

ONTARIO LABOUR RELATIONS BOARD

ANNUAL REPORT

1992-93
1993-94



ONTARIO LABOUR RELATIONS BOARD

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|------------------------|------------------|
| <i>Chair</i> | J. McCORMACK |
| <i>Alternate Chair</i> | R.O. MacDOWELL |
| <i>Vice-Chairs</i> | M. BENDEL |
| | J. BLOCH |
| | P. CHAPMAN |
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| | M. NAIRN |
| | K. O'NEIL |
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| | R.K. SHOULDICE |
| | I. STAMP |
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| <i>Registrar</i> | T.A. INNISS |
| <i>Deputy Registrar</i> | P. GRENIER |

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|-------------------------|----------------|
| <i>Board Solicitors</i> | R. LEBI |
| | K.A. MacDONALD |

CHAIR'S MESSAGE

This period has been an interesting and eventful one for the Board. Significant changes in both labour relations and labour legislation have highlighted the importance of the Board's role in providing an impartial and stable forum for dispute resolution. At the same time, the economic climate has made it necessary to maximize the efficient use of Board resources.

In this environment, the Board has taken the initiative to establish a more dynamic relationship with the labour relations community, strengthen communication, streamline its procedures, increase accessibility, and explore innovative ways of providing timely and effective mediation and adjudication. Examples of some of these changes include:

- * the creation and fine-tuning of new, easier to read Rules of Procedure and forms reflecting increased emphasis on early and complete disclosure, and promoting expedition in the scheduling and conduct of hearings;*
- * the establishment of a fast track for hearings to reduce delays and accommodate statutory time-lines;*
- * the development of a series of rules and forms workshops around Ontario to ease the transition period and familiarize both lawyers and labour practitioners with the changes in scheduling, rules, and forms;*
- * the formation of a Litigation Committee consisting of fourteen management and labour side law firms with whom the Board has worked closely on a series of practice issues;*
- * the creation of an active continuing education program to hone and polish the skills of the Board's adjudicators, mediators, and staff;*

- * the updating and expansion of a number of publications including the Board's newsletter, Highlights, the Guide to the Labour Relations Act, and various pamphlets;
- * the development of an exchange program between the Board's field services, the Ministry of Labour's Office of Mediation, and private sector employers and unions;
- * the expanded use of alternative hearing options, including electronic and paper hearings;
- * the organization of the Board into internal administrative teams.

I have also had the pleasure of meeting with a wide variety of employer and labour groups to get the benefit of their views and provide them with current information about new developments at the Board.

The last two years have also been a time of significant progress with respect to a number of areas at the Board, most notably in eliminating backlogs and expediting hearings. This would not have been possible without the energy and dedication of those at the Board, as well as many people in the labour relations community who have given generously of their time and expertise. We have also had the assistance of a number of new members of the Board and staff who have brought us a sound balance of labour, management, and other perspectives, together with their extensive qualifications and experience.

There is more work to be done, however, including exploring the range of mediation and adjudication options available to parties, continuing the dialogue on revitalising tripartism, making broader use of case and hearing management techniques, and developing further initiatives to make the Board more accessible. As we enter a new fiscal year, the Board faces the ongoing challenge of providing speedy and accessible administrative justice in a sophisticated legal environment.

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I NEW INITIATIVES

A. THE NEW RULES OF PROCEDURE

The Board's current Rules of Procedure were developed in the fall of 1992, both to accommodate and integrate new amendments to the *Labour Relations Act* and to update the rules generally. Within the confines of the limited time available, the Board tried to utilize a review process which maximized both internal consensus and external consultation with the labour relations community. The general content of the rules was developed by a group of four internal teams consisting of Vice-Chairs, labour and management Board members, Solicitors, and administrative staff. At the same time, the Board also invited representatives from sixty-five law firms to meet and provide their views as to what the rules should contain.

Based on these two sources of recommendations, the rules were drafted and then reviewed in detail, first by the internal teams and then by a committee of labour and management counsel from ten of the major law firms which practice before the Board. After incorporating the revisions suggested by these groups, the rules were reviewed by the Statutory Powers Procedure Act Rules Committee and revised once again. Following receipt of an effective date, the rules were published in The Ontario Gazette (Vol. 125-51) as O. Reg. 724, and the rules and forms were distributed widely both on disk and in booklet form. The Board then held a series of rules and forms workshops around Ontario to assist lawyers and labour law practitioners in familiarizing themselves with the changes.

Generally speaking, the Board has tried to make the new rules as simple as possible in their organization and language, and yet retain the precision required in the judicialized climate of labour law. It was not always possible to accommodate both of those goals, and in some cases it was necessary to arrive at a balance emphasizing one or the other to some degree. The language also reflects certain compromises between labour and management, and some historical anomalies which the Board was not prepared to eliminate at that time, given the degree of rapid change that the labour relations community was experiencing. The rules also promote early and complete disclosure by the parties, an approach urged upon us by counsel to minimize difficulties caused by insufficient or untimely information. In addition, the need to reduce or eliminate litigation delays with their corrosive effect on labour relations meant that the new rules were directed towards facilitating expedition in the scheduling and conduct of hearings. Finally, the rules also reflect the necessity in this economic climate of using the Board's limited resources as productively and efficiently as possible.

Because the rules were developed quickly and in some instances involved new areas for the Board, it was anticipated that they would require some fine-tuning after a period of experience. In the spring of 1993, the Board invited submissions from approximately

seven hundred members of the community in regard to any aspect of the Board's rules, forms, and procedure. The Board's Rules Monitoring Team consisting of management and labour Board members, Vice-Chairs, Solicitors, and administrative staff are now reviewing those submissions. In addition, work is proceeding on revising the Board's practice notes.

B. COMMUNITY EDUCATION

In the course of developing the new rules, it became apparent from discussions with counsel and adjudicators that expedition, fairness, and the efficient use of resources in the hearing process necessitated greater emphasis on early disclosure. At the same time, the Board strives to provide a forum for dispute resolution which is less formal than the courts. In attempting to balance these important principles, the Board required a greater degree of pre-hearing disclosure in the written material to be filed, and then conducted a number of workshops around Ontario to familiarize both laypeople and lawyers with the new rules and forms. Some of those workshops were divided into two parts, consisting of basic information provided by the Chair or Vice-Chairs in the morning, with a panel discussion of more complex practice issues in the afternoon. The panels consisted of counsel who practiced before the Board, with Vice-Chairs acting as moderators. The following counsel gave generously of their time and effort in this regard:

Bruce Binning
Marc Bode
Michael Mitchell
Pauline Pasioka
David Jewitt
Michael Ruddy
Russell Zinn
Bernie Fishbein
Fred Hamilton
Elizabeth McIntyre

Mathews, Dinsdale & Clark
Bode & Tom
Sack, Goldblatt, Mitchell
Winkler, Fillion & Wakely
Raven, Jewitt & Allen
Rasmussen, Starr & Ruddy
Zinn, Hofley
Koskie & Minsky
Hicks Morley Hamilton Stewart & Storie
Cavalluzzo, Hayes & Shilton

Because of the popularity of these workshops, the Board is currently exploring other types of community education.

