tools the computer has to offer. And beyond those administrative initiatives, a greater emphasis on the informality and speed of the field-staff

"Waiver" program has allowed the Board to move progressively away from the direction of litigation, and cut both disposition time and expense for the parties in the all-important area of certification applications.

Where the lack of growth in resources has had an impact, of course, is in the Board's ability to provide dates for its increasing hearing load (which includes the length of cases currently as well as the number) in an adequate and timely fashion. A good deal of thought has been given to changes in the Board's overall manner of scheduling, but any of the options heretofore being explored carry with them some significant difficulties of their own - particularly for the parties who have to appear before the Board. As at least an interim step, the Board, in consultation with the community, has embarked on a course of greater involvement in case-management and the pre-hearing preparation of cases for "trial", so that better use can be made of the days of hearing that do come to be scheduled by the Board. It is my firm belief that these new forms of "early intervention" being developed by the Board will quickly bear fruit for the future.

That future, however, I leave to others, as the mantle passes. I have enjoyed my time at the Board, and the challenges that this venerable institution, so dynamic and so significant to the community, offers to the taker.

I wish everyone well.

A handwritten signature in cursive script, reading "Mort Mitchnick". The signature is written in dark ink and is positioned above the printed name.

Mort Mitchnick

I INTRODUCTION

This is the twelfth issue of the Ontario Labour Relations Board's Annual Report, which commenced publication in the fiscal year 1980-81. This issue covers the fiscal years April 1, 1990 to March 31, 1991 and April 1, 1991 to March 31, 1992.

The report contains up-to-date information on the organizational structure and administrative developments of interest to the public and notes changes in personnel of the Board. As in previous years, this issue provides a statistical summary and analysis of the work-load carried by the Board during the fiscal years under review. Detailed statistical tables are provided on several aspects of the Board's functions.

The Report continues to provide a legislative history of the Labour Relations Act and notes any amendments to the Act that were passed during the fiscal years under review.

II A HISTORY OF THE ACT

In 1943, the Ontario Legislature engaged in one of the first attempts in Canada to institute an effective scheme of compulsory collective bargaining. The Collective Bargaining Act, 1943, S.O. 1943, c. 4 came about as a result of a public hearing before a select committee of the Provincial Legislative Assembly. Although the establishment of a "Labour Court" was not strenuously lobbied for by any of the interest groups which made submissions to the Select Committee, it was this option which the Select Committee saw fit to endorse. The Committee's report, in the form of a draft bill, was submitted to the Legislature on March 25th, 1943, and when enacted on April 14th, 1943, legitimized collective bargaining in Ontario under the Ontario Labour Court, which was a division of the Supreme Court of Ontario.

The Act of 1943 abolished the common law doctrines of conspiracy and restraint of trade as they had applied to trade unions, and gave employees a right to participate in union activity. A union was permitted to apply for certification as the bargaining agent for a group of employees. The Court had power to ascertain the appropriate unit for the purpose of collective bargaining. It has been pointed out that:

...the shape and structure of the collective-bargaining system was to be determined by a court which was expected to develop policies that would promote orderly collective bargaining. It was recognized that the scheme of the Act involved both administrative and "judicial" functions. The Court was also empowered to delegate its non-judicial responsibilities so that it could develop an administrative infra-structure to support its "judicial" role. (MacDowell, R.O., "Law and Practice before the Ontario Labour Relations Board" (1978), 1 Advocate's Quarterly 198 at 200.)

The Act contained several features which are standard in labour relations legislation today - management dominated organizations could not be certified; managerial employees were excluded from the Act; employers could not discriminate against employees for participation in union activity; employers were required to recognize a certified bargaining agent; and there was a duty to bargain in good faith. The Labour Court had broad remedial powers - something which the Ontario Labour Relations Board would not have for many years. The Labour Court was the only forum for resolution of disputes arising under a collective agreement. This function was to be performed without cost to the parties. It is now performed by private boards of arbitration or sole

arbitrators and, when disputes arise in the construction industry, by the Labour Relations Board.

The Ontario Labour Court was to have a short lifespan (it opened in June 1943, and heard its last case in April, 1944). In his book, The Ontario Labour Court 1943-44, (Queen's University Industrial Relations Centre, Kingston, 1979), John A. Willes gives the following reasons for the Court's early demise:

...the trade unions were complaining about the high cost of proceedings before the Court, the Judges were not eager to deal with labour matters under the Act, and most important, the Conservative party, that had promised to repeal the legislation if elected, formed the government in Ontario in the Spring of 1944.

The immediate circumstances which brought about the demise of the Labour Court (and hence the formation of a Board) was a wartime move by the Federal Government to centralize labour relations law. Owing to the division of powers between the Dominion and Provincial Governments, control over labour relations in Canada is shared between the two levels of government depending on whether the undertaking falls under Federal or Provincial jurisdiction. In 1907, the Federal Government attempted to bring labour disputes in public utilities and coal mines under Federal control by means of The Industrial Disputes Investigation Act. Disputes in other industries were often brought voluntarily within the provisions of the Act. In 1925 this Act was held by the Privy Council to be ultra vires the Dominion Parliament because it infringed on the Provincial power over "property and civil rights." (Toronto Electric Commissioners v. Snider, [1925] A.C. 396; [1925] 2 D.L.R. 5).

The Act was subsequently amended so as to encompass only those industries within federal jurisdiction. This left labour relations largely in the hands of the provincial legislatures, although by virtue of a clause in the federal Act, provinces could, in effect, "opt in" to the federal system (all the provinces except Prince Edward Island exercised this option for a time). However, given the constitutional situation in Canada, decentralization of labour policy was inevitable and the Ontario regime was representative of this decentralization. However, the fact that Canada was at war allowed the Federal Government to rely on its emergency power to pass Order in Council P.C. 1003. This Order adopted the general principles of the American Wagner Act, and called for an independent regulatory authority. The Ontario Labour Court was replaced by the Ontario Labour Relations Board, pursuant to The Labour Relations Board Act, 1944, S.O. 1944, c. 29, which was

subject to the Federal Wartime Labour Relations Board. The Chairman of the fledgling Ontario Board was Jacob Finkleman, who had been the registrar of the Labour Court.

In 1947, the Ontario Labour Relations Board became independent of the Federal Government by virtue of The Labour Relations Board Act, 1947, S.O. 1947, c. 54. The next year, The Labour Relations Act, 1948, S.O. 1948, c. 51, was passed. The 1948 Act, which was enacted in anticipation of new federal legislation, repealed the earlier Labour Relations Board Acts and empowered the Lieutenant-Governor in Council to make regulations "in the same form and to the same effect as that ... Act which may be passed by the Parliament of Canada at the session currently in progress ..." This Act was basically transitional in nature, since work was already under way on the drafting of separate provincial legislation, which made its first appearance in The Labour Relations Act, 1950, S.O. 1950, c. 34.

The major function of the Board was, and still remains, certifying trade unions as bargaining agents. The history of the Board is largely a history of the acquisition of new powers and functions, as new ways of dealing with the problems inherent in industrial relations developed. Initially, however, the Board's role was fairly limited. There was no enforcement mechanism at the Board's disposal in 1950. The major enforcement method was prosecution, in which case the Board had to grant consent to prosecute. The Board had the power to declare a strike or lock-out unlawful, but this in itself fell short of being a very complete remedy. In a situation where an individual had been refused employment, discharged, discriminated against, threatened, coerced, or otherwise dealt with contrary to the Act, the appropriate remedy lay in an inquiry by a conciliation officer who then reported to the Minister who in turn could make an appropriate order.

Thus, outside of granting certifications and decertifications, the Board's power was quite limited. The power to make certain declarations, determinations, or to grant consent to prosecute under the Act was remedial only in a limited way. Of some significance during the fifties was the Board's acquisition of the power to grant a trade union "successor" status. (The Labour Relations Amendment Act, 1956, S.O. 1956, c. 35). In 1962, the complementary section providing for the preservation of bargaining rights in the case of "successor employers" was passed and was later expanded so as to preserve existing collective agreements. (The Labour Relations Amendment Act, 1961-62, S.O. 1961-62, c. 48; The Labour Relations Amendment Act, 1970, S.O. 1970, c. 85.)

The Labour Relations Amendment Act, 1960, S.O. 1960, c. 54, made a number of changes in the Board's role. Most

importantly, the Board received the authority to order reinstatement with or without compensation. In conjunction with this new power was the power to designate a field officer to investigate complaints. The Board's reinstatement and compensation orders could be filed in the Supreme Court of Ontario and were enforceable as orders of that Court. The Board also received the power to refer jurisdictional disputes to a new jurisdictional disputes commission which had the power to make interim orders or directions. The Board was given limited power to review the directions. As with the Board's reinstatement and compensation orders, the interim orders could be filed with the Supreme Court and thus become enforceable as orders of that Court. The Board also received the power to set a terminal date for the filing of membership evidence and evidence opposing certification, and the discretion to refuse to "carve out" a craft unit where there was a history of industrial organization in a plant. In 1960 provision was also made for pre-hearing representation votes.

In 1962, The Labour Relations Amendment Act, 1961-62, added new provisions to the Act in order to respond to unique problems which were evident in the construction industry. This industry was given a separate but somewhat similar regime under the Act in response to recommendations made in the "Goldenberg Report" (Report of The Royal Commission on Labour Management Relations in the Construction Industry, March, 1962). Provision was made for determination of bargaining units by reference to geographic areas rather than particular projects. The Board, in consultation with interested parties, divided the Province geographically for the purpose of certification in the construction industry. Labour policy with regard to the construction industry has continued to evolve. Legislation was introduced in 1977 to provide for province-wide bargaining in the industrial, commercial, and institutional sector of that industry in response to the recommendations contained in the "Franks Report" (Report of the Industrial Inquiry Commission into Bargaining Patterns in the Construction Industry of Ontario, May, 1976) (The Labour Relations Amendment Act, 1977, S.O. 1977, c. 31). Further amendments were made to the Act in relation to the construction industry in 1979 and 1980. The Labour Relations Amendment Act, 1979 (No. 2), S.O. 1979, c. 113, and The Labour Relations Amendment Act, 1980, S.O. 1980, c. 31, extended the bargaining rights held by trade unions in the construction industry for any particular employer in relation to the industrial, commercial and institutional sector of the industry; prohibited selective strikes and lock-outs; and provided for an expeditious ratification procedure.

In 1970, by virtue of The Labour Relations Amendment Act, 1970, the Board received a significant extension to its remedial authority. Provision was made for authorization of

a Labour Relations Officer to inquire into certain complaints with a view to settling the matters. The most interesting addition to the situations in which the Board could make remedial orders was in the case of a breach of the newly created "duty of fair representation". This duty, imposed on trade unions, required them not to act in a manner which was arbitrary, discriminatory, or in bad faith in their representation of employees for whom they hold bargaining rights. More recently, this duty has been extended to cover referral of persons to work. The Board also received the power to make "cease and desist" orders with respect to unlawful strikes and lock-outs in the construction industry, which would be filed with the Supreme Court and be enforceable as orders of the Court.

A major increase in the Board's remedial powers under the Labour Relations Act occurred in 1975. (The Labour Relations Amendment Act, 1975, S.O. 1975, c. 76). The Board was permitted to authorize a Labour Relations Officer to inquire into any complaint alleging a violation of the Labour Relations Act. A settlement reached by the parties and put into writing was binding on the parties, and a breach of such settlement could be dealt with in the same fashion as a breach of a provision of the Act. The Board's remedial powers were extended to all violations of the Act, and orders of the Board were enforceable in the same way that an order of the Supreme Court is enforceable. The Board also received authority to make "cease and desist" orders with respect to any unlawful strike or lock-out. It was in 1975 as well, that the Board's jurisdiction was enlarged to enable it to determine grievances in the construction industry referred to it by one of the parties to a collective agreement.

In June of 1980, the Labour Relations Amendment Act, 1980 (No. 2), S.O. 1980, c. 34, was passed providing for compulsory check-off of union dues and the entitlement of all employees in a bargaining unit to participate in ratification and strike votes. Provision was also made for the Minister of Labour to direct a vote of the employees in a bargaining unit on their employer's final offer at the request of their employer. In June of 1983, the Labour Relations Amendment Act, 1983, S.O. 1983, c. 42, became law. It introduced into the Act section 71a, which prohibits strike related misconduct and the engaging of or acting as, a professional strike-breaker. To date the Board has not been called upon to interpret or apply section 71a.

In June of 1984, the Labour Relations Act, 1984, S.O. 1984, c. 34 was enacted. This Act dealt with several areas. It gave the Board explicit jurisdiction to deal with illegal picketing or threats of illegal picketing and permits a party affected by illegal picketing to seek relief through the expedited procedures in sections 92 and 135, rather than the more cumbersome process under section 89. The Act also

permitted the Board to respond in an expedited fashion to illegal agreements or arrangements which affect the industrial, commercial and institutional sector of the construction industry. It further established an appropriate voting constituency for strike, lock-out and ratification votes in that sector and provided a procedure for complaints relating to voter eligibility to be filed with the Minister of Labour. The new amendment also eliminated the 14 day waiting period before an arbitration award which is not complied with may be filed in court for purposes of enforcement.

In May of 1986, the Labour Relations Amendment Act, 1986, S.O. 1986, c. 17 was passed to provide for first contract arbitration. Where negotiations have been unsuccessful, either party can apply to the Board to direct the settlement of a first collective agreement by arbitration. Within strict time limits the Board must determine whether the process of collective bargaining has been unsuccessful due to a number of enumerated grounds. Where a direction has been given, the parties have the option of having the Board arbitrate the settlement.

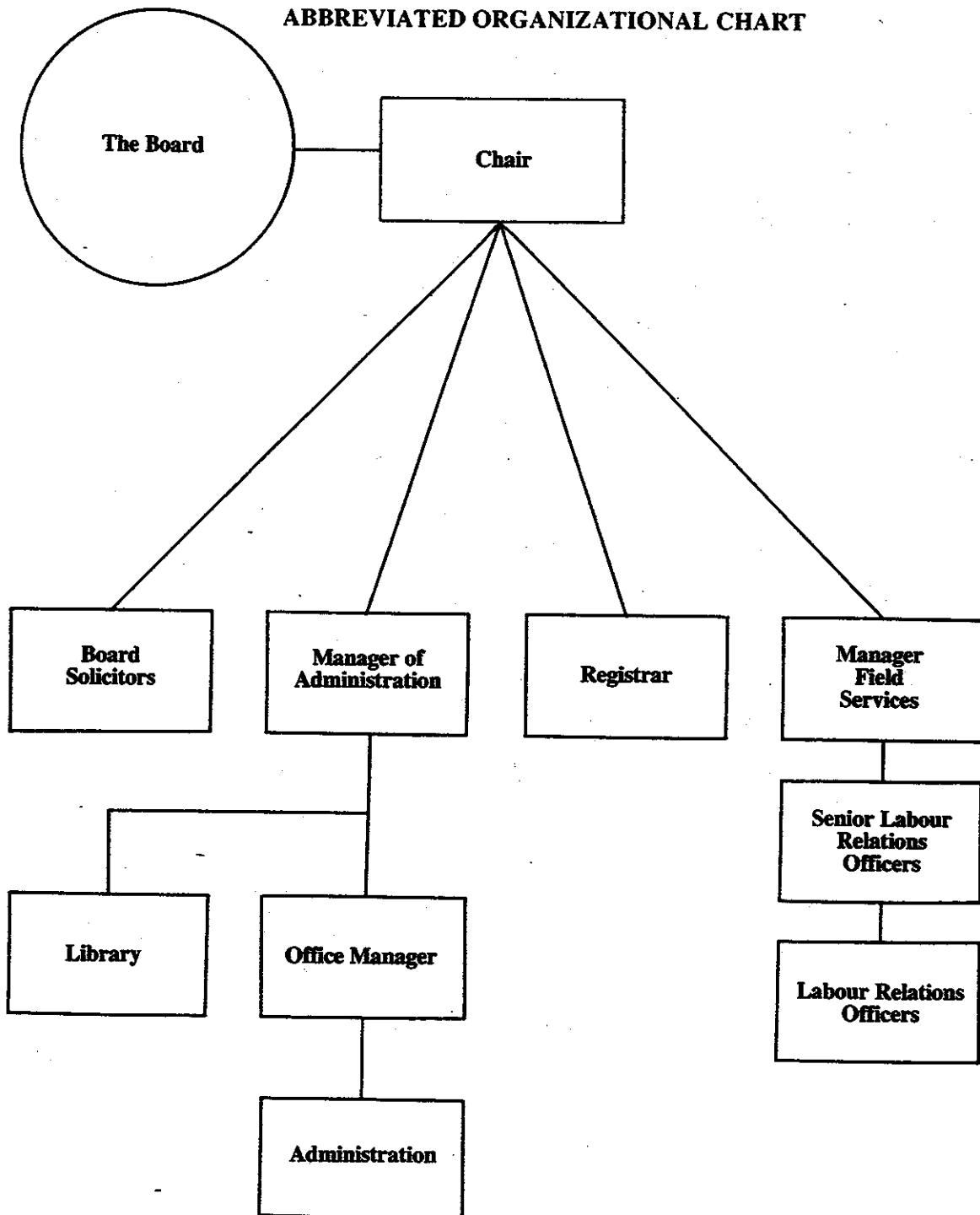
In December 1986, the Equality Rights Statute Law Amendment Act, 1986 amended, amongst other statutes, the Labour Relations Act to bring it into line with the Human Rights Code, 1981 and the Canadian Charter of Rights and Freedoms. The provisions prohibiting the Board from certifying a trade union which discriminates and deeming an agreement not to be a collective agreement if it discriminates were amended. They now include any ground of discrimination prohibited by these two statutes.

On March 31, 1990, the fines under the Labour Relations Act were increased by the Provincial Penalties Adjustment Act, 1989, S.O. 1989, c.72, s.48. For a breach of the Act, fines for any individual were doubled to \$2,000 and those for a corporation or trade union were increased to \$25,000.

In December 1991, the Labour Relations Amendment Act, 1991 was enacted. It amended the provisions of the Act concerning the Industrial, Commercial and Institutional Sector of the construction industry by increasing the terms of province-wide agreements from two to three years, by prohibiting the counting of ballots (in province-wide agreement ratification votes) until all voting in the province is completed, and by providing for the establishment of a corporation to facilitate collective bargaining and otherwise assist the sector.

III BOARD ORGANIZATION

The following is an abbreviated organizational chart of the Ontario Labour Relations Board.



IV THE BOARD

The legislative policy regarding labour relations in the province of Ontario is set out in the preamble to the Labour Relations Act, R.S.O. 1990, c.L.2, as follows:

... it is in the public interest of the Province of Ontario to further harmonious relations between employers and employees by encouraging the practice and procedure of collective bargaining between employers and trade unions as the freely designated representatives of employees.

With this policy as a basis, the Act confers on the Ontario Labour Relations Board the authority over many important aspects of collective bargaining such as certification of trade unions, unfair labour practices, first contract arbitration, unlawful strikes and lock-outs, jurisdictional disputes, and arbitration of grievances in the construction industry. In order to carry out this mandate the Board is composed of a Chair and an Alternate Chair, several Vice-Chairs and a number of Members representative of labour and management respectively in equal numbers. At the end of fiscal year 1991-92 the Board consisted of the Chair, Alternate Chair, 14 full-time Vice-Chairs, 6 part-time Vice-Chairs and 34 Board Members, 19 full-time and 15 part-time. These appointments were made by the Lieutenant-Governor in Council.

Created by statute, the Ontario Labour Relations Board is best described as a quasi-judicial body, combining as it does, administrative and judicial functions. The Board attempts to avoid being overly technical or legalistic in making its determinations and relies heavily on the efforts of its Labour Relations Officers in encouraging settlements without the need for formal hearings. The Board strives to keep its procedures informal, expeditious and fair.

The Board, under section 108(1) of the Act, has the exclusive jurisdiction to exercise the powers conferred upon it by or under the Act and to determine all questions of fact or law that arise during any hearing before it. The Board's decisions are not subject to appeal and a privative clause in the statute limits the scope for judicial review. However, the Board has the power to reconsider any of its decisions, either on its own initiative or at the request of an affected party.

The Board has the power to determine its own practices and procedures. The publication entitled Rules of Procedure, Regulations and Practice Notes (Queen's Printer, Ontario) contains the established regulations, procedures and practices of the Board. New Practice Notes are published by the Board in its Monthly Report.

The Ontario Labour Relations Board has a somewhat limited role to play with respect to much of the collective bargaining viewed as falling within the public sector. For example, the Board does not have jurisdiction over crown employees, police officers or full-time fire fighters, and has only a limited jurisdiction with respect to teachers in schools and community colleges in the province. See the School Boards and Teachers Collective Negotiations Act, R.S.O. 1990, c. S.2 and the Colleges Collective Bargaining Act, R.S.O. 1990, c. C.15. On the other hand, the Board has full jurisdiction over employees employed by municipalities. A distinct piece of legislation, the Hospital Labour Disputes Arbitration Act, stipulates special laws that govern labour relations of hospital employees, particularly with respect to the resolution of collective bargaining disputes and the Successor Rights (Crown Transfers) Act, R.S.O. 1990, c. S.27 provides for application to the Board where there is a transfer of an undertaking from the crown to an employer and vice versa. The Board is also given an important role under the Occupational Health and Safety Act, R.S.O. 1990, c. O.7. A similar jurisdiction is conferred on the Board by section 174b of the Environmental Protection Act, R.S.O. 1990, c. E.19 and by section 8 of the Smoking in the Workplace Act, R.S.O. 1990, c. S.13. From time to time the Board is called upon to determine the impact of the Canadian Charter of Rights and Freedoms on the rights of parties under the Labour Relations Act.

Apart from its adjudicative function, the Board's operations may be broadly divided into the following areas: (a) Administrative Division, (b) Field Services and (c) Legal Services.

(a) ADMINISTRATIVE DIVISION

Administrative Committee

An Administrative Committee comprised of the Chair, Alternate Chair, Registrar, Deputy Registrar, Manager of Administration, Manager of Field Services and Solicitors meets regularly to discuss all aspects of Board administration and management.

Registrar's Section

The Registrar is the chief administrative officer of the Board responsible for the overall maintenance of the Board's day-to-day operations. Her staff includes a Deputy Registrar, two assistants and three administrative secretaries.

The Registrar, through the Deputy Registrar and the Manager of Operations, supervises the Board's processing sections which process applications filed with the Board in accordance with the Board's Rules of Procedure. Every application received by the Board enters the system through the Registrar's office. She determines the hearing dates, assures the effective and speedy processing of each case and communicates with the parties in all matters relating to the scheduling of hearings or on particular problems in the processing of any given case.

Manager of Administration

The Manager of Administration is responsible for the co-ordination and efficient operation of the Board through the management of the budget, human resources functions, library and the provision of administrative direction and common services.

Library Services

The Ontario Labour Relations Board Library employs a staff of 3, including a full-time manager. The Library staff provides research services for the Board and assists other library users. The Board Library maintains a collection of approximately 1200 texts, 65 journals and 40 case reports in the areas of industrial relations, labour, contract, evidence, constitutional and administrative law. The library has approximately 5,000 volumes. The collection includes decisions from other jurisdictions, such as the Canada Labour Relations Board, the U.S. National Labor Relations Board and provincial labour boards across Canada as well as the OLRB Reports from 1944 to date.

The library staff is responsible for continually updating a full-text on-line database of the Board's decisions, which is offered to the public by QL Systems Ltd. It provides access by subject, party names, file number, statutes considered, cases cited, date, etc. It permits Board members and staff prompt and accurate access to previous Board decisions dealing with particular issues under consideration.

The Library staff has also compiled a manual index to the Bargaining Units certified by the Board since 1980. This index provides access by union name and subject. Other resources include a series of bibliographies on various topics in the field of labour relations, a file of judicial reviews of Board decisions and a vertical file of information on such subjects as the history of the Ontario Labour Relations Act, the Board and its members.

(b) FIELD SERVICES

In view of the Board's continuing belief that the interests of parties appearing before it, and labour relations in the province generally, are best served by the settlement of disputes by the parties without the need for a formal hearing and adjudication, the Board attempts to make maximum use of its Labour Relations Officers' efforts in this area. Responsibility for the division lies with the Manager of Field Services. In promoting overall efficiency, the Manager puts emphasis upon the setting and monitoring of performance standards, case assignments, staff development and maintaining liaison with the Board. He is assisted by three Senior Labour Relations Officers, each of whom is assigned a team of officers. In addition to undertaking their share of the caseload in the field, the Senior Labour Relations Officers are responsible for providing guidance and advice in the handling of particular cases, managing the settlement process on certification days on a rotating basis, and assisting with the performance appraisals of the officers. In addition to the Labour Relations Officers, the Board employs two Returning/Waiver Officers. They conduct representation votes directed by the Board, as well as last offer votes directed by the Minister of Labour (see s. 40 of the Act). They also carry out the Board's programme for waiver of hearings in certification applications. The Board's field staff continued its excellent record of performance throughout the fiscal year under review. In relation to complaints under the Labour Relations Act and the Occupational Health and Safety Act, the Officers handled a total caseload of 1164 assignments in 1990-91, of which 89 percent were settled by the efforts of the officers. The Officers handled a total of 1309 grievances in the construction industry in 1990-91 of which 92.8 percent were settled. Of 403 certification applications dealt with under the waiver of hearings programme in 1990-91, the Officers were successful in 292 or 72.5 percent. In 1991-92, the Officers handled a total caseload of 1223 assignments in relations to complaints under the Labour Relations Act and the Occupational Health and Safety Act, of which 88 percent were settled by the efforts of the Officers. The Officers handled a total of 1730 grievances in the construction industry in 1991-92 of which 91.1 percent were settled. Of 731 certification applications dealt with under the waiver of hearings programme in 1991-92, the Officers were successful in 539 or 73.7 percent.

The Chair of the Board, along with the Manager of Field Services and the Board Solicitors, meet with the Officers on a monthly basis to deal with administrative matters and review Board jurisprudence affecting Officers' activity and

other policy and legal developments relevant to the Officers' work.

(c) LEGAL SERVICES

Legal services to the Board are provided by the Solicitors' Office. The office consists of three Board solicitors, who report directly to the Chair. The Board also employs two articling students to assist the solicitors in carrying out the functions of the Solicitors' Office. The Solicitors' Office is responsible for providing the legal assistance required by the Board in all facets of its operations. The solicitors engage in legal research and provide legal advice to the Chair, Vice-Chairs and Board Members in their day-to-day functions. They provide legal opinions to the Board and prepare memoranda relating to the wide variety of legal issues that arise during Board proceedings. The Solicitors' Office is responsible for preparing all of the Board's legal forms and other legal documents required for use by the Board. Board procedures, practices and policies are constantly reviewed by the solicitors. When preparation or revision of Practice Notes, Board Rules or forms becomes necessary, the solicitors are responsible for undertaking those tasks.

The solicitors are active in the staff development programme of the Board and meet regularly with the Board's field staff to keep them advised of legislative, Board and judicial developments that may affect their day-to-day work. The solicitors are available for consultation by these officers on legal issues that may arise in the course of their work. At regularly scheduled field staff meetings, a solicitor prepares written material for distribution and discussion among the field staff relating to recent decisions of the Board or other tribunals which may affect the discharge of their duties. The solicitors also advise the Board Librarian on the legal research material requirements of the Board and on the library's general acquisition policy.

Another function of the Solicitors' Office is the representation of the Board's interests in court, when matters involving Board proceedings or Board orders become the subject of proceedings in court, as when an application for judicial review of a Board order is filed or an application is made by way of stated case to the Divisional Court. Where outside counsel is retained to represent the Board, a solicitor, in consultation with the Chair, briefs and instructs such counsel on the Board's position in relation to the issues raised by the judicial proceedings. The Solicitors' Office is also responsible for the preparation and compilation of documents that the Board may be required to file with the court in relation to such proceedings.

The Solicitors' Office is responsible for all of the Board's publications. One of the Board's solicitors is the Editor of the Ontario Labour Relations Board Reports, a monthly series of selected Board decisions which commenced publication in 1944. This series is one of the oldest labour board reports in North America. In addition to reporting Board decisions, each issue of the Reports contains a section listing all of the matters disposed of by the Board in the month in question, including the bargaining unit descriptions, results of representation votes and the manner of disposition.

The Solicitors' Office also issues a publication entitled "Monthly Highlights". This publication, which commenced in 1982, contains scope notes of significant decisions of the Board issued during the month and other notices and administrative developments of interest to the labour relations community. This publication is sent free of charge to all subscribers to the Ontario Labour Relations Board Reports. The Solicitors' Office is also responsible for periodically revising the publication entitled "A Guide to the Labour Relations Act", which is an explanation in layperson's terms, of the significant provisions of the Act. The latest revision took place in June 1986, to reflect the amendments to the Act.

MEMBERS OF THE BOARD

At the end of the fiscal year 1991-92, the Board consisted of the following members:

MORTON G. MITCHNICK, B.A., LL.B. Chair

On March 20, 1989, Mr. Mitchnick assumed the chairmanship of the Ontario Labour Relations Board. A native of Hamilton, Ontario, he is a graduate of McMaster University, and received his LL.B. at the University of Toronto. Mr. Mitchnick spent eight years in labour relations practice with the Toronto law firm of Miller, Thomson, Sedgewick, Lewis & Healy, prior to joining the Ontario Labour Relations Board as a Vice-Chair, where he served from 1979 to 1986. More recently he has enjoyed a varied "neutral" practice as a private arbitrator and mediator, as well as an adjudicator under the Employment Standards Act, the Ontario Human Rights Code and the Canada Labour Code. From 1986 to 1989 he served on a part-time basis as the Alternate Chair of the Ontario Public Service Labour Relations Tribunal, and from 1987 to 1989 as a Vice-Chair of the Ontario Public Service Grievance Settlement Board as well.

Mr. Mitchnick's recent publications include a comparative labour law text on Canada's Charter of Rights entitled "Union Security and the Charter", together with a synopsis of "Practice and Procedure before the Ontario Labour Relations Board", appearing in the August 1985 issue of "Advocates' Quarterly". He has conducted a wide range of seminars on both the Labour Relations Act and the practice of arbitration, and is a lecturer for the University of Toronto's Continuing Education Branch on the subject of employment and labour law.

RICHARD (RICK) MacDOWELL Alternate Chair

Mr. MacDowell's educational background includes a B.A. (Honours) in Economics from the University of Toronto (1969), an M.Sc. (with Distinction) in Economics from the London School of Economics and Political Science (1970) and an LL.B. from the University of Toronto Law School (1974). He has been associated with the University of Toronto as a lecturer in industrial relations with the Department of Political Economy since 1971 and with the Graduate School of Business since 1976. A former Senior Solicitor of the Board, Mr. MacDowell was appointed to his present position of Vice-Chair in 1979. He is an experienced arbitrator and has served as a fact-finder in school board-teacher negotiations. Mr. MacDowell also has several publications relating to labour relations to his credit. During May-August, 1984, Mr. MacDowell served as the Board's Alternate Chair in an acting capacity.

MICHAEL BENDEL Vice-Chair

Mr. Bendel joined the Board as a part-time Vice-Chair in September 1987. He is a graduate of the University of Manchester, England (LL.B., 1966) and the University of Ottawa (LL.B., 1975). Mr. Bendel was a legal officer with the International Labour Office, Geneva, Switzerland, from 1966 to 1969. From 1969 to 1974, he was employed by the Professional Institute of the Public Service of Canada (Ottawa) in various capacities, including in-house counsel and negotiator. Following his call to the Bar of Ontario in 1977, he was appointed professor in the Common Law Section, Faculty of Law, University of Ottawa, where he taught various labour law and other law courses, at the undergraduate and graduate levels, until 1984. In 1984, Mr. Bendel was appointed Deputy Chairman of the Public Service Staff Relations Board (Ottawa), where he was responsible for the interest arbitration function under the Public Service Staff Relations Act and where he also acted as grievance arbitrator. Upon resigning from that Board in August 1987, he entered private practice as a labour arbitrator. In addition to his arbitration practice and his part-time

Vice-Chair position, Mr. Bendel is currently a part-time member of the Public Service Staff Relations Board. He is the author of several articles on labour law subjects in law journals.

JULES BLOCH Vice-Chair

Mr. Bloch's educational background includes a B.A. (Honours) in Political Economy from the University of Toronto (1980) and an LL.B. from the University of Windsor Law School (1984). Mr. Bloch is bilingual and practiced law in the specialized field of Labour Relations both in Ottawa and Toronto. Between 1986 and 1990, Mr. Bloch was counsel for the Labourers International Union of North America. He has been a sessional lecturer in Labour Law at both the community college and the university level. Prior to being appointed Vice-Chair of the Ontario Labour Relations Board in 1991, Mr. Bloch served as Vice-Chair of the Criminal Injuries Compensation Board. As well, he has been appointed to arbitration panels as a "neutral" and has been a contributing editor of the National Labour Review and has written numerous articles on Labour Relations.

LOUISA M. DAVIE Vice-Chair

Ms. Davie was appointed a Vice-Chair of the Board in April 1988. She is a graduate of Wilfrid Laurier University, Waterloo, (B.A. 1977) and the University of Western Ontario (LL.B. 1980). After her call to the Ontario Bar in 1982, Ms. Davie was a law clerk to the Chief Justice of the High Court of Justice. After her tenure as law clerk she practised labour and employment law with a Toronto law firm until her appointment to the Board. Ms. Davie has also lectured in the Masters of Business Administration Program, McMaster University, Hamilton, and also acts as an arbitrator.

NIMAL V. DISSANAYAKE Vice-Chair

A former Senior Solicitor of the Board, Mr. Dissanayake was appointed a part-time Vice-Chair of the Board in July, 1987. He holds the degrees of LL.B. and LL.M. from Queen's University, Kingston. After serving his period of law articles with the Board, Mr. Dissanayake was called to the Ontario Bar in 1980. Prior to joining the Board as a solicitor he taught at the Faculty of Business, McMaster University, Hamilton, as Assistant Professor of Industrial Relations between 1978 and 1980. Since December 1987, he has served as a Vice-Chair of the Grievance Settlement Board and is also engaged in adjudication as a private arbitrator and referee under the Employment Standards Act.

OWEN V. GRAY Vice-Chair

Mr. Gray joined the Board as a Vice-Chair in October, 1983.

He is a graduate of Queen's University, Kingston (B.Sc. Hons., 1971) and the University of Toronto (LL.B. 1974). After his call to the Ontario Bar in 1976, Mr. Gray practised law with a Toronto law firm until his appointment to the Board. He is also an experienced arbitrator.

BRAM HERLICH Vice-Chair

Mr. Herlich was appointed to the Board as a Vice-Chair in October 1989. He is a graduate of McGill University (B.A., 1972; M.A., 1977) and Osgoode Hall Law School (LL.B., 1982). Prior to joining the Board he practised labour law with a Toronto firm and also acted as in-house counsel.

ROBERT J. HERMAN Vice-Chair

Mr. Herman was appointed a Vice-Chair of the Board in November, 1985, and was at that time a Solicitor for the Board. He is a graduate of the University of Toronto (B.Sc. 1972, LL.B. 1976) and received his LL.M. from Harvard University in 1984. Mr. Herman has taught courses in various areas of law, both at Ryerson Polytechnical Institute and the Faculty of Law, University of Toronto, and also acts as an arbitrator.

ROBERT D. HOWE Vice-Chair

Mr. Howe was appointed to the Board as a part-time Vice-Chair in February, 1980 and became a full-time Vice-Chair effective June 1, 1981. He graduated with a LL.B. (gold medallist) from the Faculty of Law, University of Windsor in 1972 and was called to the Bar in 1974. From 1972 to 1977 he was a law professor of the Faculty of Law, University of Windsor. From 1977 until his appointment to the Board, he practised law as an associate of a Windsor law firm while continuing to teach on a part-time basis at the Faculty of Law as a special lecturer in labour law and labour arbitration. Mr. Howe is an experienced arbitrator, referee, fact-finder and mediator. During May-August, 1984, Mr. Howe served as Chair of the Board in an acting capacity.

JANICE JOHNSTON Vice-Chair

Ms. Johnston joined the Labour Relations Board as a Vice-Chair in September, 1990. She did her undergraduate work at Wilfrid Laurier University and graduated with an LL.B. from the University of Western Ontario Law School in 1979. After her call to the Bar in 1981 Ms. Johnston practised labour law as in-house counsel. Ms. Johnston comes to the Board with extensive experience in public sector labour relations.

BRIAN KELLER Vice-Chair

Mr. Keller joined the Board as a part-time Vice-Chair in September, 1988. He is a graduate of Sir George Williams University (B.A., 1968) and the University of Ottawa (L.L.B. 1971). From 1983 until August 1988 he was a Vice-Chairman of the Canada Labour Relations Board. Mr. Keller currently acts as a private arbitrator and mediator.

PAULA KNOPF Vice-Chair

Ms. Knopf joined the Board as a part-time Vice-Chair in August, 1984. She graduated with a B.A. from the University of Toronto, 1972, and LL.B. from Osgoode Hall Law School, 1975. Upon her call to the Ontario Bar in 1977, she practised law with a Toronto law firm briefly before commencing her own private practice with emphasis in the area of labour relations. A former member of the faculty of Osgoode Hall Law School, Ms. Knopf is an experienced fact-finder, mediator and arbitrator.

SHERRY LIANG Vice-Chair

Ms. Liang joined the Board as a Vice-Chair in September of 1991. She studied Political Science at Queen's University, Kingston (B.A. 1981) and is also a graduate of University of Toronto (LL.B. 1985). After her call to the Ontario Bar in 1987, Ms. Liang was a law clerk to the Chief Justice of the High Court of Justice in Ontario, after which she spent several years practicing labour and employment law and civil litigation with a Toronto firm until her appointment to the Board.

JUDITH MCCORMACK Vice-Chair

Ms. McCormack was appointed to the Board as a Vice-Chair in 1986. She did her undergraduate work at Simon Fraser University, and graduated with an LL.B. from Osgoode Hall Law School in 1976. Upon her call to the Bar in 1978, she practised labour law for the next eight years, first with a Toronto law firm and later as an in-house counsel. In 1986 she received her LL.M. in labour law from Osgoode Hall Law School. Ms. McCormack is the author of a number of articles on labour relations and has lectured and arbitrated in this area.

MARILYN NAIRN Vice-Chair

Ms. Nairn was appointed as a Vice-Chair to the Board in July, 1989. She is a graduate of the University of Winnipeg (B.A. Econ., 1977) and the University of Ottawa (LL.B. Cum Laude, 1980). Upon her call to the Board she practised labour law

until joining the Board as Solicitor in 1987. Ms. Nairn also teaches Union-Management Relations at Ryerson Polytechnical Institute and has lectured in labour relations at George Brown College and York University.

KATHLEEN O'NEIL Vice-Chair

Ms. O'Neil, a graduate of the University of Toronto (B.A. 1972) and Osgoode Hall Law School (LL.B., 1977), was a Vice-Chair of the Workers' Compensation Appeals Tribunal prior to her appointment to the Board in January 1988. She has also worked as an arbitrator, has had a private practice in nursing and labour relations law, worked as staff lawyer to nurses' and teachers' associations, served as a member of the Ontario Crown Employees Grievance Settlement Board and chaired the justice committee of the National Action Committee on the Status of Women.

KEN PETRYSHEN Vice-Chair

Mr. Petryshen was appointed a Vice-Chair in June, 1986. He is a graduate of the University of Saskatchewan, Regina (B.A. Hons., 1972) and Queen's University, Kingston (LL.B. 1976). After articling with the Ontario Labour Relations Board and after his call to the Bar in 1978, Mr. Petryshen practised law as a staff lawyer for the Teamsters Joint Council, No. 52. Prior to his appointment as a Vice-Chair, Mr. Petryshen was a Board Solicitor.

NORMAN B. SATTERFIELD Vice-Chair

Mr. Satterfield joined the Labour Relations Board in October, 1975, as a part-time Board Member representing management. In January of 1978 he was appointed a Vice-Chair. Mr. Satterfield holds a B. Comm. degree from the University of British Columbia (1949) and a diploma in Industrial Relations from Queen's University (1954). He was involved in labour relations activities in the brewing, heavy manufacturing and construction industries for over 25 years prior to his appointment as a Vice-Chair.

INGE M. STAMP Vice-Chair

Mrs. Stamp joined the Labour Relations Board in August, 1982 as a full-time Board Member representing management. In September of 1987, she was appointed a Vice-Chair. Mrs. Stamp comes to the Board with many years experience in construction industry labour relations. She also represented the Industrial Contractors Association of Canada during province-wide negotiations as a member of several employer bargaining agencies.

GEORGE T. SURDYKOWSKI Vice-Chair

Mr. Surdykowski joined the Board as a Vice-Chair in June, 1986. He is a graduate of the University of Waterloo (B.E.S., 1974) and Osgoode Hall Law School (LL.B. 1980). After his call to the Ontario Bar in 1982, Mr. Surdykowski practised law in Toronto until his appointment to the Board.

SUSAN TACON Vice-Chair

Susan Tacon was appointed to the Board as a Vice-Chair, in July 1984. Her educational background includes a B.A. degree (1970) in Political Science from York University and LL.B. (1976) and LL.M. (1978) degrees from Osgoode Hall Law School specializing in the labour relations area. Ms. Tacon taught a seminar in collective bargaining and grievance arbitration at Osgoode Hall Law School for several years and also lectured there in legal research and writing. She has several publications to her credit including a book and articles in law journals and is an experienced arbitrator.

Members Representative of Labour and Management

JIM ANDERSON

Mr. Anderson was appointed a part-time Board Member representing labour in April, 1989. He has been active in the labour movement for many years. He has held various offices in the Canadian Union of Public Employees since 1954, and has been the Union's Ontario Regional Director since 1982. Mr. Anderson has also served as a union nominee on various Boards of Arbitration and as employee representative on Boards of Referees of the Unemployment Insurance Commission.

BROMLEY L. ARMSTRONG

A well-known civil rights leader, Mr. Armstrong was appointed a full-time Member of the Board representing labour in February of 1980. He has held various positions in unions, including local union representative, union steward, plant committee representative and financial secretary. Mr. Armstrong has actively participated in the activities of numerous ethnic and cultural associations, as founding member in many of them. He has been an executive member of the Canadian Civil Liberties Association since 1972 and was a member of the Advisory Council on Multiculturalism in Ontario from 1973 to 1975. Mr. Armstrong was appointed a Commissioner of the Ontario Human Rights Commission in 1975, which post he held until his appointment to the Board. Mr. Armstrong was honoured by the Government of Jamaica when he was appointed a Member of the Order of Distinction in the rank of officer, in the 1983 Independence Day Civil Honours

List, and the City of Toronto Award of Merit, March 1984 and the Urban Alliance and Race Relations Award in 1988. In 1990, Mr. Armstrong received the Harry Jerome Award of Excellence for Achievement and the Minister of State for Multiculturalism and Citizenship award for excellence in Race Relations.

CLIVE A. BALLENTINE

A full-time Member of the Board representing labour since 1979, Mr. Ballentine has been a member of the Bricklayers Union (Local 2) since 1947. During that time he has held various offices in Local 2, including President from 1958 to 1959. In 1964 Mr. Ballentine was elected the Business Agent of Local 2, and in 1968 became the Business Representative of the Toronto Building and Construction Trades Council. In 1974 he assumed the post of Manager and Financial Secretary of the Council and held that position until his appointment to the Board. Mr. Ballentine is also a past executive Member of the Labour Council of Metropolitan Toronto and was its Vice-President between 1975 and 1977. He has served on the Ontario Construction Industry Review Panel and the Ontario Premier's Advisory Committee for an Economic Future.