C. THE FAST TRACK

The Board's scheduling system, developed at a time when most hearings were less than a day, was not designed to handle the lengthier litigation of the nineties. As a result, the Board found that serious delays were occurring in many of its proceedings. Because expedition is critical in much of the litigation that comes before the Board, and in response to new legislation which included statutory deadlines and certain types of proceedings which are urgent by nature, such as interim relief, the Board initiated a number of important changes to its method of scheduling in January, 1993. The most important of these involved the

creation of a "fast track" system into which the following types of cases are streamed:

- * applications for interim relief under section 92.1 of the Act;
- * expedited unfair labour practice complaints under section 92.2 of the Act;
- * complaints with respect to unlawful strikes or lock-outs under sections 94, 95 and 137 of the Act;
- * applications and complaints with respect to replacement workers under sections 73.1 and 73.2 of the Act;
- * applications and complaints with respect to organizing and picketing on property to which the public normally has access under section 11.1 of the Act;
- * jurisdictional dispute complaints under section 93 of the Act;
- * applications for certification and for termination of bargaining rights;
- * applications for a direction for first contract arbitration under section 41 of the Act;
- * applications and complaints alleging unlawful discipline or discharge under the *Occupational Health and Safety Act*, the *Environmental Protection Act*, the *Smoking in the Workplace Act*, the *Colleges Collective Bargaining Act*, and under sections 65, 67, 71, 81, 81.2, or 82 of the *Labour Relations Act*;
- * applications under section 41.1 of the Act with respect to adjustment plans;
- * applications under section 81.1 of the Act with respect to continuation of employment benefits during a strike or lock-out, and;
- * applications under sections 138.2 to 138.5 of the Act with respect to the relationship between local trade unions and their parent unions in the construction industry.

These proceedings commence within various periods of time after the application is filed, depending on the nature of the case. For example, an illegal strike application may commence within 24 to 48 hours, an interim relief application may be heard within three working days, and a certification case may begin three weeks after filing. However, once these cases start, they will generally be heard day after day, Monday to Thursday, until they are completed.

D. CONTINUING EDUCATION

As part of a lively continuing education program, the Board has been fortunate to have a number of distinguished guest speakers address adjudicators, officers, and administrative staff on a variety of subjects. These have included Harry Arthurs ("The

Limits of Law in Shaping the Industrial Relations System"), Mr. Justice Horace Krever, Judge Brent Knazan, and Paula Knopf ("Management of Hearings I"), Gary Yee, Mary McCormick, Phyllis Gordon, and Joy Fontaine ("Multiculturalism Issues in Adjudication"), Kenneth Swan ("Essential Services Adjudication"), James Hayes and Martin Teplitsky ("Seniority List Adjudication"), Stewart Saxe and James Nyman ("Adjustment Plan Bargaining"), and Kevin Burkett and Doug Gray ("Management of Hearings II").

E. THE LITIGATION COMMITTEE

The Board's Litigation Committee was established to provide a forum in which practice issues can be discussed by the Board and counsel. It plays a vital role in giving the Board the benefit of the expertise and perspective of counsel, and in strengthening communication and mutual understanding. The committee has been particularly valuable because of the number of practice changes necessary in this period, and the input of committee members has been essential to the soundness and responsiveness of those changes. Topics at meetings have included rules and forms, scheduling of cases, disclosure and filing requirements, exhibit returns, adjournments, the need for new hearing facilities, the use of Labour Relations Officers in fact-finding, alternatives to examinations, and voter eligibility dates. Lawyers from the following firms and organizations contributed time and effort to the Litigation Committee:

Cavalluzzo, Hayes & Shilton
Sack, Goldblatt, Mitchell
United Steelworkers of America
Hicks, Morley, Hamilton
Filion, Wakely
Mathews, Dinsdale
Emond, Harnden
Caley & Wray
Stringer, Brisbin, Humphrey
Koskie & Minsky
Jesin & Watson
Fraser & Beatty
Ryder, Whitaker, Wright
McCarthy, Tetrault
Raven, Jewitt & Allen
Gowling, Strathy & Henderson
Genest, Murray, Desbrisay, Lamek
Heenan Blaikie

F. ELECTRONIC AND PAPER HEARINGS

In the interests of both accessibility and the efficient use of resources, the Board has expanded its use of telephone hearings, particularly for adjournments or brief preliminary matters, and continues to explore the use of video-conferencing and other electronic facilities.

In addition, new legislation has allowed the Board to hold consultations rather than hearings on jurisdictional disputes. The consultations involve the filing of extensive written material in advance, and then brief, informal hearings which generally do not involve the calling of oral evidence. The result has been a dramatic reduction in the length of jurisdictional dispute cases.

Similarly, because of the expedition required in interim relief cases, the Board has required the filing of written evidentiary material in the form of declarations. Brief oral hearings are then held for submissions, although some matters have been determined without oral hearings as contemplated by the *Labour Relations Act* and the Board's Rules of Procedure.

G. ORGANIZATIONAL TEAMS

The Board has now established a number of internal organizational teams which typically include Vice-Chairs, Board members, the Registrar or Deputy Registrar, the Manager of Field Services, Labour Relations Officers, Solicitors, administrative support staff, and the Chair and Alternate Chair. These groups currently identify and discuss issues, problems, new initiatives, and improvements in the areas of scheduling, rules and forms, continuing education, relocation, public sector transition, community education, and general administrative matters.

H. MEDIATOR EXCHANGE PROGRAMME

The Board continually strives to ensure that its Labour Relations Officers are on the cutting edge of the mediation field. In addition to ongoing "in-house" training activities, the Board participates in a Mediator Exchange Programme with the Ministry of Labour's Office of Mediation. Labour Relations Officers have the opportunity to spend six months with the Office of Mediation, gaining exposure to labour relations disputes and dispute resolution techniques in a somewhat different context. Exchanges with unions and employers in the private sector will be taking place in the near future.

II WINDOW ON THE BOARD'S OPERATIONS

The Board is an independent tribunal with a reputation for excellence in administrative justice. It mediates and adjudicates a wide variety of disputes under a number of different statutes, including:

- * *School Boards and Teachers Collective Negotiations Act*, R.S.O. 1990, c. S.2
- * *Colleges Collective Bargaining Act*, R.S.O. 1990, c. C.15
- * *Occupational Health and Safety Act*, R.S.O. 1990, c. O.7
- * *Environmental Protection Act*, R.S.O. 1990, c. E.19 which gives the Board jurisdiction under the following legislation:
 - * *Environmental Assessment Act*, R.S.O. 1990, c. E.18
 - * *Environmental Protection Act*, R.S.O. 1990, c. E.19
 - * *Ontario Water Resources Act*, R.S.O. 1990, c. O.40
 - * *Pesticides Act*, R.S.O. 1990, c. P.11
 - * *Fisheries Act*, R.S.C. 1970, c. F-14
- * *Smoking in the Workplace Act*, R.S.O. 1990, c. S.13
- * *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H.14
- * *Public Service Act*, R.S.O. 1990, c. P.47
- * *Crown Employees Collective Bargaining Act*, 1993, S.O. 1993, c. 38
- * *Environmental Bill of Rights*, S.O. 1993, c. 28
- * *Successor Rights (Crown Transfers) Act*, R.S.O. 1990, c. S.27

The Board's primary work is administering the *Labour Relations Act*, which regulates many aspects of collective bargaining in Ontario. The legislative policy underlying the Act is set out in section 2.1:

1. To ensure that workers can freely exercise the right to organize by protecting the right of employees to choose, join and be represented by a trade union of their choice and to participate in the lawful activities of the trade union.

2. To encourage the process of collective bargaining so as to enhance,
 - (i) the ability of employees to negotiate terms and conditions of employment with their employer,
 - (ii) the extension of co-operative approaches between employers and trade unions in adapting to changes in the economy, developing work force skills and promoting workplace productivity, and
 - (iii) increased employee participation in the workplace.
3. To promote harmonious labour relations, industrial stability and the ongoing settlement of differences between employers and trade unions.
4. To provide for effective, fair and expeditious methods of dispute resolution.

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, picketing and organizing, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes, and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, 21 full-time and 6 part-time Vice-Chairs, and 34 full-time and part-time Board members. These are highly qualified individuals who draw upon specialized expertise in labour relations in hearing and determining cases before them. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic.

Under section 108(1) of the *Labour Relations Act*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and a privative clause in the Act limits the scope of judicial review. The Board does have the power to reconsider any of its decisions, although it exercises this jurisdiction carefully in the interests of finality and fairness.

The Board is also entitled to determine its own practices and procedures, and to make rules. Those rules and the forms for commencing or responding to cases are available from the Board at 400 University Avenue, Toronto, Ontario, M7A 1V4, in both paper form and computer disk.

Apart from its adjudicative function, the Board's operations can be broadly divided into administrative staff, field services, and legal services.

ADMINISTRATIVE STAFF

Registrar's Section

The Registrar is the chief administrative officer of the Board. 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. Cases are scheduled by the Registrar in consultation with the Manager of Field Services, the Board solicitors, and the Chair. The Registrar supervises the effective and speedy processing of each case, and communicates with the parties in 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 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., and has also compiled a manual index to the Bargaining Units certified by the Board since 1980 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.

FIELD SERVICES

The Board has been a pioneer in the area of alternative dispute resolution. The Manager of Field Services, together with three Senior Labour Relations Officers and 20 Labour Relations Officers, are responsible for mediating settlements in the Board's

cases. In significant measure, due to their efforts approximately 80% of the Board's cases are determined by agreement rather than by adjudication. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also conduct representation votes and examinations. Through ongoing in-house training and exchanges with the Office of Mediation and private sector employers and unions, Labour Relations Officers are kept on the forefront of developments in the mediation field.

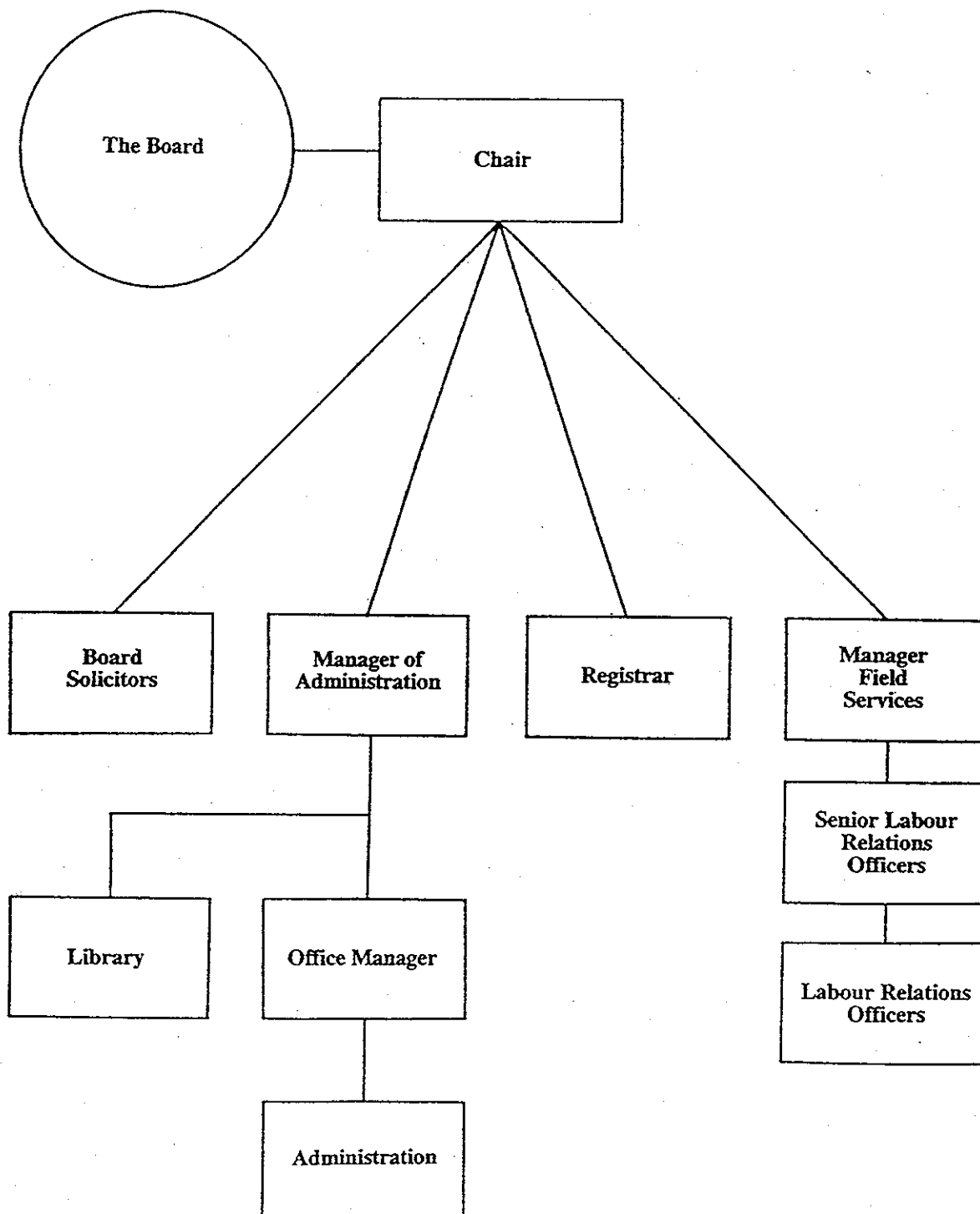
LEGAL SERVICES

Legal Services to the Board are provided by the Solicitors' Office, which currently consists of two Board Solicitors who report directly to the Chair, and two articling students. The Solicitors provide legal research, advice, opinions, and memoranda to the Chair, Vice-Chairs, Board members, Labour Relations Officers, and administrative staff on a variety of issues. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Board's Solicitors also represent the Board in court, for example, in applications for judicial review.

The Solicitors' Office is responsible for all of the Board's publications, and one of the Solicitors is the Editor of the Ontario Labour Relations Board Reports.

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

ABBREVIATED ORGANIZATIONAL CHART



III MEMBERS OF THE BOARD

During the years under review, the Board consisted of the following members:

Judith McCormack, Chair

Judith McCormack was appointed the Chair of the Ontario Labour Relations Board in September of 1992. Her educational background includes undergraduate work at Simon Fraser University and 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 became a Vice-Chair of the Board in 1986 and worked in that capacity for six years until her appointment as the Chair. She is an experienced adjudicator and has arbitrated, lectured and authored articles in the field of labour law. Her most recent publication is "First Contract Arbitration in Ontario: A Glance at Some of the Issues".