WILLIAM A. CORRELL

A graduate of McMaster University (B.A. 1949), Mr. Correll was appointed in January, 1985, as a part-time Board Member representing management. In January, 1988 he was appointed a full-time member of the Board. He joined the Board with an impressive background in the personnel field. Having held responsible personnel positions at Stelco, Atomic Energy of Canada Limited and DeHavilland Aircraft of Canada Limited for a number of years, Mr. Correll joined Inco Limited in 1971. After serving as that company's Assistant Vice-President and Director of Industrial Relations, in 1977 Mr. Correll became Vice-President of Inco Metals Company. He was later appointed Vice-President, Inco Ltd. and retired in 1985. He has lectured on personnel and management subjects at community college and university level and has conducted seminars for various management groups. He is active as management representative on boards of arbitration and on various management organizations.

KAREN S. DAVIES

Ms. Karen S. Davies was appointed a full-time Board Member representing labour in July, 1988. She has been a member of the Canadian Auto Workers for many years and has held numerous positions within the union. In 1981 she was elected Chairperson of the Technical Office and Professional Employees bargaining unit. She was responsible for matters such as negotiations, grievances, and arbitrations. Ms. Davies was elected President of Local 673 in 1987,

representing technical, office and professional employees of Boeing Canada Ltd., McDonnell Douglas Canada Ltd., Spar Aerospace and Green Shield Prepaid Services. Ms. Davies has also been active in various labour organizations such as the Ontario Federation of Labour and the Labour Community Services of Metropolitan Toronto.

ANDRE ROLAND FOUCAULT

Mr. Foucault was appointed a part-time Board Member representing labour in January, 1986. A member of the Canadian Paperworkers Union since 1967, he has held several elected positions within this Union. In 1976, he was appointed to the position of Programmes Co-ordinator of the Ontario Federation of Labour. In February, 1982, Mr. Foucault joined the staff of the Canadian Paperworkers Union as a National Representative in which capacity he has served since that time.

W. NEIL FRASER

Prior to being appointed a full-time Board Member representing management on January 1, 1988, Mr. Fraser was executive director of the Canadian, Ontario and Metro Toronto Masonry Contractors Associations. He served as employer spokesman in province-wide collective bargaining for the Bricklayer and Mason Tender Agreements. He represented the masonry industry on a number of technical committees for building code and technical standards. He is a past president, Toronto Chapter Institute of Association Executives. He is active in the Scottish Community, serving as Canadian Commissioner of the Clan Fraser Society of North America and on the Executive of the Clans and Scottish Societies of Canada.

PAT V. GRASSO

Appointed a part-time Member of the Board representing labour in December, 1982, Mr. Grasso has been active in the labour movement in Ontario for many years. Having held various offices in District 50 of the United Mine Workers of America, he was appointed Staff Representative in 1958, and Assistant to the Regional Director for Ontario in 1965. In 1969, Mr. Grasso became the Regional Director for Ontario and was elected to the International Executive Board. When District 50 merged with the United Steelworkers of America in 1972, he became Staff Representative of the Steelworkers in charge of organizing in the Toronto area. In January 1982, Mr. Grasso was transferred to the District office and appointed District Representative directing the Union's organizing efforts in Ontario. In June, 1988 he was appointed a full-time Member of the Board.

ALBERT HERSHKOVITZ

Prior to being appointed a part-time Board Member representing labour in September, 1986, Mr. Hershkovitz served as business agent for the Fur, Leather, Shoe and Allied Workers' Union and the Amalgamated Meat Cutters and Butcher Workmen. He has been President of the Ontario Council-Canadian Food and Allied Workers, Vice-President of the Ontario Federation of Labour and Chairman of the Metro Labour Council, Municipal Committee. As well as being Chairman of the Ontario Jewish Labour Committee and Vice-Chairman of the Urban Alliance for Race Relations, Mr. Hershkovitz has served as a member of the Board of Referees of the Unemployment Insurance Commission.

MAXINE A. JONES

A community college teacher of English and Political Science, Ms. Jones was appointed a part-time Board Member representing labour in April, 1987. Ms. Jones holds Bachelor degrees in Journalism and Political Science, a graduate degree in the latter, and has completed all but her dissertation for her doctorate. Her union experience is extensive and includes being the most senior member of the Ontario Public Service Union's Provincial Board. In addition, she has extensive grievance arbitration experience in her home city, Windsor. Also in Windsor, Ms. Jones is a member of a number of community agency boards, including the Windsor Occupational Safety and Health Board, and has served in several City Council appointed positions.

FRANK KELLY

Mr. Kelly was appointed a part-time Board Member representing labour in April, 1989. After completing his labour studies, he joined the International Brotherhood of Boilermakers, of which he has been a member for more than 40 years. Mr. Kelly has been a member of the Union's Executive Board since 1956, and has served as Business Representative for many years.

JOSEPH F. KENNEDY

Mr. Kennedy is the Business Manager of the International Union of Operating Engineers, Local 793, having served as Treasurer before becoming Business Manager. He has been instrumental in establishing a compulsory training program for hoisting engineers in the Province of Ontario. Mr. Kennedy is a Trustee for the Pension and Benefit Plans of Local 793, as well as a Trustee for the General Pension Plan of the International Union of Operating Engineers in Washington, D.C. He is a member of the National Safety Council, Chicago, Illinois, a member of the Construction

Industry Advisory Board for the Province of Ontario, a Director of the Ontario Building Industry Development Board and, since May, 1983, he has been a part-time Member of the Ontario Labour Relations Board representing labour.

HANK KOBRYN

A member of the Iron Workers' Union since 1948, Mr. Kobryn was the President of Local 700 of that Union from 1951 to 1953. Thereafter, for 16 years, Mr. Kobryn held the post of Business Agent of the Iron Workers' Local 700 in Windsor. Among the many other offices Mr. Kobryn has held are: Vice-President of the Provincial Building and Construction Trades Council of Ontario 1958-1962; Secretary Treasurer of the same council, 1962-1980; Member of the Labour-Management Provincial Safety Committee; Member of the Labour-Management Arbitration Commission; Member of the Construction Industry Review Panel; and member of the Advisory Council on Occupational Health and Safety. In December, 1980, Mr. Kobryn was appointed a full-time Board Member representing labour.

JOHN KURCHAK

In February 1989 Mr. Kurchak was appointed a part-time Board Member representing labour. A member of the Sheet Metal Workers' International Association for many years, he held the positions of business agent and business manager for Local 285. Mr. Kurchak also served as a business representative with the Toronto-Central Building and Construction Trades Council. Coupled with his activities in the Solar Energy Society, he was an active member of the Conservation, Energy and Pollution Control Committee of the Ontario Federation of Labour.

JAMES LEAR

Prior to his appointment in October, 1988 as a part-time Board Member, Jim Lear was a Corporate Manager with the George Wimpey Canada Group, responsible for salaried personnel employment practices and benefits, insurances, construction equipment/transport acquisitions and disposals, and all administrative systems and procedures throughout the Canadian divisions and construction projects of the company. He is a past president of the Construction Safety Association of Ontario, and a former member of the Policy Review Board of the Workers' Compensation Board of Ontario.

DONALD A. MACDONALD

Prior to being appointed a full-time Board Member representing management in July, 1986, Mr. MacDonald was active in personnel management at Brown & Root Ltd. from 1957 to 1968 and at Lummus Canada from 1968-1981. From 1981 until

his appointment at the Board, Mr. MacDonald was President of the Boilermaker Contractors' Association where he was responsible for negotiations, contract administration and liaison with other trade associations. Other activities include Chairman of the Industrial Contractors Association National Committee and Director of the Electrical Power Systems Construction Association.

CAROLINE M. (CURRIE) MCDONALD

Ms. McDonald was appointed a full-time Board Member representing labour in July, 1988. Ms. McDonald came to the Board with many years in the labour relations field, primarily with the Retail, Wholesale Department Store Union. Most recently she was the union's business agent for Eastern Ontario, through which she was responsible for the handling of grievances, arbitrations, contract negotiations and labour disputes. Ms. McDonald was Organizer/Co-ordinator of the Department Store Organizing Campaigns, where she was responsible for labour relations matters relevant to organizing in Ontario. Ms. McDonald has been active in the Ontario Federation of Labour and the Metropolitan Toronto and Eastern Ontario Labour Council.

RENE R. MONTAGUE

In March of 1986 Mr. Montague was appointed a full-time Board Member representing labour. A member of the United Auto Workers (now Canadian Auto Workers) for many years, Mr. Montague maintained many responsible positions in the union, including plant chairperson of Northern Telecom. He has extensive arbitration and bargaining experience. In 1985 Mr. Montague was elected to the Executive Committee of the United Way of Greater London and was a member of the Board of Directors and Campaign Committee of the United Way.

JOHN W. MURRAY

In August of 1981, Mr. Murray was appointed as a part-time Member of the Board representing management. Mr. Murray earned a B.A. degree in Maths and Physics as well as an M.A. degree from the University of Western Ontario. Having served as a Lieutenant with the Royal Canadian Navy during the Second World War, he commenced a career in sales in 1946. He joined the Purchasing Department of John Labatt Ltd. in 1956, becoming Director of Purchasing in 1957. He subsequently held a number of Senior Management positions in the Labatt Group of companies in several parts of the country. He was a vice-president of Labatt Brewing Company for several years before his retirement in January 1982.

DAVID A. PATTERSON

Mr. Patterson was appointed a full-time Board Member representing labour in April, 1986. A member of the United Steelworkers of America for many years, a miner by trade, he advanced through the ranks of his Union to President of Local 6500, U.S.W.A. from 1976-1981, Director, District 6, U.S.W.A.. in Ontario 1981-1986. He was elected Vice-President-at-large of the C.L.C. from 1982-1986. He was a member of the Board of Directors of the M.A.P.A.D. Mr. Patterson also served on the Premier's Advisory Committee, the Ontario Labour-Management Study Group.

HUGH PEACOCK

Mr. Peacock was appointed a full-time Board Member representing labour in November, 1986. Prior to joining the Board Mr. Peacock was Legislative Representative for the Ontario Federation of Labour. He came to the OFL after having been the Woodworkers' Education and Research Representative (1960-1961), worked in the UAW Canada Research Department (1962-1967), and having been a negotiator for the Toronto Newspaper Guild (1972-1976). Mr. Peacock was a member of the Ontario Parliament, representing Windsor West (NDP) from 1967 to 1971. He is currently a member of various social and community organizations.

ROSS W. PIRRIE

Mr. Pirrie was appointed a part-time Board Member representing management in January, 1985 and a full-time Board Member in May 1988. Having been employed by Canadian National Railways for ten years, in 1960 he joined Shell Canada Limited. At Shell Canada, Mr. Pirrie held a wide range of managerial positions in general management, occupational health, human resources and on retiring in 1984 was corporate manager of labour relations. Mr. Pirrie holds the degree of B.A. (Psychology) from the University of Toronto.

FRED B. REAUME

Immediately prior to being appointed a full-time Board Member representing Management in January 1992, Mr. Reaume was Executive Director and Labour Relations Director for the General Contractors Association of Hamilton as well as Chief Administrative Officer for the Association of Millwrighting Contractors of Ontario. He served as Employer Spokesman in province-wide Collective Bargaining with the Labourers International Union of North America, Ontario Provincial District Council from 1984 to 1990. He previously served in Senior Industrial Relations positions with General Steel Wares and Burlington Steel, and has acted as Industrial Relations consultant to several private organizations. In

addition, he lectures at Mohawk College in the Business Faculty in Business Organization and Labour Relations. Mr. Reaume is a graduate of University of Western Ontario (BBA '57) and McMaster University (MBA '68).

JOHN REDSHAW

Mr. Redshaw was appointed a full-time Board Member representing labour in July, 1986. From 1966 to 1971 he served as business representative for Local 793, International Union of Operating Engineers. He was area supervisor for Hamilton, St. Catharines and Kitchener, a position which included organizing and negotiation of all collective agreements in the construction industry. From 1979 until his appointment to the Board, Mr. Redshaw worked in the Union's Labour Relations Department, first in Toronto and then Cambridge. He has been Secretary-Treasurer of the Canadian Conference of Operating Engineers and Secretary of the Waterloo, Wellington, Dufferin, Grey, Building Trades Council.

KENNETH V. ROGERS

Mr. Rogers was appointed in August, 1984, as a part-time Board Member representing labour. From 1967 to 1976, he was a representative with the International Chemical Workers Union and served as Secretary-Treasurer of the Canadian Chemical Workers Union from 1976 to 1980. When the Energy and Chemical Workers Union was founded in 1980, Mr. Rogers became its Ontario Co-ordinator and remained in the position until 1988. He is a former Vice-President of the Ontario Federation of Labour. Mr. Rogers is currently employed as Director of Regional Sectoral Services with the Workers Health and Safety Centre.

JAMES A. RONSON

Mr. Ronson was appointed a full-time Member of the Board representing management in August of 1979. He graduated from the University of Toronto with a B.A.Sc. in 1965 and an LL.B. in 1968. After his call to the Bar, Mr. Ronson practised law in Toronto. During his practice he served on numerous boards of arbitration as employer nominee.

JUDITH A. RUNDLE

Ms. Rundle was appointed a full-time Board Member representing management in July, 1986. She joined the Board with an impressive background in the personnel field. After the University of Toronto, Ms. Rundle held responsible personnel positions at Toronto General Hospital and National Trust Company. Ms. Rundle joined the Riverdale Hospital in 1979, first as Assistant to the Director of Personnel and subsequently as Assistant Administrator of Human Resources.

From January, 1986 until her arrival at the Board, Ms. Rundle was employed as Acting Director of Personnel and Labour Relations at Toronto General Hospital. She was active as management representative on boards of arbitration and has been a member of various management organizations.

GORDON O. SHAMANSKI

A graduate of the University of Chicago (B.A.), Mr. Shamanski was appointed a full-time Board Member representing management in July, 1986. He joined the Board with an impressive background in the personnel field, having been Personnel Manager at Rothmans of Pall Mall Canada Ltd., 1963-1970, and at Canadian Motor Industries Holdings Limited, 1970-1971. From 1972 to 1985 Mr. Shamanski was Corporate Director of Personnel and Industrial Relations at Domglas Inc. where he was responsible for labour contract negotiations, labour board hearings, compensation and benefits design, health and safety, management development and training, and staff recruitment. He has lectured in industrial relations and is a member of various management organizations.

ROBERT M. SLOAN

Prior to being appointed a full-time Board Member representing management in November, 1986, Mr. Sloan was employed by Alcan as Corporate Industrial Relations Manager and Occupational Health and Safety Co-ordinator. In this capacity Mr. Sloan, a graduate of Sir George Williams University (B.A.) was directly involved in all phases of the personnel and labour relations scene including representation in various management organizations.

E.G. (TED) THEOBALD

Mr. Theobald was appointed as a part-time Board Member representing labour in December, 1982 and became a full-time Member in 1986. From 1976 to June, 1982, he was an elected member of the Board of Directors of O.P.S.E.U., and during this period served a term as Vice-President. A long time political and union activist, Mr. Theobald has served as President and Chief Steward of a 600 member local union. He has served on numerous union committees and has either drafted or directly contributed to several labour relations related reports. He is experienced in grievance procedure and arbitration.

JANET TRIM

Appointed a part-time Board Member representing management in May, 1987, Ms. Trim comes to the Board with many years of experience in construction labour relations. Representing the General Contractors, she has been a member of negotiating

committees formed to bargain provincial collective agreements. She served for several years as a management trustee on a Welfare and Pension Trust Fund and currently serves as a management trustee on an Apprenticeship Trust Fund and is a member of a Local Apprenticeship Committee.

MIKE VUKOBRAT

Mr. Vukobrat was appointed on January 31, 1990, as a part-time Board Member representing management. He has been in the Electrical Construction Industry for 36 years, the last 25 as an Electrical Contractor (Power Line Construction Ltd.). In December of 1989, he retired from the organization and his position as President. He has served as a Director of the Electrical Contractors Association of Ontario from 1973 to 1989, was President 1979-1981 and Chairman of the Electrical Trade Bargaining Agency 1985-1986. He served on every negotiating committee since provincial bargaining came into effect. Mr. Vukobrat also served as a Director of the Electrical Power Systems Construction Association from 1981 to 1989 and served on their negotiating committees. He is immediate Past Chairman of the Construction Employers Coordinating Council of Ontario and is presently Executive Director of that organization.

W.H. (BILL) WIGHTMAN

Mr. Wightman was first appointed to the Board in 1968, becoming a full-time Member in 1977, and resigned from the Board in April 1979, in order to serve as a member of the 31st Parliament of Canada and Parliamentary Secretary to the Minister of Labour. He was re-appointed as a full-time Board Member representing management in May, 1981. Following 12 years as an industrial relations specialist in the petro-chemical, food processing and health care industries in the U.S. and Canada, he became Director of Industrial Relations for the Canadian Manufacturers' Association from 1966 to 1977. Concurrently, he served as the Canadian Employer Delegate and Technical Advisor to the International Labour Organization in Geneva and the Organization for Economic Co-operation and Development in Paris, and as a member of the Canada Manpower and Immigration Council, the Unemployment Insurance Advisory Committee and the Attorney-General's Committee on Prison Industries. He is a graduate of Clarkson University (BBA '50) and Columbia University (MS '54).

DANIEL G. WOZNIAK

Mr. Wozniak was appointed a part-time Board Member representing management in March, 1987. A graduate of the University of Manitoba (B.A.) and the Manitoba Law School (LL.B.), Mr. Wozniak has held various personnel-related positions. He started his business career with DuPont of

Canada Ltd. where he held various positions in the employee relations department. In 1960, he joined Standard Brands Limited (now known as Nabisco Brands Ltd.) in Montreal and was promoted to the position of Vice-President, Personnel and Industrial Relations. In 1976 he joined Canada Wire and Cable Ltd. in Toronto where he held the position of Vice-President, Personnel and Industrial Relations until his retirement in 1987. A member of various management organizations, Mr. Wozniak served as the Deputy Employer's representative to the 72nd ILO Convention in Geneva (1986).

V BOARD PUBLICATIONS

The Ontario Labour Relations Board publishes the following:

The Ontario Labour Relations Board Reports: A monthly publication of selected Board decisions which also contains other information and statistics on proceedings before the Board.

A Guide to the Labour Relations Act: A booklet explaining in layperson's terms the provisions of the Labour Relations Act and the Board's practices. This publication is revised periodically to reflect current law and Board practices. The Guide is also available in French.

Monthly Highlights: A publication in leaflet form containing scope notes of significant Board decisions on a monthly basis. This publication also contains Board notices of interest to the industrial relations community and information relating to new appointments and other internal developments.

Pamphlets: To date the Board has published three pamphlets; "Rights of Employees, Employers and Trade Unions", "Certification by the Ontario Labour Relations Board", and "Unfair Labour Practice Proceedings before the Ontario Labour Relations Board". All three pamphlets are available in English, French, Italian and Portuguese. The pamphlet entitled "Unfair Labour Practice Proceedings before the Ontario Labour Relations Board", describes unfair labour practice proceedings before the Board and also contains useful instructions in filling out Form 58, which is used to institute proceedings.

All of the Board's publications may be obtained by calling, writing, or visiting the Board's offices. The Ontario Labour Relations Board Reports are available through annual subscriptions, (January - December issues inclusive) currently priced at \$160.50, including G.S.T. Individual copies of the Reports may be purchased at the Government of Ontario Bookstore. Order forms for subscriptions are available from the Board.

VI STAFF AND BUDGET

At the end of the fiscal year 1991-92, the Board employed a total of 132 persons on a full-time basis. The Board has two types of employees. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council. The administrative, field and support staff are civil service appointees.

The total budget of the Ontario Labour Relations Board for the 1991-92 fiscal year was \$10,231,314.

VII COURT ACTIVITY 1990-1991

During the year under review, the courts dealt with nine applications for judicial review, and dismissed all nine.

In one of the applications for judicial review which was dismissed by the Divisional Court, the applicant sought leave to appeal to the Court of Appeal, which was refused. An application to have the Court of Appeal decision set aside was pending at year-end.

Three applications for judicial review were withdrawn or abandoned by the applicants in the year under review.

Three applications to stay Board proceedings pending judicial review applications were brought. Two were refused and one was granted.

Three applications for leave to appeal decisions made in previous years dismissing applications for judicial review were heard. Two were denied and one was granted.

An application for leave to appeal a decision upholding a Board decision to the Supreme Court of Canada was denied.

An appeal was allowed overturning a Divisional Court decision which had quashed a Board decision.

Nine other applications for judicial review were pending as at year-end. One application for leave to appeal the dismissal of a judicial review application and one application for leave to appeal a decision upholding the Board to the Supreme Court of Canada were also pending. One appeal to the Court of Appeal was also pending, as was an application to have a Divisional Court decision dismissing an application for judicial review set aside.

All court decisions respecting applications involving the Board are reported in the Board's Monthly Reports.

VIII COURT ACTIVITY 1991-1992

During the year under review, the Ontario Court of Justice (General Division) dealt with four applications for judicial review, all of which were dismissed.

One application for judicial review was abandoned, and another was adjourned sine die.

Two applications to stay Board proceedings pending judicial review applications were brought. One was refused and one is pending.

Five other applications for judicial review were pending as at year-end, as was a Board motion to quash a subpoena.

During the year under review, the Court of Appeal in two cases denied leave to appeal a decision which had dismissed an application for judicial review. One of these applications for leave was sought after an order denying an extension of the time limit to bring the application was overturned.

In another case, the Court of Appeal allowed an appeal of a decision which had upheld the Board's decision.

Four other applications for leave to appeal were pending at year-end.

An unopposed application to stay proceedings pending an appeal to the Supreme Court of Canada was granted by the Court of Appeal.

During the year under review, the Supreme Court of Canada dealt with one request for leave to appeal and one appeal.

An application for leave to appeal a Court of Appeal decision upholding a Board decision was granted and the appeal was pending at year-end.

An appeal of a decision upholding a Board decision was dismissed by the Supreme Court of Canada.

All court decisions respecting applications involving the Board are reported in the Board's Monthly Reports.

IX CASELOAD 1990-1991

In fiscal year 1990-91, the Board received a total of 3,488 applications and complaints, an increase of 6 percent over the intake of 3,287 cases in 1989-90. Of the three major categories of cases that were brought to the Board under the Act, applications for certification of trade unions as bargaining agents decreased by 14.8 percent over last year, contraventions of the Act increased by 8.1 percent and referrals of grievances under the construction industry collective agreements increased by 31.9 percent. The total of all other types of cases decreased by 1.6 percent. (Tables 1 and 2).