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 School of Graduate Studies 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 mediator in school board-teacher negotiations. Mr. MacDowell also has several publications relating to labour relations to his credit. He has been Alternate Chair since 1987.

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 is an experienced arbitrator and mediator, has been a contributing editor of the *National Labour Review*, and has written numerous articles on Labour Relations.

Pamela Chapman, Vice-Chair

Ms. Chapman was appointed to the Board as a Vice-Chair in November, 1993. She is a graduate of the University of Toronto (B.A. 1983) and of Osgoode Hall Law School (LL.B. 1986). After her call to the Bar in 1988, she practiced law in Toronto, first as an associate in the labour relations group at a large firm, and then as a partner in a small firm specializing in labour and administrative law. Ms. Chapman has been published in the *Osgoode Hall Law Journal*.

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 lectured in the Masters of Business Administration Program, McMaster University, Hamilton, and also acts as an arbitrator and mediator.

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*.

Diane Gee, Vice-Chair

Ms. Gee was appointed to the Board as a Vice-Chair in January, 1994. She did her undergraduate work at the University of Toronto (B.A. 1983) and graduated with an LL.B. from Osgoode Hall Law School in

1986. Upon her call to the Ontario Bar in 1988, Ms. Gee practised labour law. She has also taught courses in the area of labour law at Ryerson Polytechnical Institute.

Russell Goodfellow, Vice-Chair

Mr. Goodfellow's educational background includes an LL.B. and a B.A. from the University of Western Ontario, and an LL.M. from the University of Cambridge in the area of public law. He served as a law clerk to the Justices of the High Court of Ontario after his call to the Bar, and then practised labour law in the federal and provincial sectors until his appointment to the Board in 1993.

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 an 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.

M. Kaye Joachim, Vice-Chair

Ms. Joachim was appointed a Vice-Chair of the Board in September, 1993. Her educational background includes two years undergraduate work in the Faculty of Arts at the University of Ottawa (1980-82) and a Bachelor of Law degree from Osgoode Hall Law School (LL.B. 1985). After her call to the Bar in 1987, she acted as Tribunal Counsel to the Workers' Compensation Appeals Tribunal and then as Counsel to the Ontario Human Rights Commission, until her appointment to the Board.

Janice Johnston, Vice-Chair

Ms. Johnston joined the Labour Relations Board as a Vice-Chair in September, 1990. She graduated with a B.A. in History from Wilfrid Laurier University, and then obtained her LL.B. from the University of Western Ontario Law School. 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.L. 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 in (1972), and an 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 the 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.

Gail Misra, Vice-Chair

Ms. Misra was appointed to the Board as a Vice-Chair in January, 1994. She is a graduate of Wilfrid Laurier University (B.A. 1986) and Osgoode Hall Law School (LL.B. 1989). Prior to joining the Board she practised labour law with a Toronto law firm.

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 Bar she practised labour law until joining the Board as Solicitor in 1987. Ms. Nairn teaches Union-Management Relations at Ryerson Polytechnical Institute, has lectured in labour relations at George Brown College and York University, and acts as a private arbitrator and mediator.

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.

Lee Shouldice, Vice-Chair

Mr. Shouldice was appointed a Vice-Chair of the Board in July, 1993. He is a graduate of Carleton University in Ottawa (B.A. 1982, with distinction) and the University of Toronto (LL.B., 1985). After his call to the Bar in 1987, Mr. Shouldice practiced labour and employment law in Toronto until his appointment to the Board. Mr. Shouldice is a Contributing Editor on employment standards matters to *Human Resources Management in Canada* (Prentice Hall) and is a frequent contributor to other employment law periodicals.

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.

Roman Stoykewych, Vice-Chair

Mr. Stoykewych's educational background includes an LL.M. from the University of Cambridge, an LL.B. from the University of Toronto, an M.A. from Queen's University, and a B.A. (Honours) from the University of Manitoba. He was called to the Bar in 1987 and then practised labour law with a Toronto firm until his appointment to the Board. Mr. Stoykewych has published papers in the areas of constitutional law and the *Labour Relations Act*.

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.

Laura Trachuk, Vice-Chair

Ms. Trachuk's educational background includes an LL.B. and an M.A. from the University of Toronto, and a B.A. from the University of Guelph. She then practised labour law, including a comprehensive range of labour litigation including labour and employment law, human rights, occupational health and safety, pay equity, workers' compensation, and employment equity until her appointment to the Board. Ms. Trachuk has published joint research papers in the areas of human rights, workers' compensation, and the impact of pay equity on collective bargaining.

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. He 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 is a recipient of both the City of Toronto Award of Merit, March 1984 and the Urban Alliance

and Race Relations Award, 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.

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 the community college and university level, and has conducted seminars for various management groups. He is active as a 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, where 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 spokesperson 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 of the

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 Chairman 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 Chair 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.

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 to 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.

Carole 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. 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. Previous to that, 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 also been active in the Ontario Federation of Labour and the Metropolitan Toronto and Eastern Ontario Labour Council.

George McMenemy

A member of the International Brotherhood of Painters and Allied Trades since 1969, Mr. McMenemy has served on the Executive Board of Local 1795 Glaziers since 1976. He was elected Business Manager/Financial Secretary of the Local in December 1983 and remained in that position until November 1992, when he resigned to accept a full-time appointment to the Board representing labour. In March, 1984, Mr. McMenemy was appointed by the International to administer the Painters Local in Kitchener. During the years 1984 through 1992, Mr. McMenemy served as the Recording Secretary of the Kitchener Building Trades, Vice President of the Ontario Council of the C.F.L., and was a trustee of the Ontario Glazier Benefit Trust Funds. He also served on the Provincial and Local Apprenticeship Committees for the Glass Industry.

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 become President of Local 6500, U.S.W.A. from 1976-1981, and 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 and 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), working 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, and 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 periodically lectures at Mohawk College in Business Organization and Labour Relations. Mr. Reaume is a graduate of the 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 attending 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. 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.

Richard Weiss

Mr. Weiss was appointed a part-time Board Member representing labour in November, 1992. Before coming to the Board, Mr. Weiss accumulated extensive experience in labour relations, particularly with the Labourers' International Union. He served as Business Manager to its Local 1059, as Assistant Business Manager to the Ontario Provincial District Council, and as Contribution Control Officer to its Local 183. Through these positions, he was responsible for negotiating and administering collective agreements, directing organizing activities, representing the union in jurisdictional disputes, grievances, and certification proceedings at the Board, and maintaining an employer contribution report control system for three separate Trust Funds. Prior to this, Mr. Weiss was a labourer at the Bruce Nuclear Power Development project, where he also acted as union steward. He is currently the Labourers' International Representative for the Central Canada sub-regional office.

W.H. (Bill) Wightman

Mr. Wightman was first appointed to the Board in 1968, became 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).

IV FOCUS ON STAFF

Because the Board could not function without the efforts of many staff in addition to the members of the Board, the next few annual reports will introduce some of those individuals. This report's focus is on the Board's Field Services, which include the Manager of Field Services, Senior Labour Relations Officers, Labour Relations Officers, Administrative Assistant, and Returning/Waiver Officers.

Jack MacDonald, Manager of Field Services

Mr. MacDonald joined the Field Staff of the Board in 1971, following an extensive career in the Employee Relations area of Canada Packers Limited where he was actively involved in contract administration, negotiation, conciliation, and arbitration proceedings. In 1976, Mr. MacDonald was promoted to the position of Senior Labour Relations Officer and in 1981 to the newly created position of Manager of Field Services.

Julie Jones, Administrative Assistant

Ms. Jones joined the Board in November, 1986, and through a series of progressive moves now holds the position of Administrative Assistant to the Manager of Field Services. Prior to joining the Board, Ms. Jones was employed as a mutual fund administrator. She has also held a variety of administrative and clerical positions.

Sonny Udasco, Returning Officer

Mr. Udasco's career with the Board began in 1973. Prior to his becoming Returning Officer in 1989, he held positions in a number of areas at the Board, including Examiner's and Solicitor's Stenographer, Secretary in the Construction section, Vote Supervisor, Senior

Clerk of Votes, and Supervisor of the Certification, Votes and Sundry section. Prior to joining the Board, Mr. Udasco was an Intelligence Analyst in the Philippines.

SENIOR LABOUR RELATIONS OFFICERS

Stewart V. Netherton

Mr. Netherton joined the Board in 1977 as a Labour Relations Officer, and became a Senior Labour Relations Officer in 1982. Active in the Ontario labour scene since 1952, he has been a Charter Member of the Brampton and District Labour Council, and has held various offices in the International Chemical Workers Union, including Local President, International Representative, International Vice-President, and Canadian Director.

Larry Stickland

Before joining Field Services in 1974 as a Labour Relations Officer, Mr. Stickland spent several years with the International Association of Machinists and Aerospace Workers in various executive positions at the District and Provincial level. He was promoted to the position of Senior Labour Relations Officer in 1982. Mr. Stickland is a member of the Public Administration Institute of Canada and also acts as an arbitrator.

Norman Wilson

Mr. Wilson joined the Board as a Labour Relations Officer in March 1977, and became a Senior Labour Relations Officer in 1982. He was educated in England and is a graduate of the Royal Military College in India. Prior to joining the Board, he was with the Canada Labour Relations Board. Until 1973 he was the Canadian Director of the former International Brewery Workers, and Executive Secretary of the Brewery Workers Ontario Provincial Board. He has negotiated many collective agreements and has served on a variety of O.F.L. and C.L.C. committees, including the U.I.C. Board of Referees. Mr. Wilson has both mediated and arbitrated in numerous situations, his Board experience having provided him a broad knowledge in labour relations matters.

LABOUR RELATIONS OFFICERS

Anita Bennett

Ms. Bennett joined the Board's Field Services in July, 1991. She did her undergraduate work in Public Administration from 1983 to 1986, and graduated with an LL.B. from the University of Windsor in 1989. Anita honed her skills as a mediator while serving as an Officer in the Military Police in the Canadian Army Reserves from 1982 to 1991.

James Bowman

Mr. Bowman joined the Labour Relations Board in 1976 as a Labour Relations Officer. Prior to coming to the Board, he attended at the University of Waterloo (Honours, History 1970) and at Osgoode Hall Law School. In 1988, Mr. Bowman was appointed Deputy Registrar of the Ontario Labour Relations Board. He returned to the Field Staff in 1991.

Patricia S. Bucik

Ms. Bucik joined the Board in November, 1990 as an Examiner, and quickly progressed to the position of Labour Relations Officer in 1991. Ms. Bucik holds a degree from York University (B.Sc. 1986) and a certificate in Human Resources Management from Ryerson Polytechnical Institute (1988). Ms. Bucik was employed in the labour relations field in the food industry for three years prior to joining the Board.

Warren Cox

Mr. Cox joined the Board as a Labour Relations Officer in 1993. As the Construction Co-ordinator, his primary responsibility is to mediate grievances in the construction industry. For several years prior to coming to the Board, he was Business Agent with the International Association of Bridge, Structural and Ornamental Ironworkers, Local 721.

Fernando Da Silva

Mr. Da Silva joined the Board's Field Services as a Labour Relations Officer in 1990. Prior to coming to the Board, he served as Director of Organizing with the Teamsters, Local 847, Textile Processors, Local 351, and the International Union of Allied and Novelty Workers, Local 905. He was also chief Union Steward while working at Cottrell Forwarding.

Wayne Davis

Mr. Davis joined the Board as a Labour Relations Officer in July, 1984, after more

than twenty years' experience in industrial labour relations. His background includes grievance processing up to and including arbitration, and contract negotiations. Mr. Davis graduated from the personnel/industrial relations program at McMaster University in 1971.

Barbara Dresner

Ms. Dresner is a graduate of Michigan State University. Prior to joining the Board as a Labour Relations Officer in 1985, she was a consultant with the Ontario Quality of Working Life Centre.

Dale Gordon

Ms. Gordon joined the Board in the fall of 1977 and progressed through various positions before re-locating to the Employment Standards Branch in September, 1980. She returned to the Board in February 1984 as a Returning Officer. For the last nine years, Ms. Gordon has held the position of Labour Relations Officer.

Cliff Greenaway

Mr. Greenaway was a Regional Manager at the Employment Standards Branch of the Ministry of Labour before joining the Board as a Labour Relations Officer in 1986. He was a Fellow of the Life Management Institute (F.L.M.I.), has held a variety of executive positions in marketing and research and development with a leading life insurance company, and was Executive Director of the Labour Council Development Foundation, the co-operative housing arm of the Labour Council of Metropolitan Toronto.

Janet Greenberg

Ms. Greenberg joined the Board as a Labour Relations Officer in February, 1987. She did her undergraduate work at McGill University in Montreal, and graduated from Queen's University in Kingston with a Master's Degree in Public Administration in 1981. Prior to joining the Board, Ms. Greenberg worked in a wide variety of human resources, compensation, and labour relations positions with both the Saskatchewan Public Service Commission and the St. Lawrence Seaway Authority.

Ed Hunt

Mr. Hunt joined the Board as a Labour Relations Officer in 1984. Prior to coming to the Board, he held various offices within the United Electrical Workers Union while working at Westinghouse Canada in Hamilton. In 1974, he was appointed National Representative, and was responsible for administering collective agreements, contract negotiations, and representing the union's members in Occupational Health & Safety, Workers' Compensation, and Unemployment Insurance matters.

William Jackson

Mr. Jackson joined the Board as a Labour Relations Officer in 1984, after spending several years as an investigator-conciliator with the Ontario Human Rights Commission. He is currently a director with the Arbitration and Mediation Institute of Ontario and is involved in a wide variety of dispute resolution activities. Mr. Jackson is bilingual, and has a B.A. in Political Science from the University of Waterloo.

H. (Chuk) Jurchuk

Born, raised, and educated in Kitchener/Waterloo, Mr. Jurchuk had been C.E.O. of an advertising company, and owner/operator of both a consulting firm and catering/mobile food service before joining the Board as a Labour Relations Officer in 1989. For twenty years, he worked for the United Food and Commercial Workers Union, where his many positions included Assistant to the Canadian Director for Western Canada.

Michele Lapointe

Ms. Lapointe joined the Labour Relations Board in 1991. She is a graduate of Laval University (Industrial Relations (Honours), 1988) and held a position in Human Resources at CAE Electronics in Montreal from 1987 to 1991. Michele is a designated bilingual officer with the Board.