In addition to the cases received, 994 were carried over from the previous year for a total caseload of 4,482 in 1990-91. Of the total caseload, 2,799 or 62.4 percent, were disposed of during the year; proceedings in 781 were adjourned sine die* (without a fixed date of further action) at the request of the parties; and 902 were pending in various stages of processing at March 31, 1991.

The total number of cases processed during the year produced an average workload of 299 cases for the Board's full-time chair and vice-chairs, and the total disposition represented an average output of 187 cases.

Labour Relations Officer Activity

In 1990-91, the Board's labour relations officers were assigned a total of 2,658 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 59.3 percent of the Board's total caseload, and included 581 certification applications, 39 cases concerning the status of individuals as employees under the Act, 807 complaints of alleged contravention of the Act, 1,142 grievances under construction industry collective agreements, 86 complaints under the Occupational Health and Safety Act, and three under the Environmental Protection Act. (Table 3).

The labour relations officers completed activity in 1,563 of the assignments, obtaining settlements in 1,278 or 81.8 percent. They referred 285 cases to the Board for decisions, proceedings were adjourned sine die in 562 cases, and settlement efforts were continuing in the remaining 533 cases at March 31, 1991. Labour relations officers were also successful in having hearings waived by the parties in 292 or 72.5 percent of 403 certification applications assigned for this purpose.

*The Board regards sine die cases as disposed of, although they are kept on docket for one year.

Representation Votes

In 1990-91, the Board's returning officers conducted a total of 218 representation votes among employees in one or more bargaining units. Of the 218 votes conducted, 147 involved certification applications, 60 were held in applications for termination of existing bargaining rights, and 11 were taken in successor employer applications. (Table 5).

Of the certification votes, 87 involved a single union on the ballot, and 60 involved two unions.

A total of 15,462 employees were eligible to vote in the 218 that were conducted, of whom 12,295 or 79.5 percent cast ballots. Of those who participated, 68.3 percent voted in favour of union representation. In the 87 elections that involved a single union, 78.7 percent of the eligible voters cast ballots, with 48.3 percent of the participants voting for union representation.

In the 60 votes in applications for termination of bargaining rights, 80.6 percent of the eligible voters cast ballots, with only 30.0 percent of those who participated voting for the incumbent unions.

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 40(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 18 requests dealt with by the Board during the fiscal year, votes were conducted in 15 situations, and settlements were reached in three cases before a vote was taken.

In the 15 votes held, employees accepted the employer's offer in four cases by 93 votes in favour to 59 against, and rejected the offer in 11 cases by 488 votes against to 231 in favour.

Hearings

The Board held a total of 1,719 hearings and continuation of hearings in 906 or 20.2 percent of the 4,484 cases processed during the fiscal year. This was an increase of 644 sittings from the number held in 1989-90. One hundred and twenty-three of the hearings were conducted by a vice-chair sitting alone, compared with 65 in 1989-90.

Processing Time

Table 7 provides statistics on the time taken by the Board to process the 2,799 cases disposed of in 1990-91. Information is shown separately for the three major categories of cases handled by the Board - certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements - and for the other categories combined.

A median of 45 days was taken to proceed from filing to disposition for 2,799 cases that were completed in 1990-91, compared with 47 days in 1989-90; certification applications were processed in a median of 46 days, compared with 40 days in 1989-90; complaints of contravention of the Act took 52 days, compared with 53 days in 1989-90; and referrals of construction industry grievances required 21 days, compared with 15 days in 1989-90. The median time for the total of all other cases increased to 82 days from 75 in 1989-90.

Seventy point three percent (70.3) of all dispositions were accomplished in 84 days (3 months) or less, compared with 73.5 percent for certification applications, 67.6 percent for complaints of contravention of the Act, 86.6 percent for referrals of construction industry grievances, and 51 percent for the total of all other types of cases. The number of cases requiring more than 168 days (6 months) to complete increased to 433 from 404 in 1989-90.

Certification of Bargaining Agents

In 1990-91, the Board received 775 applications for certification of trade unions as bargaining agents of employees, a decrease of 14.8 percent over 1989-90. (Tables 1 and 2).

The applications were filed by 87 trade unions, including 35 employee associations. Fifteen of the unions, each with more than 20 applications, accounted for 76.0 percent of the total filings: Canadian Auto Workers (42 cases), Canadian Union of Public Employees (CUPE) (49 cases), International Brotherhood of Electrical Workers (IBEW) (28

cases), Food and Commercial Workers (31 cases), Hotel Employees (29 cases), Ontario Public Service Employees (29 cases), Service Employees Intl. (38 cases), United Steelworkers (39 cases), Carpenters (52 cases), Intl. Operating Engineers (32 cases), Labourers (110 cases), Ontario Public School Teachers (36 cases), Painters (22 cases), Plumbers (23 cases) and Teamsters (29 cases). In contrast, 19.5 percent of the unions filed fewer than five applications each. These unions together accounted for 5.5 percent of the total certification filings. (Table 8).

Table 9 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 81.3 percent of the applications received, concentrated in construction (247 cases), health and welfare services (129 cases), education and related services (54 cases), other services (51 cases) and accommodation and food services (46 cases). These five groups comprised 83.7 percent of the total non-manufacturing applications. Of the 145 applications involving establishments in manufacturing industries, 69.0 percent were in seven groups: food and beverages (20 cases), metal fabricating (20 cases), wood (8 cases), transportation equipment (9 cases), printing and publishing (13 cases), other manufacturing (20 cases) and machinery (10 cases).

In addition to the applications received, 238 cases were carried over from last year, making a total certification caseload of 1,013 in 1990-91. Of the total caseload, 773 were disposed of, proceedings were adjourned sine die in 43 cases, and 197 cases were pending at March 31, 1991. Of the 773 dispositions, certification was granted in 511 cases, including nine in which interim certificates were issued under section 6(2) of the Act, and four that were certified under Section 8; 123 cases were dismissed, proceedings were terminated in five cases, and 67 cases were withdrawn. The certified cases represented 66.1 percent of the total dispositions. (Table 1).

Of the 639 applications that were either certified, dismissed or terminated, final decisions in 139 cases were based on the results of representation votes. Of the 139 votes conducted, 86 involved a single union on the ballot, and 53 were held between two unions. Applicants won in 77 of the votes and lost in the other 62. (Table 6).

A total of 15,170 employees were eligible to vote in the 139 elections, of whom 11,401 or 75.2 percent cast ballots. In the 77 votes that were won and resulted in certification, 5,151 or 67.2 percent of the 7,664 employees eligible to vote cast ballots, and of these voters 4,318 or 60.4 percent

favoured union representation. In the 62 elections that were lost and resulted in dismissals, 6,250 or 83.3 percent of the 7,506 eligible employees participated, and of these only 45.3 percent voted for union representation.

Size and Composition of Bargaining Units: Small units continued to be the predominant pattern of union organizing efforts through the certification process in 1990-91. The average size of the bargaining units in the 511 applications that were certified was 40 employees, compared with 30 employees in 1989-90. Units in construction certifications averaged 12 employees, up from seven in 1989-90; and in non-construction certifications they averaged 50 employees, compared with 40 in 1989-90. Seventy-six percent of the total certifications involved units of fewer than 40 employees, and thirty-four percent applied to units of fewer than ten employees. The total number of employees covered by the certification applications granted increased to 20,552 from 17,184 in 1989-90. (Table 10).

Of the employees covered by the applications certified, 5,159 or 25 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 2,850 employees, found mostly in education, and health and welfare services and represented mainly by teachers' unions and the Ontario Nurses Association. Full-time and part-time employees were represented in units covering 12,543 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13).

Seventy-six point three percent (76.3) of the employees, or 15,688 were employed in production, services and related occupations; and 1,312 were in office, clerical and technical occupations - mainly in education, and health and welfare services. Professional employees, found mostly in education, and health and welfare services, accounted for 2,652 employees; a small number, 194 employees, were in sales classifications, and 706 were in units that included employees in two or more classifications. (Tables 14 and 15).

Disposition Time: A median time of 41 calendar days was required to complete the 511 certification applications granted from receipt to disposition. For non-construction certifications, the median time was 39 days, and for construction certifications the median time was 53 days. (Table 11).

Seventy-five point nine percent (75.9) of the 511 certification applications granted were disposed of in 84 days (3 months) or less, 62.2 percent took 56 days (2 months) or less, 26.8 percent required 28 days (one month) or less, and 6.5 percent were processed in 21 days (three weeks) or less. Fifty-two cases required longer than 168 days (six months) to process, compared with 35 cases in 1989-90.

Termination of Bargaining Rights

In 1990-91, the Board received 129 applications under sections 58, 60, 61, 62 and 125 (formerly sections 57, 59, 60, 61 and 123) of the Act, seeking termination of the bargaining rights of trade unions. In addition, 66 cases were carried over from 1989-90.

Of the total cases processed, bargaining rights were terminated in 67 cases, 37 cases were dismissed, 37 cases were withdrawn or settled, proceedings were terminated or adjourned sine die in 21 cases, and 33 cases were pending at March 31, 1991.

Unions lost the right to represent 1,397 employees in the 67 cases in which termination was granted, but retained bargaining rights for 1,224 employees in the 54 cases that were either dismissed or withdrawn.

Of the 104 cases that were either granted or dismissed, dispositions in 54 were based on the results of representation votes. A total of 1,234 employees were eligible to vote in the 54 elections that were held, of whom 1,020 or 82.7 percent cast ballots. Of those who cast ballots, 328 voted for continued representation by unions and 692 voted against. (Table 6).

Declaration of Successor Trade Union

In 1990-91, the Board dealt with five applications for declarations under Section 63 (formerly section 62) of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction, compared to 23 in 1989-90.

Affirmative declarations were issued by the Board in three cases and two were pending at March 31, 1991.

Declaration of Successor or Common Employer

In 1990-91, the Board dealt with 256 applications for declarations under Section 64 (formerly section 63) of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of request are often made in a single application.

Affirmative declarations were issued by the Board in 24 cases, 86 cases were either settled or withdrawn by the parties, ten cases were dismissed, proceedings were terminated or adjourned sine die in 55 cases, and 81 cases were pending at March 31, 1991.

Accreditation of Employer Organizations

Five applications were processed under sections 127 through 129 (formerly sections 125 to 127) of the Act for accreditation of employer organizations as bargaining agents of employers in the construction industry. Three cases were granted and two cases were pending at March 31, 1991.

Declaration and Direction of Unlawful Strike

In 1990-91, the Board dealt with nine applications seeking a declaration under Section 94 (formerly section 92) against an alleged unlawful strike by employees in the construction industry. One case was granted, two cases were dismissed, three cases were withdrawn or settled, one case was adjourned sine die and two were pending at March 31, 1991.

Nine applications were dealt with seeking directions under Section 94 against alleged unlawful strikes by employees in non-construction industries. Directions were issued in two cases, one was dismissed, four were settled or withdrawn, and two were pending at March 31, 1991.

Thirty-three applications were also processed, seeking directions under Section 137 (formerly section 135) of the Act against alleged unlawful strikes by construction workers. Directions were issued in five cases, one case was dismissed, seven were settled or withdrawn, proceedings were terminated or adjourned sine die in 19 cases, and one was pending at March 31, 1991.

Declaration and Direction of Unlawful Lock-out

Five applications were processed in 1990-91, seeking declaration under Section 95 (formerly section 93) of the Act against alleged unlawful lock-out by construction employers. One case was dismissed, three were either withdrawn or settled and one case was adjourned sine die.

Fourteen applications were processed seeking a direction under Section 95 of the Act against alleged unlawful lock-out by non-construction employers. A direction was issued in two cases, one case was dismissed, one was terminated, five were settled or withdrawn, three cases were adjourned sine die, and two cases were pending at March 31, 1991.

Consent to Prosecute

In 1990-91, the Board dealt with eight applications under Section 103 (formerly section 101) of the Act, requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act.

Of the eight applications processed, which included three carried over from the previous year, three were adjourned sine die, and two were pending at March 31, 1991. All of the disposed cases were either settled or withdrawn.

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board for processing under Section 91 (formerly section 89) of the Act. In handling these cases the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1990-91, the Board received 883 complaints under this section, an increase of 66 cases over the 817 filed in 1989-90. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of sections 65 and 67 (formerly sections 64 and 66) of the Act, illegal changes in wages and working conditions contrary to section 81 (formerly section 79), and failure to bargain in good faith under section 15. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 269 cases were carried over from 1989-90. Of the 1,152 total processed, 709 were disposed of, proceedings were adjourned sine die in 140 cases, and 303 cases were pending at March 31, 1991.

Five hundred and thirty or 74.8 percent of the 709 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4), remedial orders were issued by the Board in 21 cases, 125 cases were dismissed, proceedings were terminated in five cases and 558 cases were either settled or withdrawn.

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under Section 126 (formerly section 124) of the Act. As with complaints of contravention of the Act, the Board encourages voluntary settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 1990-91, the Board received 1162 cases under this section, an increase of 31.9 percent over the previous year. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 168 were carried over from 1989-90. Of the total 1330 processed, 699 were disposed of, proceedings were adjourned sine die in 471 cases, and 160 were pending at March 31, 1991.

In 597 or 85.4 percent of the 699 dispositions, voluntary settlements and withdrawals of the grievance were obtained by labour relations officers (Table 4), awards were made by the Board in 68 cases, 17 cases were dismissed, proceedings were terminated in one case and 613 cases were either settled or withdrawn.

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Right of Access

In 1990-91, two applications were dealt with under section 11 of the Act in which the union sought access to the employer's property. Access was granted in one case and one case was settled.

Religious Exemption

Eight applications were processed under Section 48 (formerly section 47) of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Three applications were dismissed, and the remaining five were settled.

Early Termination of Collective Agreements

Eighteen applications were processed under Section 53(3) (formerly section 52(3)) of the Act, seeking early termination of collective agreements. Consent was granted in eight cases, while proceedings were terminated in five cases and five cases were pending at March 31, 1991.

Union Financial Statements

Ten complaints were dealt with under Section 87 (formerly section 85) of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. One case was withdrawn, settlements were reached in seven cases, and two cases were pending at March 31, 1991.

Jurisdictional Disputes

Sixty-four complaints were dealt with under Section 93 (formerly section 91) of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in four cases, ten cases were dismissed, 12 cases were settled or withdrawn, ten cases were adjourned sine die, and 28 cases were pending at March 31, 1991.

Determination of Employee Status

The Board dealt with 78 applications under Section 108(2) (formerly section 106(2)) of the Act, seeking decisions on the status of individuals as employees under the Act. Twenty-nine cases were settled or withdrawn by the parties in discussions with labour relations officers. Determinations were made by the Board in seven cases, in which 4 of the 24 persons in dispute were found to be employees under the Act. Five cases were dismissed, proceedings were adjourned sine die in eight cases, and 29 cases were pending at March 31, 1991.

Referrals by Minister of Labour

In 1990-91, the Board dealt with four cases referred by the Minister under Section 109 (formerly section 107) of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 16 of the Act, or an arbitrator under sections 45 or 46 (formerly sections 44 and 45). Two cases were either granted or adjourned sine die, and two cases were pending at March 31, 1991.

One case was referred to the Board by the Minister under Section 141(4) (formerly section 139(4)) of the Act, concerning the designations of the employee and employer agencies in a bargaining relationship in the industrial, commercial and institutional sector of the construction industry. The case was adjourned sine die.

Trusteeship Reports

Three statements were filed with the Board during the year reporting that local unions had been placed under trusteeship.

First Agreement Arbitration

On May 26, 1986, Section 41 (formerly section 40a) was added to the Labour Relations Act to enable first collective agreements to be settled by arbitration. The process involves two stages: the parties must first apply to the Board for a direction to arbitrate; then if the direction is granted, they may choose to have the settlement arbitrated by the Board or privately by a board of arbitration.

In 1990-91, the Board dealt with 29 applications for directions to settle first agreements by arbitration. Directions were issued in 13 cases, one case was dismissed, ten cases were settled or withdrawn, proceedings were terminated or adjourned sine die in two cases and three were pending at March 31, 1991.

Arbitration Provision

Eight applications were made under Section 45(3) (formerly section 44(3)) asking the Board to modify the arbitration provision in a collective agreement. Five cases were granted, one case was settled and two cases were adjourned sine die.

Determination of Sector in the Construction Industry

Four applications were dealt with by the Board under Section 153 (formerly section 150) asking the Board to determine whether construction work in question was within the industrial-commercial-institutional sector. One case was dismissed, one case was terminated, and two cases were either withdrawn or adjourned sine die.

Occupational Health and Safety Act and Environmental Protection Act

In 1990-91, the Board dealt with 113 complaints under Section 50 (formerly section 24) of the Occupational Health and Safety Act, and four complaints under Section 174b (formerly section 134(b)) of the Environmental Protection Act, alleging wrongful discipline or discharge for acting in compliance with the Acts. Twenty-four cases were carried over from 1989-90.

Of the total 117 cases processed, 64 were settled by the parties in discussions with labour relations officers. Eight cases were granted, ten were dismissed, proceedings were adjourned sine die in ten cases, and the remaining 25 were pending at March 31, 1991.

Colleges Collective Bargaining Act

Eight complaints were dealt with under Section 77 (formerly section 78) of the Colleges Collective Bargaining Act, alleging contraventions of the Act. Three cases were dismissed, three were settled or withdrawn, and two were pending at March 31, 1991.

Two applications were dealt with under Section 81 (formerly section 82) of the Act for decisions on the status of individuals as employees under the Act. Both were adjourned sine die.

Statistics on the cases under the Colleges Collective Bargaining Act dealt with by the Board are included in Table 1.

X CASELOAD 1991-1992

In fiscal year 1991-92, the Board received a total of 4,170 applications and complaints, an increase of 19.6 percent over the intake of 3,488 cases in 1990-91. Of the three major categories of cases that were brought to the Board under the Act, applications for certification of trade unions as bargaining agents increased by 40.9 percent over the previous year, contraventions of the Act increased by 0.6 percent and referrals of grievances under the construction industry collective agreements increased by 28.2 percent. The total of all other types of cases increased by 4.8 percent. (Tables 1 and 2).

In addition to the cases received, 902 were carried over from the previous year for a total caseload of 5,072 in 1991-92. Of the total caseload, 3,041 or 60.0 percent, were disposed of during the year; proceedings in 1,007 were adjourned sine die* (without a fixed date of further action) at the request of the parties; and 1,024 were pending in various stages of processing at March 31, 1992.

The total number of cases processed during the year produced an average workload of 317 cases for the Board's full-time chair and vice-chairs, and the total disposition represented an average output of 190 cases.

Labour Relations Officer Activity

In 1991-92, the Board's labour relations officers were assigned a total of 3,246 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 64.0 percent of the Board's total caseload, and included 847 certification applications, 29 cases concerning the status of individuals as employees under the Act, 804 complaints of alleged contravention of the Act, 1,480 grievances under construction industry collective agreements, 85 complaints under the Occupational Health and Safety Act, and one case under the Smoking in the Workplace Act. (Table 3).

The labour relations officers completed activity in 1,893 of the assignments, obtaining settlements in 1,650 or 87.2 percent. They referred 243 cases to the Board for decisions; proceedings were adjourned sine die in 742 cases; and settlement efforts were continuing in the remaining 611 cases at March 31, 1992. Labour relations officers were also successful in having hearings waived by the parties in 539 or 73.3 percent of 731 certification applications assigned for this purpose.

*The Board regards sine die cases as disposed of, although they are kept on docket for one year.

Representation Votes

In 1991-92, the Board's returning officers conducted a total of 160 representation votes among employees in one or more bargaining units. Of the 160 votes conducted, 109 involved certification applications, 44 were held in applications for termination of existing bargaining rights, and seven were taken in successor employer applications. (Table 5).

Of the certification votes, 79 involved a single union on the ballot, and 30 involved two unions.

A total of 12,858 employees were eligible to vote in the 160 elections that were conducted, of whom 9,126 or 71.0 percent cast ballots. Of those who participated, 60.5 percent voted in favour of union representation. In the 79 elections that involved a single union, 65.2 percent of the eligible voters cast ballots, with 49.3 percent of the participants voting for union representation.

In the 44 votes in applications for termination of bargaining rights, 89.7 percent of the eligible voters cast ballots, with only 26.2 percent of those who participated voting for the incumbent unions.

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 40(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 16 requests dealt with by the Board during the fiscal year, votes were conducted in ten situations, settlements were reached in three cases before a vote was taken, and three cases were pending as at March 31, 1992.

In the ten votes held, employees accepted the employer's offer in three cases by 68 votes in favour to 47 against, and rejected the offer in seven cases by 576 votes against to 76 in favour.

Hearings

The Board held a total of 2,127 hearings and continuation of hearings in 949 or 18.7 percent of the 5,071 cases processed during the fiscal year. This was an increase of 408 sittings from the number held in 1990-91. One hundred and twenty-six of the hearings were conducted by a vice-chair sitting alone, compared with 123 in 1990-91.

Processing Time

Table 7 provides statistics on the time taken by the Board to process the 3,041 cases disposed of in 1991-92. Information is shown separately for the three major categories of cases handled by the Board - certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements - and for the other categories combined.

As set out in Table 7A, a median of 36 days was taken to proceed from filing to disposition for 3,041 cases that were completed in 1991-92, compared with 45 days in 1990-91; certification applications were processed in a median of 33 days, compared with 46 days in 1990-91; complaints of contravention of the Act took 46 days, compared with 52 days in 1990-91; and referrals of construction industry grievances required 15 days, compared with 21 days in 1990-91. The median time for the total of all other cases decreased to 57 days from 82 in 1990-91.

Seventy-seven point seven percent (77.7) of all dispositions were accomplished in 84 days (3 months) or less, compared with 83.7 percent for certification applications, 67.8 percent for complaints of contravention of the Act, 88.8 percent for referrals of construction industry grievances, and 63.4 percent for the total of all other types of cases (See Table 7A). The number of cases requiring more than 168 days (6 months) to complete decreased to 359 from 433 in 1990-91.