Tim Parker

Mr. Parker's career as a Labour Relations Officer began in 1986. Prior to joining the Board, he was with the Employment Standards Branch of the Ministry of Labour. Mr. Parker is a graduate of the University of Toronto (1985).

Frank Reilly

Mr. Reilly joined the Board as a Labour Relations Officer in February, 1988. Before coming to the Board, he was a union organizer in the Ottawa area, and an International representative of a major trade union, appearing before the Board and other quasi-judicial bodies.

Basil Rowe

Mr. Rowe joined the Board as a Labour Relations Officer in September of 1993. Prior to coming to the Board he was a Policy Advisor with the Ministry of Labour's Workplace Policies and Practices Branch, where his work focused primarily on Employment Standards and Workers' Compensation reform.

Alex Vigar

Mr. Vigar began his business career with the Board in 1971. He has held a number of supervisory positions at the Board, including heading up the Accreditation section of the Construction Industry, supervisor of the Certification and Representation section, and Computer Programme Analyst. Since 1980, Mr. Vigar has established himself as a neutral mediator through his role as a Labour Relations Officer.

Patrick Whyte

Mr. Whyte joined the Board as a Labour Relations Officer in June, 1981 and, except for a two year period as Senior Labour Relations Officer with Canada Post, has been acting in that capacity ever since. He was a member of the Retail, Wholesale, Department Store Union for many years and served as Chair and Executive Treasurer of the Dominion Store unit of Local 414. Over the past 13 years, Mr. Whyte has established himself as a professional neutral in the labour relations field, and frequently acts as an arbitrator.

S. Beth Wild

Ms. Wild joined the Board's Field Services in November, 1991. She graduated from McGill University in 1989 with a Bachelor of Arts majoring in Industrial Relations, and followed this up with a Master of Industrial Relations (MIR) from Queen's University in 1991.

V LEGISLATIVE HISTORY

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 fledgeling 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 that 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 could 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 73, 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 73.

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 94 and 137, rather than the more cumbersome process under section 91. 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 had been unsuccessful, either party could apply to the Board to direct the settlement of a first collective agreement by arbitration. Within strict time limits, the Board was to determine whether the process of collective bargaining had been unsuccessful due to a number of enumerated grounds. Where a direction was given, the parties had the option of having the Board arbitrate the settlement. As of January 1, 1993, the Board no longer has the power to settle the terms of the first contract itself.

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.

On January 1, 1993, the *Labour Relations and Employment Statute Law Amendment Act* ("Bill 40") was enacted, amending the *Labour Relations Act* in several respects.

The amendments extend the application of the Act to domestic workers and certain categories of professionals, and allow security guards to join the union of their choice. They also provide that regulations may be made that would make the Act apply to agricultural workers.

Employees and union officials are now entitled to engage in organizing and picketing activity on private property normally open to the public (such as a shopping mall) in defined circumstances. Provision is made for an expedited hearing on a complaint that a person was illegally discharged or disciplined during an organizing drive.

The Act altered the certification process through which unions obtain bargaining rights. The requirement of a \$1.00 union membership fee has been eliminated. The level of union support necessary for a representation vote (to determine whether a union will be certified to represent the employees) was reduced from 45 percent of employees in the bargaining unit to 40 percent. The time by which evidence of union support or of opposition must be filed was moved from a terminal date (several days after the application was filed) to the application date. The standard for certifying the trade union when an employer has contravened the Act such that the true wishes of employees about being represented by the union are not likely able to be ascertained was changed. There is no longer a requirement that the union have support adequate for collective bargaining.

The Board may also now combine two or more bargaining units involving the same employer and union. A bargaining unit consisting of full-time and part-time employees is now deemed to be an appropriate unit.

While the Board retains the power to direct that a first contract be settled by arbitration, on the same grounds that existed before Bill 40 came into force, it no longer has jurisdiction to settle the terms of the first contract itself. Parties can also apply to the Minister for first contract arbitration. In that case, access to arbitration is automatic 30 days after it becomes lawful to strike or lock-out.

The amendments prevent an employer from using the services of various categories of replacement workers to do the work of employees in a bargaining unit that is locked-out or is on a strike that has the support of sixty percent of employees who vote in a secret ballot. Provision is made for certain types of essential work to be done. During a strike or lock-out, employment benefits for employees are continued if the union offers to make the payments to maintain them. A protocol governing the return of employees to work after a lock-out or a strike is set out.

Employees are given "just cause" protection against being discharged or disciplined after the union is certified, during the life of a collective agreement, and after the expiry of the agreement until a new collective agreement is signed.

The amendments extend the scope of successor rights to cover the sale of a business that was previously subject to federal labour law, and to cover transfers of work in the building contract services sector (e.g. cleaning, food, and security). The successor rights provisions, which previously continued bargaining rights and collective agreements upon the sale of a business, are extended so that the successor employer is bound to all other labour relations proceedings and collective bargaining notices.

The Act now requires employers and unions to bargain in good faith over an adjustment plan in case of the closure of an operation or a mass lay-off.

The amendments provide the Ontario Labour Relations Board with additional procedural powers, including the power to make interim orders, and with an additional remedial authority to settle terms of the collective agreement in the case of a breach of the duty to bargain in good faith. They also create a new process for the resolution of jurisdictional disputes between unions.

In January, 1994, the *Labour Relations Amendment Act, 1993* was passed to deal with the relationship between local trade unions in the construction industry and their "parent" unions. The Act amended the *Labour Relations Act* to increase the participation of local unions in collective bargaining by providing for shared bargaining rights between local trade unions and parent unions. It also provides for the appointment of trustees of employment benefit plans by local unions, and, unless there is just cause, prohibits a parent union from altering a local union's jurisdiction, interfering with a local union's autonomy, or penalizing a local union official or members of the local.

The Board was given jurisdiction over collective bargaining in the public service in February, 1994 by virtue of the *Public Service and Labour Relations Statute Law Amendment Act, 1993*. Among the many changes made by that Act was the enactment of the *Crown Employees Collective Bargaining Act, 1993*, which among other things provided Crown employees with the right to strike, along with provisions to ensure that essential services would be maintained during a strike or lock-out. The *Public Service Act* was amended to provide a new scheme governing political activity of Crown employees, and to give the Board jurisdiction over some complaints that employees suffered adverse consequences for engaging in permitted political activity.

VI BOARD PUBLICATIONS

The Ontario Labour Relations Board is responsible for the following publications:

The Ontario Labour Relations Board Reports: A monthly publication of selected Board decisions which also contains statistics and other information 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 A-35, which is used to institute proceedings.

These publications are edited or written and kept up-to-date by the Solicitors' Office.

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 \$267.50, 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.

VII CASELOAD 1992-93

In fiscal year 1992-93, the Board received a total of 3,837 applications and complaints, a decrease of 8.0 percent from the intake of 4,170 cases in 1991-92. Of the three major categories of cases that are brought to the Board under the Act, applications for certification of trade unions as bargaining agents decreased by 24.5 percent over last year, contraventions of the Act decreased by 1.7 percent, and referrals of grievances under construction industry collective agreements decreased by 6.6 percent. The total of all other types of cases increased by 6.9 percent. (Tables 1 and 2).

In addition to the cases received, 1,024 were carried over from the previous year for a total caseload of 4,861 in 1992-93. Of the total caseload, 2,906, or 59.8 percent, were disposed of during the year; proceedings in 1,061 were adjourned sine die* (without a fixed date for further action) at the request of the parties; and 894 were pending in various stages of processing at March 31, 1993.

The total number of cases processed during the year produced an average workload of 286 cases for the Board's full-time Chair and Vice-Chairs, and the total disposition represented an average output of 171 cases.

Labour Relations Officer Activity

In 1992-93, the Board's labour relations officers were assigned a total of 3,054 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 62.8 percent of the Board's total caseload, and included 759 certification applications, 22 cases concerning the status of individuals as employees under the Act, 800 complaints of alleged contravention of the Act, 1,377 grievances under construction industry collective agreements, and 96 complaints under the *Occupational Health and Safety Act*. (Table 3).

The labour relations officers completed activity in 1,796 of the assignments, obtaining settlements in 1,568, or 87.3 percent. They referred 228 cases to the Board for decisions; proceedings were adjourned sine die in 765 cases; and settlement efforts were continuing in the remaining 493 cases as of March 31, 1993. Labour relations officers were also successful in having hearings waived by the parties in 572, or 74.4 percent, of 759 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 1992-93, the Board's returning officers conducted a total of 146 representation votes among employees in one or more bargaining units. Of the 146 votes conducted, 106 involved certification applications, 39 were held in applications for termination of existing bargaining rights, and one was taken in a successor employer application. (Table 5).

Of the certification votes, 71 involved a single union on the ballot, and 35 involved two unions.

A total of 8,647 employees were eligible to vote in the 146 elections that were conducted, of whom 6,947, or 80.3 percent, cast ballots. Of those who participated, 58.4 percent voted in favour of union representation. In the 71 elections that involved a single union, 76.4 percent of the eligible voters cast ballots, with 47.4 percent of the participants voting for union representation.

In the 39 votes held in applications for termination of bargaining rights, 90.7 percent of the eligible voters cast ballots, with only 37.4 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 29 requests dealt with by the Board during the fiscal year, five cases were withdrawn, settlements were reached in two cases before a vote was taken, and votes were conducted in 20 situations.

In the 20 votes held, employees accepted the employer's offer in six cases by 120 votes in favour to 34 against, and rejected the offer in 14 cases by 1,001 votes against to 412 in favour. The remaining two cases were pending at March 31, 1993.

Hearings

The Board held a total of 2,127 hearings and continuation of hearings in 1,090, or 22.4 percent, of the 4,861 cases processed during the fiscal year. One hundred and eighty-seven of the hearings were conducted by a vice-chair sitting alone, compared with 126 in 1991-92.

Processing Time

Table 7 provides statistics on the time taken by the Board to process the 2,902 cases disposed of in 1992-93. 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 30 days was taken to proceed from filing to disposition for 2,902 cases that were completed in 1992-93, compared with 36 days in 1991-92; certification applications were processed in a median of 27 days, compared with 33 days in 1991-92; complaints of contravention of the Act took 39 days, compared with 46 days in 1991-92; and referrals of construction industry grievances required 15 days as in 1991-92. The median time for the total of all other cases decreased to 53 days from 57 in 1991-92.

Seventy-four point two percent (74.2) of all dispositions were accomplished in 84 days (3 months) or less, compared with 79.9 percent for certification applications, 68.0 percent for complaints of contravention of the Act, 84.2 percent for referrals of construction industry grievances, and 62.7 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 409 from 359 in 1991-92.

Certification of Bargaining Agents

In 1992-93, the Board received 824 applications for certification of trade unions as bargaining agents of employees, a decrease of 24.5 percent from 1991-92 (Tables 1 and 2).

The applications for certification of trade unions were filed by 95 trade unions, including 31 employee associations. Twelve of the unions, each with more than 25 applications, accounted for 62.9 percent of the total filings: Labourers (83 cases), Public Employees (CUPE) (56 cases), Food and Commercial Workers (49 cases), Intl. Operating Engineers (45 cases), Canadian Security Union (40 cases), Service Employees Intl. (40 cases), United Steelworkers (39 cases), Retail Wholesale Employees (38 cases), Carpenters (34 cases), Teamsters (33 cases), Bricklayers (32 cases), and Electrical Workers (IBEW) (29 cases). In contrast, 37 percent of the unions filed fewer than 5 applications each. These unions together accounted for 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 86.0 percent of the applications received, concentrated in construction (223 cases), health and welfare services (149 cases) and other services (129 cases). These three groups comprised 70.7 percent of the total non-manufacturing applications. Of the 115 applications involving

establishments in manufacturing industries, 48.7 percent were in three groups: food and beverage (23 cases), other manufacturing (20 cases), and transportation equipment (13 cases).

In addition to the applications received, 238 cases were carried over from last year, making a total certification caseload of 1,062 in 1992-93. Of the total caseload, 743 were disposed of, proceedings were adjourned sine die in 87 cases, and 232 cases were pending as of March 31, 1993. Of the 743 dispositions, certification was granted in 509 cases, including 55 in which interim certificates were issued under section 6(2) of the Act, and three that were certified under Section 8; 96 cases were dismissed; and 138 cases were settled or withdrawn. The certified cases represented 68.5 percent of the total dispositions. (Table 1).

Of the 605 applications that were either certified or dismissed or terminated, final decisions in 85 cases were based on the results of representation votes. Of the 85 votes conducted, 58 involved a single union on the ballot, and 27 were held between two unions. Applicants won in 48 of the votes and lost in the other 37. (Table 6).

A total of 5,525 employees were eligible to vote in the 85 elections, of whom 4,270, or 77.3 percent, cast ballots. In the 48 votes that were won and resulted in certification, 2,208, or 67.3 percent, of the 3,282 employees eligible to vote cast ballots, and of these voters 1,931, or 87.5 percent, favoured union representation. In the 37 elections that were lost and resulted in dismissals, 2,062, or 91.9 percent, of the 2,243 eligible employees participated, and of these only 35.2 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 1992-93. The average size of the bargaining units in the 509 applications that were certified was 29 employees, compared with 32 employees in 1991-92. Units in construction certifications averaged seven employees, the same as in 1991-1992; and in non-construction certifications they averaged 35 employees, compared with 46 in 1991-92. Seventy-nine (79) percent of the total certifications involved units of fewer than 40 employees, and 44.6 percent applied to units of fewer than 10 employees. The total number of employees covered by the certification applications granted decreased to 14,832 from 20,831 in 1991-92. (Table 10).

Of the employees covered by the applications certified, 3,408, or 23.0 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 1,437 employees, found mostly in health and welfare services, education, and retail trade, and represented mainly by teachers' unions and the Ontario Nurses Association. Full-time and part-time employees were represented in units covering 9,975 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13).

Seventy-two point four percent (72.4) of the employees, or 10,724 were employed in production, service and related occupations; and 844 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 1,723 employees; a small number, 137 employees, were in sales classifications; and 1,392 were in units that included employees in two or more classifications. (Tables 14 and 15).

Disposition Time: A median time of 25 calendar days was required to complete the 509 certification applications granted from receipt to disposition. For non-construction certifications, the median time was 24 days, and for construction certifications the median time was 44 days. (Table 11).