Certification of Bargaining Agents

In 1991-92, the Board received 1,092 applications for certification of trade unions as bargaining agents of employees, an increase of 40.9 percent over 1990-91. (Tables 1 and 2).

The applications were filed by 89 trade unions, including 26 employee associations. Fourteen of the unions, each with more than 30 applications, accounted for 78.0 percent of the total filings: Labourers (250 cases),

Bricklayers International (100 cases), Canadian Union of Public Employees (CUPE) (57 cases), Food and Commercial Workers (57 cases), Hotel Employees (57 cases), Carpenters (47 cases), United Steelworkers (46 cases), Retail Wholesale Employees (45 cases), Service Employees Intl. (33 cases), Ontario Public Service Employees (OPSEU) (33 cases), Ontario Public School Teachers (32 cases), Electrical Workers (IBEW) (32 cases), Intl. Operating Engineers (31 cases), and Teamsters (31 cases). In contrast, 24.7 percent of the unions filed fewer than 5 applications each. These unions together accounted for 4.5 percent of the total certification filings. (Table 8).

Table 9 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 86.4 percent of the applications received, concentrated in construction (457 cases), health and welfare services (155 cases), accommodation and food services (82 cases), other services (63 cases), education and related services (48 cases) and retail trade (44 cases). These six groups comprised 90.0 percent of the total non-manufacturing applications. Of the 149 applications involving establishments in manufacturing industries, 75.2 percent were in eight groups: food and beverage (39 cases), printing and publishing (16 cases), other manufacturing (12 cases), metal fabricating (10 cases), transportation equipment (10 cases), primary metals (9 cases), machinery (8 cases) and paper (8 cases).

In addition to the applications received, 197 cases were carried over from last year, making a total certification caseload of 1,289 in 1991-92. Of the total caseload, 988 were disposed of, proceedings were adjourned sine die in 63 cases, and 238 cases were pending at March 31, 1992. Of the 988 dispositions, certification was granted in 660 cases, including 22 in which interim certificates were issued under section 6(2) of the Act, 101 cases were dismissed, and 52 cases were withdrawn. The certified cases represented 66.8 percent of the total dispositions. (Table 1).

Of the 761 applications that were either certified or dismissed, final decisions in 111 cases were based on the results of representation votes. Of the 111 votes conducted, 78 involved a single union on the ballot, and 33 were held between two unions. Applicants won in 63 of the votes and lost in the other 48. (Table 6).

A total of 12,438 employees were eligible to vote in the 111 elections, of whom 9,060 or 72.8 percent cast ballots. In the 63 votes that were won and resulted in certification, 6,007 or 69.3 percent of the 8,671 employees eligible to vote cast ballots, and of these voters 4,538 or 76.0 percent

favoured union representation. In the 48 elections that were lost and resulted in dismissals, 3,053 or 81.0 percent of the 3,767 eligible employees participated, and of these only 47.0 percent voted for union representation.

Size and Composition of Bargaining Units: Small units continued to be the predominant pattern of union organizing efforts through the certification process in 1991-92. The average size of the bargaining units in the 660 applications that were certified was 32 employees, compared with 40 employees in 1990-91. Units in construction certifications averaged seven employees, down from 12 in 1990-1991; and in non-construction certifications they averaged 46 employees, compared with 50 in 1990-91. Seventy-eight percent of the total certifications involved units of fewer than 40 employees, and 40.9 percent applied to units of fewer than ten employees. The total number of employees covered by the certification applications granted increased to 20,831 from 20,552 in 1990-91. (Table 10).

Of the employees covered by the applications certified, 5,729 or 27.5 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 1,563 employees, found mostly in education, and health and welfare services and represented mainly by teachers' unions and the Ontario Nurses Association. Full-time and part-time employees were represented in units covering 13,539 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13).

Sixty-five point four percent (65.4) of the employees, or 13,625 were employed in production, service and related occupations; and 2,415 were in office, clerical and technical occupations - mainly in mining, education, and health and welfare services. Professional employees, found mostly in education, and health and welfare services, accounted for 2,560 employees; a small number, 37 employees, were in sales classifications, and 2,194 were in units that included employees in two or more classifications. (Tables 14 and 15).

Disposition Time: A median time of 34 calendar days was required to complete the 660 certification applications granted from receipt to disposition compared to 41 days in 1990-91. For non-construction certifications, the median time was 28 days, 11 days less than 1990-91 and for construction certifications the median time was 47 days as opposed to 53 days in 1990-91. (Table 11).

Eighty-five point two percent (85.2) of the 660 certification applications granted were disposed of in 84 days (3 months) or less, 70.2 percent took 56 days (2 months) or less, 39.5 percent required 28 days (one month) or less, and 14.8 percent were processed in 21 days (three weeks) or less, 52 cases required longer than 168 days (six months) to process.

Termination of Bargaining Rights

In 1991-92, the Board received 133 applications under sections 58, 60, 61, 62 and 125 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 33 cases were carried over from 1990-91.

Of the total cases processed, bargaining rights were terminated in 35 cases, 25 cases were dismissed, 58 cases were withdrawn or settled, proceedings were terminated or adjourned sine die in six cases, and 42 cases were pending at March 31, 1992.

Unions lost the right to represent 796 employees in the 35 cases in which termination was granted, but retained bargaining rights for 1,604 employees in the 33 cases that were either dismissed or withdrawn.

Of the 60 cases that were either granted or dismissed, dispositions in 47 were based on the results of representation votes. A total of 982 employees were eligible to vote in the 47 elections that were held, of whom 881 or 89.7 percent cast ballots. Of those who cast ballots, 225 voted for continued representation by unions and 656 voted against. (Table 6).

Declaration of Successor Trade Union

In 1991-92, as in 1990-91, the Board dealt with five applications for declarations under section 63 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction.

Affirmative declarations were issued by the Board in one case, while two cases were either dismissed or withdrawn and two were pending at March 31, 1992.

Declaration of Successor or Common Employer

In 1991-92, the Board dealt with 319 applications for declarations under section 64 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of request are often made in a single application.

Affirmative declarations were issued by the Board in 36 cases, 98 cases were either settled or withdrawn by the parties, 14 cases were dismissed, proceedings were adjourned sine die in 80 cases, and 91 cases were pending at March 31, 1992.

Accreditation of Employer Organizations

Two applications were processed under sections 127 through 129 of the Act for accreditation of employer organizations as bargaining agents of employers in the construction industry. One case was dismissed, and one case was pending at March 31, 1992.

Declaration and Direction of Unlawful Strike

In 1991-92, the Board dealt with two applications seeking a declaration under section 94 against an alleged unlawful strike by employees in the construction industry. Both cases were pending at March 31, 1992.

Seventeen applications were dealt with seeking directions under section 94 against alleged unlawful strikes by employees in non-construction industries. Directions were issued in two cases, five were settled or withdrawn, seven cases were adjourned sine die and three were pending at March 31, 1992.

Thirteen applications were also processed, seeking directions under section 137 of the Act against alleged unlawful strikes by construction workers. One case was dismissed, one was settled or withdrawn, and 11 cases were adjourned sine die.

Declaration and Direction of Unlawful Lock-out

No application was made 1991-92 seeking declaration under section 95 of the Act against alleged unlawful lock-out by construction employers.

Four applications were processed seeking a direction under section 95 of the Act against alleged unlawful lock-out by non-construction employers. One case was adjourned sine die, and the remaining three cases were pending at March 31, 1992.

Four applications were processed seeking a direction under section 137 of the Act against alleged unlawful lockout. Three of these cases were withdrawn, and one was pending at March 31, 1992.

Consent to Prosecute

In 1991-92, the Board dealt with four applications under section 103 of the Act, requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act.

Of the four applications processed, which included two carried over from the previous year, one was dismissed, one adjourned sine die, and two were pending at March 31, 1992.

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board for processing under section 91 of the Act. In handling these cases the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1991-92, the Board received 888 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 65 and 67 of the Act, illegal changes in wages and working conditions contrary to section 80, and failure to bargain in good faith under section 15. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 303 cases were carried over from 1990-91. Of the 1,191 total processed, 752 were disposed of, proceedings were adjourned sine die in 160 cases, and 279 cases were pending at March 31, 1992.

In 582 or 77.4 percent of the 752 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4), remedial orders were issued by the Board in 32 cases, 115 cases were dismissed, 603 cases were either withdrawn or settled, and proceedings were terminated in the remaining two cases.

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 126 of the Act. As with complaints of contravention of the Act, the Board encourages voluntary settlement of these cases by the parties involved, with the assistance of a labour relations officer.

In 1991-92, the Board received 1,490 cases under this section, an increase of 28.2 percent over the previous year. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 160 were carried over from 1990-91. Of the total 1,650 processed, 793 were disposed of, proceedings were adjourned sine die in 634 cases, and 223 were pending at March 31, 1992.

In 660 or 83.2 percent of the 793 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4), awards were made by the Board in 106 cases, 19 cases were dismissed, and 668 cases were either settled or withdrawn.

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Right of Access

In 1991-92, one application was dealt with under section 11 of the Act in which the union sought access to the employer's property. Access was granted in that case.

Religious Exemption

Eight applications were processed under section 48 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. One application was granted, four were settled, one adjourned sine die, and the remaining two were pending as at March 31, 1992.

Early Termination of Collective Agreements

Twenty-three applications were processed under section 53(3) of the Act, seeking early termination of collective agreements. Consent was granted in seven cases, while proceedings were terminated in 12 cases, one case was dismissed, and three cases were pending at March 31, 1992.

Union Financial Statements

Nine complaints were dealt with under section 87 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. One case was dismissed, settlements were reached in six cases, one case was adjourned sine die, with one case pending at March 31, 1992.

Jurisdictional Disputes

Seventy-nine complaints were dealt with under section 93 of the Act involving union work jurisdiction. Four cases were dismissed, 15 cases were withdrawn, 11 cases were adjourned sine die, and 49 cases were pending at March 31, 1992.

Determination of Employee Status

The Board dealt with 72 applications under section 108(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Of the 24 cases settled or withdrawn, 18 cases were settled or withdrawn by the parties in discussions with labour relations officers. Determinations were made by the Board in three cases, in which one of the six persons in dispute were found to be employees under the Act. Twenty cases were dismissed, two were terminated, proceedings were adjourned sine die in five cases, and 18 cases were pending at March 31, 1992.

Referrals by Minister of Labour

In 1991-92, the Board dealt with six cases referred by the Minister under section 109 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 16 of the Act, or an arbitrator under sections 45 or 46. Three cases were granted, and the remaining three cases were withdrawn or dismissed.

No applications were referred to the Board by the Minister under section 141(4) of the Act, concerning the designations of the employee and employer agencies in a bargaining relationship in the industrial, commercial and institutional sector of the construction industry.

Trusteeship Reports

Seven statements were filed with the Board during the year reporting that local unions had been placed under trusteeship.

First Agreement Arbitration

On May 26, 1986, section 41 was added to the Labour Relations Act to enable first collective agreements to be settled by arbitration. The process involves two stages: the parties must first apply to the Board for a direction to arbitrate; then if the direction is granted, they may choose to have the settlement arbitrated by the Board or privately by a board of arbitration.

In 1991-92, the Board dealt with 39 applications for directions to settle first agreements by arbitration. Directions were issued in 12 cases, 15 cases were settled or withdrawn, proceedings were terminated or adjourned sine die in four cases and eight were pending at March 31, 1992.

Arbitration Provision

Five applications were made under section 45(3) asking the Board to modify the arbitration provision in a collective agreement. One case was granted, two cases were withdrawn, and the remaining two cases were adjourned sine die.

Determination of Sector in the Construction Industry

Three applications were dealt with by the Board under section 153 asking the Board to determine whether construction work in question was within the industrial-commercial-institutional sector. Two cases were either settled or withdrawn and one case was pending at March 31, 1992.

Occupational Health and Safety Act and Environmental Protection Act

In 1991-92, the Board dealt with 108 complaints under section 50 of the Occupational Health and Safety Act, and one complaint under section 174(b) of the Environmental Protection Act, alleging wrongful discipline or discharge for acting in compliance with the Acts. Twenty-five cases were carried over from 1990-91.

Of the 109 cases processed, 53 were settled by the parties in discussions with labour relations officers. Four cases were granted, ten were dismissed, proceedings were adjourned sine die in 8 cases, and the remaining 34 were pending at March 31, 1992.

Colleges Collective Bargaining Act

Four complaints were dealt with under section 77 of the Colleges Collective Bargaining Act, alleging contraventions of the Act. All four cases were withdrawn.

One application was dealt with under section 81 of the Act for decisions on the status of individuals as employees under the Act, and was pending as at March 31, 1992.

Statistics on the cases under the Colleges Collective Bargaining Act dealt with by the Board are included in Table 1.

XI STATISTICAL TABLES 1990-91

The following statistics are indicative of the activities of the Ontario Labour Relations Board during the fiscal year 1990-91.

Table 1: Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1990-91.

Table 2: Applications and Complaints Received and Disposed of, Fiscal Years 1986-87 to 1990-91.

Table 3: Labour Relations Officer Activity in Cases Processed, Fiscal Year 1990-91.

Table 4: Labour Relations Officer Settlements in Cases Disposed of Fiscal Year 1990-91.

Table 5: Results of Representation Votes Conducted, Fiscal Year 1990-91.

Table 6: Results of Representation Votes in Cases Disposed of, Fiscal Year 1990-91.

Table 7: Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1990-91.

Table 8: Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1990-91.

Table 9: Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1990-91.

Table 10: Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1990-91.

Table 11: Time Required to Process Certification Applications Granted, Fiscal Year 1990-91.

Table 12: Employment Status of Employees in Bargaining Units Certified, by Industry, Fiscal Year 1990-91.

Table 13: Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1990-91.

Table 14: Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1990-91.

Table 15: Occupational Groups in Bargaining Units Certified, by Union, Fiscal Year 1990-91.

Annual Report - Table 1

Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 1990-91

Type of Case	Caseload			Disposed of Fiscal Year 1990-91								Sine Die	Pending March 31, 1991
	Total	Pending April 1, 1990	Received Fiscal Year 1990-91	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled				
Total	4482	994	3488	2799	813	361	32	177	1416	781	902		
REFERRAL ON EMPLOYEE STATUS	78	24	54	41	7	5	0	7	22	8	29		
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	4	2	2	1	1	0	0	0	0	1	2		
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1330	168	1162	699	68	17	1	15	598	471	160		
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	0	1	0	0	0	0	0	0	1	0		
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	113	23	90	79	8	9	0	0	62	10	24		
ENVIRONMENTAL PROTECTION ACT	4	1	3	3	0	1	0	0	2	0	1		
FIRST AGREEMENT ARBITRATION DIRECTION	29	7	22	25	13	1	1	4	6	1	3		
ARBITRATION PROVISION	8	0	8	6	5	0	0	0	1	2	0		
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	4	2	2	3	0	1	1	1	0	1	0		
FINAL OFFER VOTE	18	0	18	17	4	11	0	1	1	1	0		
MISCELLANEOUS	2	0	2	1	0	1	0	0	0	0	1		

* Includes cases in which a request was granted or a determination made by the Board.
For Final Offer Votes, Granted indicates that offer was accepted and dismissed indicates a rejection.

Annual Report - Table 2

Applications and Complaints Received and Disposed of
Fiscal Years 1986-87 to 1990-91

Type of Case	Number Received, Fiscal Year					Number Disposed of, Fiscal Year						
	Total 1986-87	1987-88	1988-89	1989-90	1990-91	Total 1986-87	1987-88	1988-89	1989-90	1990-91		
Total.	17160	3577	3583	3,225	3287	3488	14822	3371	3112	2856	2685	2799
CERTIFICATION OF BARGAINING AGENTS	4782	1034	1125	938	910	775	4710	1006	1108	944	880	773
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	803	171	159	177	167	129	817	191	133	209	132	152
DECLARATION OF SUCCESSOR TRADE UNION	114	11	77	8	13	5	112	8	54	24	23	3
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1104	287*	185*	237*	201*	194	878	329*	144*	140*	143*	122
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	9	-	-	-	-	9	63	-	-	-	-	63
ACCREDITATION	10	3	1	6	-	0	9	2	1	2	1	3
DECLARATION OF UNLAWFUL STRIKE	25	2	4	5	11	3	21	1	2	4	8	6
DECLARATION OF UNLAWFUL LOCKOUT	10	2	1	2	-	5	9	2	-	2	1	4
DIRECTION RESPECTING UNLAWFUL STRIKE	253	55	46	54	59	39	168	40	33	39	36	20
DIRECTION RESPECTING UNLAWFUL LOCKOUT	29	8	3	1	5	12	25	9	2	1	4	9
CONSENT TO PROSECUTE	31	8	9	4	5	5	28	8	5	9	3	3
CONTRAVENTION OF ACT	4217	862	868	787	817	883	3785	891	734	751	700	709
RIGHT OF ACCESS	26	14	7	2	1	2	26	1	19	3	1	2
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	52	17	3	14	13	5	52	20	1	12	11	8
EARLY TERMINATION OF COLLECTIVE AGREEMENT	88	11	22	12	27	16	88	13	22	13	27	13

Annual Report - Table 2

Applications and Complaints Received and Disposed of
Fiscal Years 1986-87 to 1990-91

Type of Case	Number Received, Fiscal Year					Number Disposed of, Fiscal Year						
	Total 1986-87	1987-88	1988-89	1989-90	1990-91	Total 1986-87	1987-88	1988-89	1989-90	1990-91		
Total	17160	3577	3583	3225	3287	3488	14822	3371	3112	2856	2799	
TRADE UNION FINANCIAL STATEMENT	32	3	7	8	5	9	34	7	3	10	6	8
JURISDICTIONAL DISPUTE	148	23	35	30	27	33	108	12	17	23	30	26
REFERRAL ON EMPLOYEE STATUS	323	74	75	65	55	54	288	58	68	62	59	41
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	17	5	5	3	2	2	13	3	5	4	-	1
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	4512	865	865	739	881	1162	3112	664	671	529	549	699
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	2	-	1	-	-	1	2	-	1	-	1	0
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	412	85	64	110	63	90	334	75	72	53	55	79
ENVIRONMENTAL PROTECTION ACT	7	-	-	2	2	3	5	-	-	1	1	3
FIRST AGREEMENT ARBITRATION DIRECTION	117	34	20	20	21	22	102	28	16	20	13	25
ARBITRATION PROVISION	13	3	1	1	-	8	12	3	1	1	1	6
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	4	-	-	-	2	2	3	-	-	-	-	3
FINAL OFFER VOTE	18	-	-	-	-	18	17	-	-	-	-	17
MISCELLANEOUS	2	-	-	-	-	2	1	-	-	-	-	1

*Includes applications under Successor Rights (Crown Transfers)

Annual Report - Table 3

Labour Relations Officer Activity in Cases Processed *
Fiscal Year 1990-91

Type of Case	Total Cases Assigned	Cases in Which Activity Completed					
		Total	Settled		Referred to Board	Sine Die	Pending
			Number	Percent			
Total	2,658	1,563	1,278	81.8	285	562	533
CERTIFICATION OF BARGAINING AGENTS	581	446	336	75.3	110	18	117
Interim certificate	11	7	5	71.4	2	1	3
Pre-hearing application	73	51	35	68.6	16	1	21
Other application	497	388	296	76.3	92	16	93
CONTRAVENTION OF ACT	807	449	361	80.4	88	104	254
REFERRAL ON EMPLOYEE STATUS	39	22	18	81.8	4	6	11
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,142	585	520	88.9	65	428	129
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	86	59	42	71.2	17	6	21
ENVIRONMENTAL PROTECTION ACT	3	2	1	50.0	1	0	1

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

Annual Report - Table 4

Labour Relations Officer Settlements in Cases Disposed of *
Fiscal Year 1990-91

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1531	1212	79.2
CONTRAVENTION OF ACT	709	530	74.8
REFERRAL ON EMPLOYEE STATUS	41	21	51.2
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	699	597	85.4
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	79	62	78.5
ENVIRONMENTAL PROTECTION ACT	3	2	66.7

* Includes only cases in which labour relations officers play the leading role in the processing of the case. The figures refer to cases disposed of during the year and should not be confused with data for the same types of cases in Table 3. Table 3 refers to new assignments of cases made to labour relations officers during the year which may or may not have been disposed of by the end of the year.

Annual Report - Table 5

Results of Representation Votes Conducted *
Fiscal Year 1990-91

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	218	15462	12295	8396
Certification	147	12987	10279	7036
Pre-hearing cases				
One union	32	3,738	2,912	1,464
Two unions	55	5,565	4,412	4,103
Construction cases				
One union	5	67	63	12
Regular cases				
One union	50	3,411	2,703	1,269
Two unions	5	206	189	188
Termination of Bargaining Rights				
One union	60	1,045	842	253
Successor Employer				
One union	1	122	118	69
Two unions	8	744	654	636
Three unions	2	564	402	402

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

Annual Report - Table 6

Results of Representation Votes in Cases Disposed of *
Fiscal Year 1990-91

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
	In Votes			In Votes			In Votes			In Votes		
	Total	Won	Lost	Appl. Won	Appl. Lost	Total	Won	Lost	Total	Won	Lost	Total
Total	196	127	69	16760	8920	7840	12745	6289	6456	7746	4736	3010
Certification	139	77	62	15170	7664	7506	11401	5151	6250	7151	4318	2833
Pre-hearing cases												
One union	36	23	13	7,438	2,949	4,489	5,379	1,755	3,624	2,604	1,187	1,417
Two unions	48	33	15	4,352	3,224	1,128	3,343	2,447	896	3,251	2,401	850
Construction cases												
One union	4	1	3	64	10	54	60	10	50	12	7	5
Regular cases												
One union	46	15	31	3,110	1,275	1,835	2,430	750	1,680	1,096	535	561
Two unions	5	5	0	206	206	0	189	189	0	188	188	0
Termination												
One union	54	48	6	1,234	1,017	217	1,020	917	103	328	250	78
Successor Employer												
One union	1	1	0	122	122	0	118	118	0	69	69	0
Two unions	2	1	1	234	117	117	206	103	103	198	99	99

* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 5 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Annual Report - Table 7

Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1990-91

Time Taken (Calendar Days)	All Cases			Certification Cases			Section 89 Cases			Section 124 Cases			All Other Cases		
	Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent	
Total	2799	100.0		773	100.0		709	100.0		699	100.0		618	100.0	
Under 8 days	89	3.2		8	1.0		41	5.8		20	2.9		20	3.2	
8-14 days	209	10.6		9	2.2		36	10.9		138	22.6		26	7.4	
15-21 days	301	21.4		55	9.3		34	15.7		189	49.6		23	11.2	
22-28 days	294	31.9		131	26.3		55	23.4		75	60.4		33	16.5	
29-35 days	213	39.5		98	38.9		47	30.0		37	65.7		31	21.5	
36-42 days	221	47.4		63	47.1		74	40.5		43	71.8		41	28.2	
43-49 days	152	52.8		36	51.7		57	48.5		30	76.1		29	32.8	
50-56 days	134	57.6		54	58.7		28	52.5		20	79.0		32	38.0	
57-63 days	93	61.0		33	63.0		21	55.4		16	81.3		23	41.7	
64-70 days	89	64.1		27	66.5		37	60.6		7	82.3		18	44.7	
71-77 days	87	67.2		24	69.6		26	64.3		21	85.3		16	47.2	
78-84 days	85	70.3		30	73.5		23	67.6		9	86.6		23	51.0	
85-91 days	62	72.5		17	75.7		16	69.8		9	87.8		20	54.2	
92-98 days	46	74.1		12	77.2		17	72.2		3	88.3		14	56.5	
99-105 days	39	75.5		5	77.9		15	74.3		1	88.4		18	59.4	
106-126 days	116	79.7		27	81.4		39	79.8		17	90.8		33	64.7	
127-147 days	73	82.3		21	84.1		14	81.8		13	92.7		25	68.8	
148-168 days	63	84.5		15	86.0		18	84.3		9	94.0		21	72.2	
Over 168 days	433	100.0		108	100.0		111	100.0		42	100.0		172	100.0	

Annual Report - Table 8

 Union Distribution of Certification Applications Received and Disposed of
 Fiscal Year 1990-91

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
All Unions	775	773	511	128	134
CLC Affiliates *	361	375	256	71	48
AUTO WORKERS	2	2	2	0	0
BAKERY AND TOBACCO WORKERS	3	3	3	0	0
BREWERY AND SOFT DRINK WORKERS	6	3	1	2	0
CANADIAN AUTO WORKERS	42	37	23	10	4
CANADIAN PAPERWORKERS	8	13	10	2	1
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	49	49	40	3	6
CLOTHING AND TEXTILE WORKERS	8	7	5	1	1
COMMUNICATIONS-ELECTRICAL WKRS.	2	2	0	2	0
ELECTRICAL WORKERS (UE)	3	3	2	1	0
ENERGY AND CHEMICAL WORKERS	7	8	3	2	3
FOOD AND COMMERCIAL WORKERS	31	31	27	0	4
GLASS, POTTERY AND PLASTIC WKRS.	1	2	2	0	0
GRAPHIC COMMUNICATION UNION	5	8	5	2	1
HOTEL EMPLOYEES	29	23	13	4	6
LADIES GARMENT WORKERS	2	1	1	0	0
LEATHER AND PLASTIC WORKERS	1	1	1	0	0
MACHINISTS	3	4	3	0	1
NEWSPAPER GUILD	4	3	3	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	4	4	2	0	2
ONTARIO PUBLIC SERVICE EMPLOYEES	29	25	22	1	2
POSTAL WORKERS	0	1	1	0	0
RAILWAY, TRANSPORT AND GENERAL WORKERS	3	2	1	0	1
RETAIL WHOLESALE EMPLOYEES	16	15	12	2	1
RUBBER WORKERS	1	1	0	1	0
SERVICE EMPLOYEES INTERNATIONAL	38	36	32	3	1
THEATRICAL STAGE EMPLOYEES	5	5	4	0	1
TRANSIT UNION (INTL.)	3	1	0	1	0
TYPOGRAPHICAL UNION	2	2	1	0	1
UNITED STEELWORKERS	39	58	23	27	8
UNITED TEXTILE WORKERS	9	8	6	2	0
WOODWORKERS	6	17	8	5	4

 * Canadian Labour Congress.

** Includes cases that were terminated.

Annual Report - Table 8

Union Distribution of Certification Applications Received and Disposed of
Fiscal Year 1990-91

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
Non-CLC Affiliates	414	398	255	57	86
ALLIED HEALTH PROFESSIONALS	4	5	4	0	1
ASBESTOS WORKERS	5	4	1	0	3
BOILERMAKERS	8	6	4	1	1
BRICKLAYERS INTERNATIONAL	9	8	5	0	3
CARPENTERS	52	42	27	5	10
CHRISTIAN LABOUR ASSOCIATION	11	12	8	1	3
ELECTRICAL WORKERS (IBEW)	28	19	17	1	1
INDEPENDENT LOCAL UNION	8	11	6	2	3
INTERNATIONAL OPERATING ENGINEERS	32	34	22	5	7
LABOURERS	110	109	62	16	31
ONTARIO ENGLISH CATHOLIC TEACHERS	0	1	1	0	0
ONTARIO NURSES ASSOCIATION	5	5	5	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	36	34	26	1	7
PAINTERS	22	15	10	1	4
PLANT GUARD WORKERS	10	19	8	9	2
PLASTERERS	1	1	0	0	1
PLUMBERS	23	18	13	1	4
PRACTICAL NURSES FEDERATION OF ONTARIO	1	0	0	0	0
SHEET METAL WORKERS	6	6	5	0	1
STRUCTURAL IRON WORKERS	6	6	5	1	0
SUDBURY MINE WORKERS	3	3	2	1	0
TEAMSTERS	29	31	17	10	4
TRANSIT UNION (CANADIAN)	5	9	7	2	0

* Canadian Labour Congress.

** Includes cases that were terminated.

Annual Report - Table 9

Industry Distribution of Certification Applications Received and Disposed of
Fiscal Year 1990-91

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
All Industries	775	773	511	128	134
Manufacturing	145	158	105	33	20
CHEMICALS	4	5	3	1	1
CLOTHING	5	5	3	1	1
ELECTRICAL PRODUCTS	7	6	4	2	0
FABRICATED METALS	20	17	13	3	1
FOOD, BEVERAGES	20	17	16	0	1
FURNITURE, FIXTURES	4	5	3	2	0
LEATHER	1	1	1	0	0
MACHINERY	10	10	3	4	3
NON-METALLIC MINERALS	3	4	3	1	0
OTHER MANUFACTURING	20	24	12	7	5
PAPER	5	9	5	2	2
PETROLEUM, COAL	1	1	0	1	0
PRIMARY METALS	4	5	3	1	1
PRINTING, PUBLISHING	13	17	13	3	1
RUBBER, PLASTICS	7	10	7	1	2
TEXTILES	3	2	2	0	0
TOBACCO PRODUCTS	1	1	1	0	0
TRANSPORTATION EQUIPMENT	9	4	3	0	1
WOOD	8	15	10	4	1
Non-Manufacturing	630	615	406	95	114
ACCOMODATION, FOOD SERVICES	46	36	21	8	7
CONSTRUCTION	247	221	138	23	60
EDUCATION, RELATED SERVICES	54	56	42	3	11
ELECTRIC, GAS, WATER	9	5	5	0	0
FINANCE, INSURANCE CARRIERS	3	5	4	1	0
HEALTH, WELFARE SERVICES	129	126	101	14	11
LOCAL GOVERNMENT	11	12	9	0	3
MANAGEMENT SERVICES	14	13	9	1	3
MINING, QUARRYING	2	2	1	1	0

** Includes cases that were terminated.

Annual Report - Table 9

Industry Distribution of Certification Applications Received and Disposed of
Fiscal Year 1990-91

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
Non-Manufacturing	630	615	406	95	114
OTHER SERVICES	51	73	31	30	12
PERSONAL SERVICES	6	8	7	1	0
REAL ESTATE, INSURANCE AGENCIES	12	7	6	1	0
RECREATIONAL SERVICES	4	7	5	2	0
RETAIL TRADE	12	11	9	1	1
STORAGE	1	1	0	1	0
TRANSPORTATION	12	17	12	2	3
WHOLESALE TRADE	17	15	6	6	3

** Includes cases that were terminated.

Annual Report - Table 10

Size of Bargaining Units in Certification Applications Granted
Fiscal Year 1990-91

Employee Size*	Total		Construction**		Non-Construction	
	Number of Appli-cations	Number of Em- ployees	Number of Appli-cations	Number of Em- ployees	Number of Appli-cations	Number of Em- ployees
Total	511	20,552	135	1,617	376	18,935
2-9 employees	176	898	83	395	93	503
10-19 employees	118	1,646	32	410	86	1,236
20-39 employees	92	2,550	11	310	81	2,240
40-99 employees	85	4,977	8	390	77	4,587
100-199 employees	25	3,648	1	112	24	3,536
200-499 employees	12	3,474	0	0	12	3,474
500 employees or more	3	3,359	0	0	3	3,359

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 594 bargaining units were certified in the 511 applications in which certification was granted.

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 9, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Annual Report - Table 11

Time Required to Process Certification Applications Granted *
Fiscal Year 1990-91

Calendar Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	511	100.0	376	100.0	135	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	2	0.4	0	0.0	2	1.5
15-21 days	31	6.5	16	4.3	15	12.6
22-28 days	104	26.8	84	26.6	20	27.4
29-35 days	70	40.5	63	43.4	7	32.6
36-42 days	55	51.3	44	55.1	11	40.7
43-49 days	25	56.2	18	59.8	7	45.9
50-56 days	31	62.2	20	65.2	11	54.1
57-63 days	18	65.8	12	68.4	6	58.5
64-70 days	18	69.3	15	72.3	3	60.7
71-77 days	15	72.2	11	75.3	4	63.7
78-84 days	19	75.9	16	79.5	3	65.9
85-91 days	13	78.5	9	81.9	4	68.9
92-98 days	10	80.4	5	83.2	5	72.6
99-105 days	4	81.2	3	84.0	1	73.3
106-126 days	18	84.7	13	87.5	5	77.0
127-147 days	14	87.5	10	90.2	4	80.0
148-168 days	12	89.8	8	92.3	4	83.0
Over 168 days	52	100.0	29	100.0	23	100.0

* Refers only to applications in which certification was granted. This table should not be confused with Table 7 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Annual Report - Table 12

Employment Status of Employees in Bargaining Units Certified by Industry
Fiscal Year 1990-91

Industry	All Units	Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	
All Industries	594 20,552	149 5,159	75 2,850	35 2,040	335 10,503			
Manufacturing	109 8,234	37 2,133	7 173	14 922	51 5,006			
FOOD, BEVERAGES	18 3,267	6 607	4 62	3 432	5 2,166			
TOBACCO PRODUCTS	1 4	1 4	0 0	0 0	0 0			
RUBBER, PLASTICS	7 872	3 145	0 0	1 28	3 699			
LEATHER	1 2	1 2	0 0	0 0	0 0			
TEXTILES	2 85	0 0	0 0	0 0	2 85			
CLOTHING	3 106	2 52	0 0	0 0	1 54			
WOOD	10 429	4 153	0 0	1 100	5 176			
FURNITURE, FIXTURES	3 100	1 59	1 34	0 0	1 7			
PAPER	5 427	1 13	0 0	0 0	4 414			
PRINTING, PUBLISHING	13 421	5 234	2 77	2 50	4 60			
PRIMARY METALS	3 140	0 0	0 0	1 11	2 129			
FABRICATED METALS	15 424	2 187	0 0	1 18	12 219			
MACHINERY	3 135	1 71	0 0	2 64	0 0			
TRANSPORTATION EQUIPMENT	3 473	1 427	0 0	0 0	2 46			
ELECTRICAL PRODUCTS	4 542	1 36	0 0	1 187	2 319			
NON-METALLIC MINERALS	3 18	2 12	0 0	0 0	1 6			
CHEMICALS	3 53	2 35	0 0	0 0	1 18			
OTHER MANUFACTURING	12 736	4 96	0 0	2 32	6 608			
Non-Manufacturing	485 12,318	112 3,026	68 2,677	21 1,118	284 5,497			
MINING, QUARRYING	1 172	1 172	0 0	0 0	0 0			
TRANSPORTATION	12 192	4 66	0 0	1 3	7 123			
ELECTRIC, GAS, WATER	5 303	3 221	0 0	0 0	2 82			

Annual Report - Table 12

Employment Status of Employees in Bargaining Units Certified by Industry
Fiscal Year 1990-91

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	594	20,552	149	5,159	75	2,850	35	2,040	335	10,503
WHOLESALE TRADE	7	218	5	145	1	43	0	0	1	30
RETAIL TRADE	9	306	4	135	1	48	1	5	3	118
FINANCE, INSURANCE CARRIERS	4	42	1	18	0	0	0	0	3	24
REAL ESTATE, INSURANCE AGENCIES	6	105	5	99	0	0	0	0	1	6
EDUCATION, RELATED SERVICES	45	3,244	9	299	13	1,289	0	0	23	1,656
HEALTH, WELFARE SERVICES	130	3,795	42	969	41	954	6	839	41	1,033
RECREATIONAL SERVICES	6	228	1	22	2	157	1	29	2	20
MANAGEMENT SERVICES	9	75	3	36	0	0	3	31	3	8
PERSONAL SERVICES	8	153	5	82	1	15	0	0	2	56
ACCOMMODATION, FOOD SERVICES	23	842	7	192	5	130	6	122	5	398
OTHER SERVICES	33	742	15	406	3	34	2	48	13	254
LOCAL GOVERNMENT	10	217	5	153	1	7	0	0	4	57
CONSTRUCTION	177	1,684	2	11	0	0	1	41	174	1,632

Annual Report - Table 13

Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 1990-91

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
All Unions	594	20,552	149	5,159	75	2,850	35	2,040	335	10,503
CLC	292	13,714	105	3,647	53	1,434	26	1,101	108	7,532
AUTO WORKERS	2	9	1	2	0	0	1	7	0	0
BAKERY AND TOBACCO WORKERS	3	162	2	130	1	32	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	1	10	0	0	0	0	0	0	1	10
CANADIAN AUTO WORKERS	25	4,037	9	790	2	50	3	208	11	2,989
CANADIAN PAPERWORKERS	11	519	1	8	0	0	0	0	0	511
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	44	2,102	14	489	7	210	3	62	20	1,341
CLOTHING AND TEXTILE WORKERS	5	129	1	44	0	0	2	24	2	61
ELECTRICAL WORKERS (UE)	2	8	1	4	0	0	0	0	1	4
ENERGY AND CHEMICAL WORKERS	3	137	0	0	0	0	0	0	3	137
FOOD AND COMMERCIAL WORKERS	31	950	15	348	7	148	4	285	5	169
GLASS, POTTERY AND PLASTIC MFRS.	2	296	0	0	0	0	0	0	2	296
GRAPHIC COMMUNICATION UNION	5	182	3	149	0	0	0	0	2	33
HOTEL EMPLOYEES	16	372	5	84	3	58	4	125	4	105
LADIES GARMENT WORKERS	1	8	1	8	0	0	0	0	0	0
LEATHER AND PLASTIC WORKERS	1	23	1	23	0	0	0	0	0	0
MACHINISTS	3	328	1	18	0	0	1	42	1	268
NEWSPAPER GUILD	3	101	1	44	1	40	0	0	1	17
OFFICE AND PROFESSIONAL EMPLOYEES	2	11	0	0	0	0	0	0	2	11
ONTARIO PUBLIC SERVICE EMPLOYEES	31	810	13	358	11	187	0	0	7	265
POSTAL WORKERS	1	2	0	0	1	2	0	0	0	0
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	7	1	7	0	0	0	0	0	0
RETAIL WHOLESALE EMPLOYEES	13	376	7	233	1	48	2	59	3	36
SERVICE EMPLOYEES INTERNATIONAL	39	901	15	244	14	427	1	52	9	178
THEATRICAL STAGE EMPLOYEES	4	75	0	0	0	0	0	0	4	75

Annual Report - Table 13

Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 1990-91

Union	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
All Unions	594	20,552	149	5,159	75	2,850	35	2,040	335	10,503
TYPOGRAPHICAL UNION	1	37	0	0	1	37	0	0	0	0
UNITED STEELWORKERS	27	1,423	9	483	2	52	3	115	13	773
UNITED TEXTILE WORKERS	7	307	2	34	2	143	1	22	2	108
WOODWORKERS	8	392	2	147	0	0	1	100	5	145
Non-CLC	302	6,838	44	1,512	22	1,416	9	939	227	2,971
ALLIED HEALTH PROFESSIONALS	5	189	1	41	1	36	0	0	3	112
ASBESTOS WORKERS	1	12	0	0	0	0	0	0	1	12
BOILERMAKERS	6	63	0	0	0	0	0	0	6	63
BRICKLAYERS INTERNATIONAL	8	123	0	0	0	0	0	0	8	123
CARPENTERS	30	331	4	186	0	0	0	0	26	145
CHRISTIAN LABOUR ASSOCIATION	11	335	3	149	3	135	0	0	5	51
ELECTRICAL WORKERS (IBEW)	27	306	3	72	0	0	0	0	24	234
INDEPENDENT LOCAL UNION	6	109	2	55	0	0	0	0	4	54
INTERNATIONAL OPERATING ENGINEERS	22	294	4	62	1	17	1	13	16	202
LABOURERS	74	947	7	249	0	0	1	2	66	696
ONTARIO ENGLISH CATHOLIC TEACHERS	1	200	0	0	1	200	0	0	0	0
ONTARIO NURSES ASSOCIATION	8	119	3	21	3	26	0	0	2	72
ONTARIO PUBLIC SCHOOL TEACHERS	27	1,654	1	34	9	982	0	0	17	638
PAINTERS	12	86	1	5	0	0	0	0	11	81
PLANT GUARD WORKERS	9	148	4	47	2	11	0	0	3	90
PLUMBERS	16	56	0	0	0	0	0	0	16	56
SHEET METAL WORKERS	7	81	0	0	0	0	0	0	7	81
STRUCTURAL IRON WORKERS	6	151	0	0	0	0	0	0	6	151
SUDBURY MINE WORKERS	2	20	1	13	1	7	0	0	0	0

Annual Report - Table 13

Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 1990-91

Union	All Units	Full-time	Part-time	Full-time & Part-time	All Employees	
					No Exclusion	Specified
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
All Unions	594 20,552	149 5,159	75 2,850	35 2,040	335	10,503
TEAMSTERS	17 869	9 552	1 2	3 271	4	44
TRANSIT UNION (CANADIAN)	7 745	1 26	0 0	4 653	2	66

Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 1990-91

	All Groups	Production & Related	Office Clerical & Technical	Professional	Sales	Other
Number Empls. Number Empls. Number Empls. Number Empls. Number Empls. Number Empls.						
All Industries	594 20,552	460 15,688	46 1,312	47 2,652	7 194	34 706
Manufacturing	109 8,234	93 7,777	9 156	0 0	1 4	6 297
FOOD, BEVERAGES	18 3,267	18 3,267	0 0	0 0	0 0	0 0
TOBACCO PRODUCTS	1 4	0 0	0 0	0 0	1 4	0 0
RUBBER, PLASTICS	7 872	6 702	0 0	0 0	0 0	1 170
LEATHER	1 2	1 2	0 0	0 0	0 0	0 0
TEXTILES	2 85	2 85	0 0	0 0	0 0	0 0
CLOTHING	3 106	3 106	0 0	0 0	0 0	0 0
WOOD	10 429	8 416	1 8	0 0	0 0	1 5
FURNITURE, FIXTURES	3 100	3 100	0 0	0 0	0 0	0 0
PAPER	5 427	5 427	0 0	0 0	0 0	0 0
PRINTING, PUBLISHING	13 421	7 242	4 111	0 0	0 0	2 68
PRIMARY METALS	3 140	3 140	0 0	0 0	0 0	0 0
FABRICATED METALS	15 424	14 414	1 10	0 0	0 0	0 0
MACHINERY	3 135	3 135	0 0	0 0	0 0	0 0
TRANSPORTATION EQUIPMENT	3 473	3 473	0 0	0 0	0 0	0 0
ELECTRICAL PRODUCTS	4 542	2 502	1 4	0 0	0 0	1 36
NON-METALLIC MINERALS	3 18	3 18	0 0	0 0	0 0	0 0
CHEMICALS	3 53	2 35	0 0	0 0	0 0	1 18
OTHER MANUFACTURING	12 736	10 713	2 23	0 0	0 0	0 0
Non-Manufacturing	485 12,318	367 7,911	37 1,156	47 2,652	6 190	28 409
MINING, QUARRING	1 172	1 172	0 0	0 0	0 0	0 0
TRANSPORTATION	12 192	11 163	1 29	0 0	0 0	0 0
ELECTRIC, GAS, WATER	5 303	3 267	2 36	0 0	0 0	0 0

Annual Report - Table 14

Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 1990-91

	All Groups		Production & Related		Office				Sales		Other	
					Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	594	20,552	460	15,688	46	1,312	47	2,652	7	194	34	706
WHOLESALE TRADE	7	218	7	218	0	0	0	0	0	0	0	0
RETAIL TRADE	9	306	6	191	0	0	0	0	3	115	0	0
FINANCE, INSURANCE CARRIERS	4	42	0	0	4	42	0	0	0	0	0	0
REAL ESTATE, INSURANCE AGENCIES	6	105	5	97	0	0	0	0	0	0	1	8
EDUCATION, RELATED SERVICES	45	3,244	9	421	9	589	24	2,174	0	0	3	60
HEALTH, WELFARE SERVICES	130	3,795	75	2,646	15	419	22	466	1	19	17	245
RECREATIONAL SERVICES	6	228	4	185	0	0	0	0	0	0	2	43
MANAGEMENT SERVICES	9	75	9	75	0	0	0	0	0	0	0	0
PERSONAL SERVICES	8	153	6	97	0	0	0	0	2	56	0	0
ACCOMMODATION, FOOD SERVICES	23	842	21	832	2	10	0	0	0	0	0	0
OTHER SERVICES	33	742	28	709	1	2	0	0	0	0	4	31
LOCAL GOVERNMENT	10	217	5	154	3	29	1	12	0	0	1	22
CONSTRUCTION	177	1,684	177	1,684	0	0	0	0	0	0	0	0

Annual Report - Table 15

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 1990-91

	All Groups	Production & Related	Office		Professional	Sales	Other					
			Clerical & Technical									
Number Empls. Number Empls. Number Empls. Number Empls. Number Empls. Number Empls.												
All Unions	594	20,552	460	15,688	46	1,312	47	2,652	7	194	34	706
CLC	292	13,714	209	10,898	38	1,001	9	1,007	7	194	29	614
AUTO WORKERS	2	9	2	9	0	0	0	0	0	0	0	0
BAKERY AND TOBACCO WORKERS	3	162	3	162	0	0	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	1	10	1	10	0	0	0	0	0	0	0	0
CANADIAN AUTO WORKERS	25	4,037	21	3,844	3	23	0	0	0	0	1	170
CANADIAN PAPERWORKERS	11	519	9	507	2	12	0	0	0	0	0	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	44	2,102	14	329	14	669	2	851	0	0	14	253
CLOTHING AND TEXTILE WORKERS	5	129	5	129	0	0	0	0	0	0	0	0
ELECTRICAL WORKERS (UE)	2	8	1	4	1	4	0	0	0	0	0	0
ENERGY AND CHEMICAL WORKERS	3	137	3	137	0	0	0	0	0	0	0	0
FOOD AND COMMERCIAL WORKERS	31	950	28	936	2	10	0	0	1	4	0	0
GLASS, POTTERY AND PLASTIC WKS.	2	296	2	296	0	0	0	0	0	0	0	0
GRAPHIC COMMUNICATION UNION	5	182	4	172	1	10	0	0	0	0	0	0
HOTEL EMPLOYEES	16	372	13	301	0	0	0	0	2	56	1	15
LADIES GARMENT WORKERS	1	8	1	8	0	0	0	0	0	0	0	0
LEATHER AND PLASTIC WORKERS	1	23	1	23	0	0	0	0	0	0	0	0
MACHINISTS	3	328	2	310	1	18	0	0	0	0	0	0
NEWSPAPER GUILD	3	101	0	0	3	101	0	0	0	0	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	2	11	1	7	1	4	0	0	0	0	0	0
ONTARIO PUBLIC SERVICE EMPLOYEES	31	810	18	552	5	64	3	124	0	0	5	70
POSTAL WORKERS	1	2	1	2	0	0	0	0	0	0	0	0
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	7	1	7	0	0	0	0	0	0	0	0

Annual Report - Table 15

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 1990-91

	All Groups		Production & Related		Office		Professional		Sales		Other	
					Clerical & Technical							
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	594	20,552	460	15,688	46	1,312	47	2,652	7	194	34	706
RETAIL WHOLESALE EMPLOYEES	13	376	9	242	0	0	0	0	4	134	0	0
SERVICE EMPLOYEES INTERNATIONAL	39	901	29	772	2	62	2	16	0	0	6	51
THEATRICAL STAGE EMPLOYEES	4	75	4	75	0	0	0	0	0	0	0	0
TYPGRAPHICAL UNION	1	37	0	0	0	0	0	0	0	0	1	37
UNITED STEELWORKERS	27	1,423	24	1,399	3	24	0	0	0	0	0	0
UNITED TEXTILE WORKERS	7	307	5	291	0	0	2	16	0	0	0	0
WOODWORKERS	8	392	7	374	0	0	0	0	0	0	1	18
Non-CLC	302	6,838	251	4,790	8	311	38	1,645	0	0	5	92
ALLIED HEALTH PROFESSIONALS	5	189	0	0	0	0	5	189	0	0	0	0
ASBESTOS WORKERS	1	12	1	12	0	0	0	0	0	0	0	0
BOILERMAKERS	6	63	6	63	0	0	0	0	0	0	0	0
BRICKLAYERS INTERNATIONAL	8	123	8	123	0	0	0	0	0	0	0	0
CARPENTERS	30	331	30	331	0	0	0	0	0	0	0	0
CHRISTIAN LABOUR ASSOCIATION	11	335	8	326	1	2	2	7	0	0	0	0
ELECTRICAL WORKERS (IBEW)	27	306	25	237	1	33	0	0	0	0	1	36
INDEPENDENT LOCAL UNION	6	109	3	47	0	0	2	55	0	0	1	7
INTERNATIONAL OPERATING ENGINEERS	22	294	21	281	1	13	0	0	0	0	0	0
LABOURERS	74	947	74	947	0	0	0	0	0	0	0	0
ONTARIO ENGLISH CATHOLIC TEACHERS	1	200	0	0	0	0	1	200	0	0	0	0
ONTARIO NURSES ASSOCIATION	8	119	0	0	0	0	8	119	0	0	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	27	1,654	4	352	4	234	19	1,068	0	0	0	0
PAINTERS	12	86	12	86	0	0	0	0	0	0	0	0

Annual Report - Table 15

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 1990-91

	Office											
	All Groups		Production & Related		Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	594	20,552	460	15,688	46	1,312	47	2,652	7	194	34	706
PLANT GUARD WORKERS	9	148	9	148	0	0	0	0	0	0	0	0
PLUMBERS	16	56	16	56	0	0	0	0	0	0	0	0
SHEET METAL WORKERS	7	81	7	81	0	0	0	0	0	0	0	0
STRUCTURAL IRON WORKERS	6	151	6	151	0	0	0	0	0	0	0	0
SUDBURY MINE WORKERS	2	20	0	0	0	0	1	7	0	0	1	13
TEAMSTERS	17	869	15	833	0	0	0	0	0	0	2	36
TRANSIT UNION (CANADIAN)	7	745	6	716	1	29	0	0	0	0	0	0

XII STATISTICAL TABLES 1991-92

The following statistics are indicative of the activities of the Ontario Labour Relations Board during the fiscal year 1991-92.

Table 1: Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1991-92.

Table 2: Applications and Complaints Received and Disposed of, Fiscal Years 1987-88 to 1991-92.

Table 3: Labour Relations Officer Activity in Cases Processed, Fiscal Year 1991-92.

Table 4: Labour Relations Officer Settlements in Cases Disposed of Fiscal Year 1991-92.

Table 5: Results of Representation Votes Conducted, Fiscal Year 1991-92.

Table 6: Results of Representation Votes in Cases Disposed of, Fiscal Year 1991-92.

Table 7: Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1991-92.

Table 7a: Comparison of Median Time Required to Process Applications and Complaints Disposed Of, Fiscal Years 1991-92/1990-91 and Comparison of Percentage of Dispositions Accomplished in 84 Days (3 Months) or less, Fiscal Years 1991-92/1990-91.

Table 8: Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1991-92.

Table 9: Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1991-92.

Table 10: Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1991-92.

Table 11: Time Required to Process Certification Applications Granted, Fiscal Year 1991-92.

Table 12: Employment Status of Employees in Bargaining Units Certified, by Industry, Fiscal Year 1991-92.

Table 13: Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1991-92.

Table 14: Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1991-92.

Table 15: Occupational Groups in Bargaining Units Certified,
by Union, Fiscal Year 1991-92.

ONTARIO LABOUR RELATIONS BOARD

Annual Report - Table 1

Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 1991-92

Type of Case	Caseload			Disposed of Fiscal Year 1991-92						Pending March 31, 1992
	Total 1991	Pending April 1, 1991	Received Fiscal Year 1991-92	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled	Since Dis.
Total	5072	902	4170	3041	909	322	30	120	1670	1024
CERTIFICATION OF BARGAINING AGENTS	1289	197	1092	988	660	101	0	52	175	63
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	166	33	133	121	36	25	3	8	50	3
DECLARATION OF SUCCESSOR TRADE UNION	5	2	3	3	1	1	0	1	0	0
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	319	81	238	148	36	14	0	2	96	80
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	33	20	13	2	2	0	0	0	0	13
ACREDITATION	2	2	0	1	0	1	0	0	0	0
DECLARATION OF UNLAWFUL STRIKE	2	2	0	0	0	0	0	0	0	0
DIRECTION RESPECTING UNLAWFUL STRIKE	30	3	27	9	2	1	0	4	2	18
DIRECTION RESPECTING UNLAWFUL LOCKOUT	8	2	6	3	0	0	0	0	3	1
CONSENT TO PROSECUTE	4	2	2	1	0	1	0	0	0	1
CONTRAVENTION OF ACT	1191	303	888	752	32	115	2	21	582	160
RIGHT OF ACCESS	1	0	1	1	1	0	0	0	0	0
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	8	0	8	5	1	0	0	0	4	1
EARLY TERMINATION OF COLLECTIVE AGREEMENT	23	5	18	20	7	1	12	0	0	0
TRADE UNION FINANCIAL STATEMENT	9	2	7	7	0	1	0	0	6	1
JURISDICTIONAL DISPUTE	79	28	51	19	0	4	0	15	0	11
REFERRAL ON EMPLOYEE STATUS	72	29	43	49	3	20	2	5	19	5

ONTARIO LABOUR RELATIONS BOARD

Annual Report - Table 1

Total Applications and Complaints Received, Disposed of and Pending
Fiscal Year 1991-92

Type of Case	Cases/Case		Disposed of Fiscal Year 1991-92										Settled	Dis- missed	Withdrawn	Pending March 31, 1992
	Total	Pending April 1, 1991	Received Fiscal Year 1991-92	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled	Dis- missed	Withdrawn	Pending March 31, 1992				
Total	5072	902	4170	3041	909	322	20	130	1670	1007	1024					
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	6	2	4	6	3	1	0	2	0	0	0	0				0
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1680	160	1490	793	106	19	0	5	663	634	223					
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	108	24	84	66	3	10	0	0	53	8	34					
ENVIRONMENTAL PROTECTION ACT	1	1	0	1	1	0	0	0	0	0	0					0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	0	1	1	0	0	0	0	1	0	0					0
FIRST AGREEMENT ARBITRATION DIRECTION	39	3	36	28	12	0	1	2	13	3	8					
ARBITRATION PROVISION	5	0	5	3	1	0	0	2	0	2	0					0
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	3	0	3	2	0	0	0	1	1	0	1					0
FINAL OFFER VOTE	16	0	16	11	3	7	0	0	1	2	3					0
MISCELLANEOUS	2	1	1	1	0	0	0	0	1	1	0					0

* Includes cases in which a request was granted or a determination made by the Board.
For Final Offer Votes, granted indicates that offer was accepted and dismissed indicates a rejection.

ONTARIO LABOUR RELATIONS BOARD

Annual Report - Table 2

Applications and Complaints Received and Disposed of Fiscal Years 1987-88 to 1991-92																
Type of Case	Number Received, Fiscal Year						Number Disposed of, Fiscal Year									
	Total 1987-88 1988-89 1989-90 1990-91 1991-92						Total 1987-88 1988-89 1989-90 1990-91 1991-92									
Total	17753	3583	3,225	3287	3488	4170	14493	3112	2856	2799	3041					
CERTIFICATION OF BARGAINING AGENTS	4840	1125	938	910	775	1092	4693	1108	944	880	773	988				
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	765	159	177	167	129	133	747	133	209	132	152	121				
DECLARATION OF SUCCESSOR TRADE UNION	106	77	8	13	5	3	107	54	24	23	3	3				
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1055	185*	237*	201*	194	238	697	144*	140*	143*	122	148				
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	22	-	-	-	9	13	65	-	-	-	63	2				
ACCREDITATION	7	1	6	-	0	0	8	1	2	1	3	1				
DECLARATION OF UNLAWFUL STRIKE	23	4	5	11	3	0	20	2	4	8	6	0				
DECLARATION OF UNLAWFUL LOCKOUT	8	1	2	-	5	0	7	-	2	1	4	0				
DIRECTION RESPECTING UNLAWFUL STRIKE	225	46	54	59	39	27	137	33	39	36	20	9				
DIRECTION RESPECTING UNLAWFUL LOCKOUT	27	3	1	5	12	6	19	2	1	4	9	3				
CONSENT TO PROSECUTE	25	9	4	5	5	2	21	5	9	3	3	1				
CONTRAVENTION OF ACT	4243	868	787	817	883	888	3646	734	751	700	709	752				
RIGHT OF ACCESS	13	7	2	1	2	1	26	19	3	1	2	1				
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	43	3	14	13	5	8	37	1	12	11	8	5				
EARLY TERMINATION OF COLLECTIVE AGREEMENT	95	22	12	27	16	10	95	22	13	27	13	20				

Annual Report - Table 2

Applications and Complaints Received and Disposed of
Fiscal Years 1987-88 to 1991-92

Type of Case	Number Received, Fiscal Year					Number Disposed of, Fiscal Year					
	Total 1987-88	1988-89	1989-90	1990-91	1991-92	Total 1987-88	1988-89	1989-90	1990-91	1991-92	
Total	17753	3563	3225	3287	3486	4170	14493	3112	2856	2799	3041
TRADE UNION FINANCIAL STATEMENT	36	7	8	5	9	7	34	3	10	6	7
JURISDICTIONAL DISPUTE	176	35	30	27	33	51	115	17	23	30	19
REFERRAL ON EMPLOYEE STATUS	292	75	65	55	54	43	279	68	62	59	49
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	16	5	3	2	2	4	16	5	4	-	6
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	5137	865	739	881	1162	1490	3241	671	529	549	793
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	2	1	-	-	1	0	2	1	-	1	0
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	411	64	110	63	90	84	325	72	53	55	79
ENVIRONMENTAL PROTECTION ACT	4	-	-	2	2	0	6	-	1	1	3
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	-	-	-	-	1	1	-	-	-	1
FIRST AGREEMENT ARBITRATION DIRECTION	119	20	20	21	22	36	102	16	20	13	25
ARBITRATION PROVISION	15	1	1	-	8	5	12	1	1	1	6
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	10	-	2	2	3	3	5	-	-	-	3
FINAL OFFER VOTE	34	-	-	-	18	16	28	-	-	-	17
MISCELLANEOUS	3	-	-	-	2	1	2	-	-	-	1

*Includes applications under Successor Rights (Crown Transfers)

Annual Report - Table 3

Labour Relations Officer Activity in Cases Processed *
Fiscal Year 1991-92

Type of Case	Total Cases Assigned	Cases in Which Activity Completed					
		Total	Settled		Referred to Board	Sine Die	Pending
			Number	Percent			
Total	3,246	1,893	1,650	87.2	243	742	611
CERTIFICATION OF BARGAINING AGENTS	847	636	514	80.8	122	35	176
Interim certificate	21	6	2	33.3	4	3	12
Pre-hearing application	104	73	70	95.9	3	1	30
Other application	722	557	442	79.4	115	31	134
CONTRAVENTION OF ACT	804	488	435	89.1	53	100	216
REFERRAL ON EMPLOYEE STATUS	29	20	18	90.0	2	3	6
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,480	699	638	91.3	61	598	183
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	85	49	44	89.8	5	6	30
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	1	1	100.0	0	0	0

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

Annual Report - Table 4

Labour Relations Officer Settlements in Cases Disposed of *
Fiscal Year 1991-92

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1662	1315	79.1
CONTRAVENTION OF ACT	752	582	77.4
REFERRAL ON EMPLOYEE STATUS	49	19	38.8
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	793	660	83.2
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	66	53	80.3
ENVIRONMENTAL PROTECTION ACT	1	0	0.0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	1	100.0

* Includes only cases in which labour relations officers play the leading role in the processing of the case. The figures refer to cases disposed of during the year and should not be confused with data for the same types of cases in Table 3. Table 3 refers to new assignments of cases made to labour relations officers during the year which may or may not have been disposed of by the end of the year.

Annual Report - Table 5

Results of Representation Votes Conducted *
Fiscal Year 1991-92

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	160	12858	9126	5525
Certification	109	11033	7634	4753
Pre-hearing cases				
One union	40	5,309	3,315	1,648
Two unions	28	3,782	2,895	2,399
Construction cases				
One union	1	4	4	2
Two unions	1	27	25	25
Regular cases				
One union	38	1,903	1,387	671
Two unions	1	8	8	8
Termination of Bargaining Rights				
One union	44	988	886	232
Successor Employer				
One union	2	70	59	7
Two unions	5	767	547	533

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

Annual Report - Table 6

Results of Representation Votes in Cases Disposed of *
Fiscal Year 1991-92

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
	Appl. Appl.			In Votes			In Votes			In Votes		
	Total	Won	Lost	Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	173	110	63	15331	10675	4656	11397	7610	3787	7577	5625	1952
Certification	111	63	48	12438	8671	3767	9060	6007	3053	5972	4538	1434
Pre-hearing cases												
One union	38	22	16	4,922	3,711	1,211	3,373	2,199	1,174	1,653	1,355	298
Two unions	31	18	13	5,308	3,515	1,793	4,005	2,803	1,202	3,476	2,569	907
Construction cases												
One union	2	0	2	7	0	7	7	0	7	2	0	2
Two unions	1	0	1	27	0	27	25	0	25	25	0	25
Regular cases												
One union	38	22	16	2,166	1,437	729	1,642	997	645	808	606	202
Two unions	1	1	0	8	8	0	8	8	0	8	8	0
Termination												
One union	47	39	8	982	734	248	881	662	219	225	164	61
Successor Employer												
One union	2	0	2	70	0	70	59	0	59	7	0	7
Two unions	11	7	4	1,277	988	289	995	740	255	971	722	249
Three unions	2	1	1	564	282	282	402	201	201	402	201	201

* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 5 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Annual Report - Table 7

Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1991-92

Time Taken (Calendar Days)	All Cases			Certification Cases			Section 89 Cases			Section 124 Cases			All Other Cases		
	Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent		Dispo- sitions	Cumu- lative Percent	
Total	3041	100.0		988	100.0		752	100.0		793	100.0		508	100.0	
Under 8 days	138	4.5		13	1.3		50	6.6		60	7.6		15	3.0	
8-14 days	437	18.9		63	7.7		35	11.3		320	47.9		19	6.7	
15-21 days	372	31.1		149	22.8		61	19.4		123	63.4		39	14.4	
22-28 days	338	42.3		199	42.9		54	26.6		42	68.7		43	22.8	
29-35 days	218	49.4		92	52.2		57	34.2		38	73.5		31	28.9	
36-42 days	213	56.4		47	57.0		85	45.5		34	77.8		47	38.2	
43-49 days	170	62.0		64	63.5		54	52.7		23	80.7		29	43.9	
50-56 days	138	66.6		61	69.6		30	56.6		19	83.1		28	49.4	
57-63 days	114	70.3		51	74.8		23	59.7		18	85.4		22	53.7	
64-70 days	100	73.6		47	79.6		29	63.6		12	86.9		12	56.1	
71-77 days	72	76.0		21	81.7		21	66.4		10	88.1		20	60.0	
78-84 days	53	77.7		20	83.7		11	67.8		5	88.8		17	63.4	
85-91 days	48	79.3		18	85.5		13	69.5		7	89.7		10	65.4	
92-98 days	37	80.5		10	86.5		11	71.0		4	90.2		12	67.7	
99-105 days	37	81.7		12	87.8		12	72.6		6	90.9		7	69.1	
106-126 days	82	84.4		16	89.4		32	76.9		8	91.9		26	74.2	
127-147 days	62	86.5		13	90.7		20	79.5		9	93.1		20	78.1	
148-168 days	53	88.2		11	91.8		23	82.6		6	93.8		13	80.7	
Over 168 days	359	100.0		81	100.0		131	100.0		49	100.0		98	100.0	

ONTARIO LABOUR RELATIONS BOARD

Comparison Of Median Time Required To Process Applications And Complaints Disposed Of, By Major Type Of Case, Fiscal Year 1991-92/1990-91

Fiscal Year	All Cases		Certification Cases		Section 89 Cases		Section 124 Cases		All Other Cases	
	Dispo- sitions	Median Time Taken (Calendar Days)	Dispo- sitions	Median Time Taken (Calendar Days)	Dispo- sitions	Median Time Taken (Calendar Days)	Dispo- sitions	Median Time Taken (Calendar Days)	Dispo- sitions	Median Time Taken (Calendar Days)
1991-92	3041	36	988	33	752	46	793	15	508	57
1990-91	2799	45	773	46	709	52	699	21	618	82

Comparison Of Percentage Of Dispositions Accomplished In 64 Days (3 Months) Or Less, Fiscal Year 1991-92/1990-91

Fiscal Year	All Cases		Certification Cases		Section 89 Cases		Section 124 Cases		All Other Cases	
	Dispo- sitions	Cumulative Percent	Dispo- sitions	Cumulative Percent	Dispo- sitions	Cumulative Percent	Dispo- sitions	Cumulative Percent	Dispo- sitions	Cumulative Percent
1991-92	2363	77.7%	827	83.7%	510	67.8%	704	88.8%	322	63.4%
1990-91	1967	70.3%	568	73.5%	479	67.6%	605	86.6%	315	51.0

Annual Report - Table 8

Union Distribution of Certification Applications Received and Disposed of
Fiscal Year 1991-92

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
All Unions	1091	987	659	101	227
CLC Affiliates *	445	414	293	47	74
AUTO WORKERS	1	1	1	0	0
BAKERY AND TOBACCO WORKERS	3	2	0	0	2
BREWERY AND SOFT DRINK WORKERS	10	10	5	3	2
CANADIAN AUTO WORKERS	14	17	13	2	2
CANADIAN PAPERWORKERS	3	5	4	1	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	57	59	44	8	7
CLC DIRECTLY CHARTERED	1	0	0	0	0
CLOTHING AND TEXTILE WORKERS	5	5	3	0	2
COMMUNICATIONS-ELECTRICAL WKRS.	4	3	3	0	0
ELECTRICAL WORKERS (UE)	1	1	0	0	1
ENERGY AND CHEMICAL WORKERS	8	8	5	0	3
FOOD AND COMMERCIAL WORKERS	57	43	24	4	15
GRAPHIC COMMUNICATION UNION	6	6	6	0	0
HOTEL EMPLOYEES	57	56	46	6	4
LADIES GARMENT WORKERS	1	2	2	0	0
MACHINISTS	4	4	4	0	0
NEWSPAPER GUILD	2	3	2	1	0
OFFICE AND PROFESSIONAL EMPLOYEES	11	8	7	0	1
ONTARIO PUBLIC SERVICE EMPLOYEES	33	35	31	2	2
RAILWAY, TRANSPORT AND GENERAL WORKERS	3	4	2	1	1
RETAIL WHOLESALE EMPLOYEES	45	31	20	5	6
RUBBER WORKERS	2	2	1	0	1
SERVICE EMPLOYEES INTERNATIONAL	33	36	23	3	10
THEATRICAL STAGE EMPLOYEES	6	2	1	1	0
TRANSIT UNION (INTL.)	3	6	4	1	1
TYPOGRAPHICAL UNION	4	3	3	0	0
UNITED GARMENT WORKERS	1	1	1	0	0
UNITED STEELWORKERS	46	40	28	6	6
UNITED TEXTILE WORKERS	14	13	3	2	8
WOODWORKERS	10	8	7	1	0

* Canadian Labour Congress.

** Includes cases that were terminated.

Annual Report - Table 8

 Union Distribution of Certification Applications Received and Disposed of
 Fiscal Year 1991-92

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
Non-CLC Affiliates	646	573	366	54	153
ALLIED HEALTH PROFESSIONALS	1	1	1	0	0
ASBESTOS WORKERS	1	0	0	0	0
BOILERMAKERS	3	5	2	0	3
BRICKLAYERS INTERNATIONAL	100	79	64	3	12
CANADIAN SECURITY UNION	4	2	2	0	0
CARPENTERS	47	46	20	8	18
CHRISTIAN LABOUR ASSOCIATION	12	10	7	1	2
ELECTRICAL WORKERS (IBEW)	32	34	19	7	8
INDEPENDENT LOCAL UNION	11	12	7	0	5
INTERNATIONAL OPERATING ENGINEERS	31	22	14	1	7
LABOURERS	250	214	123	16	75
OCCASIONAL TEACHERS ASSOCIATION	1	1	1	0	0
ONTARIO ENGLISH CATHOLIC TEACHERS	2	2	2	0	0
ONTARIO NURSES ASSOCIATION	20	13	8	2	3
ONTARIO PUBLIC SCHOOL TEACHERS	32	32	30	1	1
PAINTERS	17	20	11	3	6
PLANT GUARD WORKERS	16	14	12	1	1
PLASTERERS	4	4	0	2	2
PLUMBERS	10	11	8	2	1
PRACTICAL NURSES FEDERATION OF ONTARIO	5	3	3	0	0
SHEET METAL WORKERS	9	9	5	2	2
STRUCTURAL IRON WORKERS	6	5	3	1	1
SUDBURY MINE WORKERS	1	2	2	0	0
TEAMSTERS	31	32	22	4	6

 * Canadian Labour Congress.

** Includes cases that were terminated.

Annual Report - Table 9

Industry Distribution of Certification Applications Received and Disposed of
Fiscal Year 1991-92

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
All Industries	1092	988	660	101	227
Manufacturing	149	149	91	22	36
CHEMICALS	5	5	2	1	2
CLOTHING	3	3	2	0	1
ELECTRICAL PRODUCTS	6	7	3	0	4
FABRICATED METALS	10	15	9	3	3
FOOD, BEVERAGES	39	36	19	5	12
FURNITURE, FIXTURES	7	8	6	1	1
MACHINERY	8	9	8	0	1
NON-METALLIC MINERALS	3	3	2	0	1
OTHER MANUFACTURING	12	12	7	3	2
PAPER	8	6	3	3	0
PETROLEUM, COAL	4	4	4	0	0
PRIMARY METALS	9	5	3	1	1
PRINTING, PUBLISHING	16	12	11	1	0
RUBBER, PLASTICS	4	4	1	2	1
TEXTILES	1	2	1	0	1
TOBACCO PRODUCTS	1	0	0	0	0
TRANSPORTATION EQUIPMENT	10	15	7	2	6
WOOD	3	3	3	0	0
Non-Manufacturing	943	839	569	79	191
ACCOMODATION, FOOD SERVICES	82	77	55	7	15
CONSTRUCTION	457	398	251	36	111
EDUCATION, RELATED SERVICES	48	51	50	1	0
ELECTRIC, GAS, WATER	7	7	5	1	1
HEALTH, WELFARE SERVICES	155	148	107	16	25
LOCAL GOVERNMENT	16	13	9	1	3
MANAGEMENT SERVICES	7	10	4	0	6
MINING, QUARRYING	3	4	4	0	0
OTHER SERVICES	63	55	32	5	18
PERSONAL SERVICES	5	5	4	0	1

** Includes cases that were terminated.

Annual Report - Table 9

Industry Distribution of Certification Applications Received and Disposed of
Fiscal Year 1991-92

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn
Non-Manufacturing	943	839	569	79	191
REAL ESTATE, INSURANCE AGENCIES	7	5	4	0	1
RECREATIONAL SERVICES	9	5	4	1	0
RETAIL TRADE	44	29	18	6	5
TRANSPORTATION	28	18	14	3	1
WHOLESALE TRADE	12	14	8	2	4

** Includes cases that were terminated.

Annual Report - Table 10

Size of Bargaining Units in Certification Applications Granted
Fiscal Year 1991-92

Employee Size*	Total		Construction**		Non-Construction	
	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees	Number of Appli- cations	Number of Em- ployees
Total	660	20,831	249	1,855	411	18,976
2-9 employees	270	1,391	186	940	84	451
10-19 employees	149	1,977	52	644	97	1,333
20-39 employees	96	2,592	10	230	86	2,362
40-99 employees	109	6,257	1	41	108	6,216
100-199 employees	25	3,311	0	0	25	3,311
200-499 employees	6	1,771	0	0	6	1,771
500 employees or more	5	3,532	0	0	5	3,532

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 736 bargaining units were certified in the 660 applications in which certification was granted.

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 9, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Annual Report - Table 11

Time Required to Process Certification Applications Granted *

Fiscal Year 1991-92

Calendar Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	660	100.0	411	100.0	249	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	4	0.6	3	0.7	1	0.4
15-21 days	94	14.8	79	20.0	15	6.4
22-28 days	163	39.5	129	51.3	34	20.1
29-35 days	78	51.4	49	63.3	29	31.7
36-42 days	36	56.8	15	66.9	21	40.2
43-49 days	51	64.5	17	71.0	34	53.8
50-56 days	37	70.2	11	73.7	26	64.3
57-63 days	40	76.2	12	76.6	28	75.5
64-70 days	35	81.5	11	79.3	24	85.1
71-77 days	13	83.5	10	81.8	3	86.3
78-84 days	11	85.2	8	83.7	3	87.6
85-91 days	7	86.2	6	85.2	1	88.0
92-98 days	9	87.6	7	86.9	2	88.8
99-105 days	6	88.5	4	87.8	2	89.6
106-126 days	11	90.2	11	90.5	0	89.6
127-147 days	5	90.9	4	91.5	1	90.0
148-168 days	8	92.1	5	92.7	3	91.2
Over 168 days	52	100.0	30	100.0	22	100.0

* Refers only to applications in which certification was granted. This table should not be confused with Table 7 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Annual Report - Table 12

Employment Status of Employees in Bargaining Units Certified by Industry
Fiscal Year 1991-92

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
All Industries	736	20,831	140	5,729	65	1,563	32	1,956	499	11,583
Manufacturing	94	4,418	31	1,146	6	203	13	837	44	2,232
FOOD, BEVERAGES	19	951	6	146	1	170	0	0	12	635
RUBBER, PLASTICS	1	40	1	40	0	0	0	0	0	0
TEXTILES	1	44	0	0	0	0	0	0	1	44
CLOTHING	2	123	1	121	0	0	0	0	1	2
WOOD	3	98	1	8	0	0	1	5	1	85
FURNITURE, FIXTURES	6	291	4	160	0	0	2	131	0	0
PAPER	3	43	2	37	0	0	0	0	1	6
PRINTING, PUBLISHING	13	172	6	127	3	25	0	0	4	20
PRIMARY METALS	3	56	0	0	0	0	1	23	2	33
FABRICATED METALS	9	290	1	90	0	0	3	146	5	54
MACHINERY	8	250	2	123	0	0	2	58	4	69
TRANSPORTATION EQUIPMENT	8	739	1	155	0	0	3	442	4	142
ELECTRICAL PRODUCTS	3	40	1	2	0	0	0	0	2	38
NON-METALLIC MINERALS	2	19	0	0	0	0	0	0	2	19
PETROLEUM, COAL	4	18	2	10	2	8	0	0	0	0
CHEMICALS	2	13	0	0	0	0	0	0	2	13
OTHER MANUFACTURING	7	1,231	3	127	0	0	1	32	3	1,072
Non-Manufacturing	642	16,413	109	4,583	59	1,360	19	1,119	455	9,351
MINING, QUARRYING	4	952	3	848	0	0	1	104	0	0
TRANSPORTATION	14	287	4	75	1	7	0	0	9	205
ELECTRIC, GAS, WATER	5	88	2	43	0	0	1	26	2	19
WHOLESALE TRADE	8	228	6	147	0	0	1	19	1	62

Annual Report - Table 12

Employment Status of Employees in Bargaining Units Certified by Industry
Fiscal Year 1991-92

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	736	20,831	140	5,729	65	1,563	32	1,956	499	11,583
RETAIL TRADE	21	585	10	103	1	15	0	0	10	467
REAL ESTATE, INSURANCE AGENCIES	4	23	1	10	2	10	1	3	0	0
EDUCATION, RELATED SERVICES	55	4,755	14	1,436	8	456	1	325	32	2,538
HEALTH, WELFARE SERVICES	129	4,180	33	1,053	37	697	8	434	51	1,996
RECREATIONAL SERVICES	4	60	0	0	1	23	0	0	3	37
MANAGEMENT SERVICES	4	127	3	103	0	0	0	0	1	24
PERSONAL SERVICES	4	55	1	14	0	0	0	0	3	41
ACCOMMODATION, FOOD SERVICES	61	2,068	9	223	6	93	0	0	46	1,752
OTHER SERVICES	32	874	13	406	1	49	5	198	13	221
LOCAL GOVERNMENT	12	172	5	79	2	10	1	10	4	73
CONSTRUCTION	285	1,959	5	43	0	0	0	0	280	1,916

Annual Report - Table 13

Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 1991-92

Union	All Units	Full-time	Part-time	Full-time & Part-time	All Employees No Exclusion Specified
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
All Unions	734 20,817	140 5,729	65 1,563	32 1,956	497 11,569
CLC	328 12,767	99 3,820	54 1,151	19 968	156 6,828
AUTO WORKERS	1 5	1 5	0 0	0 0	0 0
BREWERY AND SOFT DRINK WORKERS	6 137	3 90	1 15	1 11	1 21
CANADIAN AUTO WORKERS	14 1,910	6 431	0 0	2 420	6 1,059
CANADIAN PAPERWORKERS	4 106	1 62	0 0	1 30	2 14
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	51 2,062	11 294	14 389	1 24	25 1,355
CLOTHING AND TEXTILE WORKERS	3 154	2 131	0 0	1 23	0 0
COMMUNICATIONS-ELECTRICAL WKRS.	3 59	1 22	0 0	0 0	2 37
ENERGY AND CHEMICAL WORKERS	5 39	2 10	2 8	0 0	1 21
FOOD AND COMMERCIAL WORKERS	30 835	15 183	5 232	0 0	10 420
GRAPHIC COMMUNICATION UNION	6 201	3 139	0 0	1 46	2 16
HOTEL EMPLOYEES	47 1,817	3 133	2 33	0 0	42 1,651
LADIES GARMENT WORKERS	2 98	1 19	0 0	1 79	0 0
MACHINISTS	4 33	2 21	0 0	0 0	2 12
NEWSPAPER GUILD	3 38	2 36	1 2	0 0	0 0
OFFICE AND PROFESSIONAL EMPLOYEES	7 86	0 0	0 0	3 44	4 42
ONTARIO PUBLIC SERVICE EMPLOYEES	43 1,162	16 479	15 252	2 45	10 386
RAILWAY, TRANSPORT AND GENERAL WORKERS	2 40	0 0	0 0	1 22	1 18
RETAIL WHOLESALE EMPLOYEES	20 703	7 139	0 0	0 0	13 564
RUBBER WORKERS	1 30	1 30	0 0	0 0	0 0
SERVICE EMPLOYEES INTERNATIONAL	26 676	7 307	10 166	0 0	9 203
THEATRICAL STAGE EMPLOYEES	1 16	0 0	0 0	0 0	1 16
TRANSIT UNION (INTL.)	4 66	2 42	0 0	0 0	2 24
TYPOGRAPHICAL UNION	4 60	2 37	2 23	0 0	0 0
UNITED GARMENT WORKERS	1 2	0 0	0 0	0 0	1 2

ONTARIO LABOUR RELATIONS BOARD

Annual Report - Table 13

Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 1991-92

Union	All Units	Full-time	Part-time	Full-time & Part-time	All Employees No Exclusion Specified
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
All Unions	734 20,817	140 5,729	65 1,563	32 1,956	497 11,569
STRUCTURAL IRON WORKERS	3 30	0 0	0 0	0 0	3 30
SUDBURY MINE WORKERS	2 27	1 17	0 0	1 10	0 0
TEAMSTERS	22 481	5 121	0 0	4 181	13 179

ONTARIO LABOUR RELATIONS BOARD

Annual Report - Table 14

Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 1991-92

	All Groups		Production & Related		Office			Professional		Sales		Other	
	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Technical	Clerical & Technical	Professional	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
All Industries	736	20,831	576	13,625	64	2,415	39	2,560	2	37	55	2,194	
Manufacturing	94	4,418	74	3,732	9	82	0	0	1	26	10	578	
FOOD, BEVERAGES	19	951	16	909	0	0	0	0	1	26	2	16	
RUBBER, PLASTICS	1	40	1	40	0	0	0	0	0	0	0	0	
TEXTILES	1	44	1	44	0	0	0	0	0	0	0	0	
CLOTHING	2	123	2	123	0	0	0	0	0	0	0	0	
WOOD	3	98	2	93	0	0	0	0	0	0	1	5	
FURNITURE, FIXTURES	6	291	4	218	0	0	0	0	0	0	2	73	
PAPER	3	43	1	28	2	15	0	0	0	0	0	0	
PRINTING, PUBLISHING	13	172	5	59	5	62	0	0	0	0	3	51	
PRIMARY METALS	3	56	3	56	0	0	0	0	0	0	0	0	
FABRICATED METALS	9	290	9	290	0	0	0	0	0	0	0	0	
MACHINERY	8	250	8	250	0	0	0	0	0	0	0	0	
TRANSPORTATION EQUIPMENT	8	739	6	306	0	0	0	0	0	0	2	433	
ELECTRICAL PRODUCTS	3	40	2	38	1	2	0	0	0	0	0	0	
NON-METALLIC MINERALS	2	19	2	19	0	0	0	0	0	0	0	0	
PETROLEUM, COAL	4	18	4	18	0	0	0	0	0	0	0	0	
CHEMICALS	2	13	2	13	0	0	0	0	0	0	0	0	
OTHER MANUFACTURING	7	1,231	6	1,228	1	3	0	0	0	0	0	0	
Non-Manufacturing	642	16,413	502	9,893	55	2,333	39	2,560	1	11	45	1,616	
MINING, QUARRYING	4	952	3	127	1	825	0	0	0	0	0	0	
TRANSPORTATION	14	287	12	265	1	13	1	9	0	0	0	0	
ELECTRIC, GAS, WATER	5	88	3	45	1	30	0	0	0	0	1	13	
WHOLESALE TRADE	8	228	5	121	1	10	0	0	0	0	2	97	

ONTARIO LABOUR RELATIONS BOARD

Annual Report - Table 14

Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 1991-92

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	736	20,831	576	13,625	64	2,415	39	2,560	2	37	55	2,194
RETAIL TRADE	21	585	11	336	3	22	0	0	1	11	6	216
REAL ESTATE, INSURANCE AGENCIES	4	23	3	15	0	0	0	0	0	0	1	8
EDUCATION, RELATED SERVICES	55	4,755	19	1,882	13	661	17	1,996	0	0	6	216
HEALTH, WELFARE SERVICES	129	4,180	68	2,393	23	598	21	555	0	0	17	634
RECREATIONAL SERVICES	4	60	3	51	1	9	0	0	0	0	0	0
MANAGEMENT SERVICES	4	127	4	127	0	0	0	0	0	0	0	0
PERSONAL SERVICES	4	55	3	44	1	11	0	0	0	0	0	0
ACCOMMODATION, FOOD SERVICES	61	2,068	54	1,852	2	14	0	0	0	0	5	202
OTHER SERVICES	32	874	26	714	4	110	0	0	0	0	2	50
LOCAL GOVERNMENT	12	172	4	53	4	30	0	0	0	0	4	89
CONSTRUCTION	285	1,959	284	1,868	0	0	0	0	0	0	1	91

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 1991-92

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	734	20,817	574	13,611	64	2,415	39	2,560	2	37	55	2,194
CLC	328	12,767	207	8,227	55	1,877	15	659	2	37	49	1,967
AUTO WORKERS	1	5	1	5	0	0	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	6	137	4	92	0	0	0	0	0	0	2	45
CANADIAN AUTO WORKERS	14	1,910	11	1,443	2	56	0	0	0	0	1	411
CANADIAN PAPERWORKERS	4	106	3	100	1	6	0	0	0	0	0	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	51	2,062	28	919	16	389	1	503	0	0	6	251
CLOTHING AND TEXTILE WORKERS	3	154	2	144	1	10	0	0	0	0	0	0
COMMUNICATIONS-ELECTRICAL WRS.	3	59	0	0	3	59	0	0	0	0	0	0
ENERGY AND CHEMICAL WORKERS	5	39	4	18	1	21	0	0	0	0	0	0
FOOD AND COMMERCIAL WORKERS	30	835	23	745	1	6	3	26	1	26	2	32
GRAPHIC COMMUNICATION UNION	6	201	6	201	0	0	0	0	0	0	0	0
HOTEL EMPLOYEES	47	1,817	41	1,607	1	8	0	0	0	0	5	202
LADIES GARMENT WORKERS	2	98	2	98	0	0	0	0	0	0	0	0
MACHINISTS	4	33	0	0	3	20	0	0	0	0	1	13
NEWSPAPER GUILD	3	38	0	0	3	38	0	0	0	0	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	7	86	1	9	1	6	1	9	0	0	4	62
ONTARIO PUBLIC SERVICE EMPLOYEES	43	1,162	13	441	10	122	7	104	0	0	13	495
RAILWAY, TRANSPORT AND GENERAL WORKERS	2	40	1	18	0	0	0	0	0	0	1	22
RETAIL WHOLESALE EMPLOYEES	20	703	13	586	1	4	0	0	1	11	5	102
RUBBER WORKERS	1	30	1	30	0	0	0	0	0	0	0	0
SERVICE EMPLOYEES INTERNATIONAL	26	676	17	393	5	264	2	5	0	0	2	14
THEATRICAL STAGE EMPLOYEES	1	16	1	16	0	0	0	0	0	0	0	0
TRANSIT UNION (INTL.)	4	66	3	53	1	13	0	0	0	0	0	0

Annual Report - Table 15

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 1991-92

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====	734	20,817	574	13,611	64	2,415	39	2,560	2	37	55	2,194
All Unions												
=====												
TYPOGRAPHICAL UNION	4	60	0	0	1	9	0	0	0	0	3	51
UNITED GARMENT WORKERS	1	2	1	2	0	0	0	0	0	0	0	0
UNITED STEELWORKERS	30	1,851	23	914	4	846	1	12	0	0	2	79
UNITED TEXTILE WORKERS	3	135	3	135	0	0	0	0	0	0	0	0
WOODWORKERS	7	446	5	258	0	0	0	0	0	0	2	188
=====												
Non-CLC	406	8,050	367	5,384	9	538	24	1,901	0	0	6	227
=====												
ALLIED HEALTH PROFESSIONALS	1	5	0	0	0	0	1	5	0	0	0	0
BOILERMAKERS	2	39	2	39	0	0	0	0	0	0	0	0
BRICKLAYERS INTERNATIONAL	91	518	91	518	0	0	0	0	0	0	0	0
CANADIAN SECURITY UNION	2	40	2	40	0	0	0	0	0	0	0	0
CARPENTERS	21	231	20	140	0	0	0	0	0	0	1	91
CHRISTIAN LABOUR ASSOCIATION	8	103	8	103	0	0	0	0	0	0	0	0
ELECTRICAL WORKERS (IBEW)	20	684	18	652	2	32	0	0	0	0	0	0
INDEPENDENT LOCAL UNION	7	86	5	53	0	0	2	33	0	0	0	0
INTERNATIONAL OPERATING ENGINEERS	15	252	14	148	1	104	0	0	0	0	0	0
LABOURERS	126	989	126	989	0	0	0	0	0	0	0	0
OCCASIONAL TEACHERS ASSOCIATION	1	152	0	0	0	0	1	152	0	0	0	0
ONTARIO ENGLISH CATHOLIC TEACHERS	2	168	0	0	0	0	2	168	0	0	0	0
ONTARIO NURSES ASSOCIATION	11	437	2	8	0	0	9	429	0	0	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	31	3,343	14	1,741	4	387	9	1,114	0	0	4	101
PAINTERS	11	69	11	69	0	0	0	0	0	0	0	0
PLANT GUARD WORKERS	13	185	13	185	0	0	0	0	0	0	0	0

ONTARIO LABOUR RELATIONS BOARD

Annual Report - Table 15

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 1991-92

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	734	20,817	574	13,611	64	2,415	39	2,560	2	37	55	2,194
PLUMBERS	8	69	8	69	0	0	0	0	0	0	0	0
PRACTICAL NURSES FEDERATION OF ONTARIO	3	107	3	107	0	0	0	0	0	0	0	0
SHEET METAL WORKERS	6	35	6	35	0	0	0	0	0	0	0	0
STRUCTURAL IRON WORKERS	3	30	3	30	0	0	0	0	0	0	0	0
SUDBURY MINE WORKERS	2	27	1	17	1	10	0	0	0	0	0	0
TEAMSTERS	22	481	20	441	1	5	0	0	0	0	1	35