Eighty-three point one percent (83.1) of the 509 certification applications granted were disposed of in 84 days (3 months) or less, 74.5 percent took 56 days (2 months) or less, 56.8 percent required 28 days (one month) or less, and 38.1 percent were processed in 21 days (three weeks) or less. Forty-five cases required longer than 168 days (six months) to process, compared with 52 cases in 1991-92. (Table 11).

Termination of Bargaining Rights

In 1992-93, the Board received 122 applications under sections 58, 60, 61, 62 and 125 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 42 cases were carried over from 1991-92.

Of the total cases processed, bargaining rights were terminated in 64 cases, 33 cases were dismissed, 37 cases were withdrawn or settled, proceedings were adjourned sine die in six cases, and 24 cases were pending at March 31, 1993.

Unions lost the right to represent 1,547 employees in the 64 cases in which termination was granted, but retained bargaining rights for 8,063 employees in the 35 cases that were either dismissed or withdrawn.

Of the 97 cases that were either granted or dismissed, dispositions in 42 were based on the results of representation votes. A total of 1,304 employees were eligible to vote in the 42 elections that were held, of whom 1,183, or 90.7 percent, cast ballots. Of those who cast ballots, 439 voted for continued representation by unions and 744 voted against. (Table 6).

Declaration of Successor Trade Union

In 1992-93, the Board dealt with 19 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, compared to 5 in 1991-92.

Affirmative declarations were issued by the Board in five cases, nine cases were dismissed, and three cases were withdrawn, with two cases pending at March 31, 1993.

Declaration of Successor or Common Employer

In 1992-93, the Board dealt with 348 applications for declarations under section 64 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a sale of a business, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 46 cases, 115 cases were either settled or withdrawn by the parties, 16 cases were dismissed, proceedings were terminated or adjourned sine die in 60 cases, and 111 cases were pending at March 31, 1993.

Accreditation of Employer Organizations

One application was processed under sections 127 through 129 of the Act for accreditation of an employer organization as bargaining agent of employers in the construction industry. This case was pending at March 31, 1993.

Declaration and Direction of Unlawful Strike

In 1992-93, the Board dealt with 5 applications seeking a declaration under section 94 regarding an alleged unlawful strike by employees in the construction industry. All five cases were withdrawn or settled.

Nine applications were dealt with seeking directions under section 94 regarding alleged unlawful strikes by employees in non-construction industries. Directions were issued in three cases, three cases were settled or withdrawn, two were adjourned sine die, and one was pending at March 31, 1993.

Twenty applications seeking directions under section 137 of the Act against alleged unlawful strikes by construction workers were received. Directions were issued in two cases, seven were settled or withdrawn, and proceedings were adjourned sine die in 11 cases.

Declaration and Direction of Unlawful Lock-out

Three applications seeking a declaration under section 95 of the Act regarding an alleged unlawful lock-out by construction employers were processed in 1992-93. One case was settled and two cases were adjourned sine die.

Thirteen applications were processed seeking a direction under section 95 of the Act regarding an alleged unlawful lock-out by non-construction employers. A direction was issued in two cases, one case was dismissed, six were settled or withdrawn, and four cases were adjourned sine die.

Consent to Prosecute

In 1992-93, the Board dealt with five 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 five applications processed, which included two carried over from the previous year, one was adjourned sine die, and four were either settled or withdrawn.

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board 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 1992-93, the Board received 873 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 81, 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, 279 cases were carried over from 1991-92. Of the 1,152 cases processed, 762 were disposed of, proceedings were adjourned sine die in 160 cases, and 230 cases were pending at March 31, 1993.

In 577, or 75.7 percent, of the 762 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4). Remedial orders were issued by the Board in 27 cases, 137 cases were dismissed, 595 cases were either settled or withdrawn, and 3 cases were terminated (Table 1).

Construction Industry Grievances

Grievances over an 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 1992-93, the Board received 1,392 applications under this section, a decrease of 6.6 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, 223 were carried over from 1991-92. Of the total 1,615 grievances processed, 767 were disposed of, 69 were granted, 11 cases were dismissed, 687 cases settled or were withdrawn, proceedings were adjourned sine die in 665 cases, and 183 were pending at March 31, 1993.

In 679, or 88.5 percent, of the 767 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4), and awards were made by the Board in 69 cases.

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Religious Exemption

Six 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. Two applications were settled, one application was adjourned sine die, and the remaining three applications were pending as of March 31, 1993.

Early Termination of Collective Agreements

Twenty-four applications were processed under section 53(3) of the Act, seeking early termination of collective agreements. Consent was granted in 19 cases, proceedings were terminated in one case, and four cases were pending at March 31, 1993.

Union Financial Statements

Three 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. Settlements were reached in two cases, and one case was adjourned sine die.

Jurisdictional Disputes

Eighty-one complaints were dealt with under section 93 of the Act, involving union work jurisdiction. An assignment of work in dispute was made by the Board in 13 cases, six cases were dismissed, 20 cases were settled or withdrawn, 12 cases were adjourned sine die, and 30 cases were pending at March 31, 1993.

Determination of Employee Status

The Board dealt with 44 applications under section 108(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Thirteen cases were settled or withdrawn by the parties in discussions with labour relations officers. Determinations were made by the Board in four cases, in which 17 of the 42 persons in dispute were found to be employees under the Act. Six cases were dismissed, proceedings were adjourned sine die in eight cases, and 13 cases were pending at March 31, 1993.

Referrals by Minister of Labour

In 1992-93, the Board dealt with five 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. Two cases were either terminated or adjourned sine die, and three cases were pending at March 31, 1993.

One case was 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. The case was pending at March 31, 1993.

Trusteeship Reports

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

First Agreement Arbitration

Until January 1, 1993, under section 41 of the Act parties could first apply to the Board for a direction to arbitrate; then, if the direction was granted, they could choose to have the settlement arbitrated by the Board or privately by a board of arbitration. As of the January 1, 1993 amendments, the Board no longer has the power to arbitrate first agreements.

In 1992-93, the Board dealt with 54 applications for directions to settle first agreements by arbitration. Directions were issued in 33 cases, six cases were dismissed, five cases were settled, proceedings were adjourned sine die in eight cases, and two were pending at March 31, 1993.

Arbitration Provision

Three applications were made under section 45(3) of the Act, asking the Board to modify the arbitration provision in a collective agreement. All three applications were granted.

Determination of Sector in the Construction Industry

Seven applications were dealt with by the Board under section 153 of the Act, asking the Board to determine whether construction work in question was within the industrial, commercial, institutional sector. One case was dismissed, one case was settled, and five cases were either adjourned sine die or pending at March 31, 1993.

Occupational Health and Safety Act

In 1992-93, the Board dealt with 136 complaints under section 50 of the *Occupational Health and Safety Act*, alleging wrongful discipline or discharge for acting in compliance with the Act. Thirty-four cases were carried over from 1991-92.

Of the total 136 cases processed, 73 were settled by the parties in discussions with labour relations officers. One case was granted, twelve were dismissed, one case was terminated, proceedings were adjourned sine die in 25 cases, and the remaining 24 were pending at March 31, 1993.

Colleges Collective Bargaining Act

One complaint was dealt with under section 77 of the *Colleges Collective Bargaining Act*, alleging contraventions of the Act. The case was withdrawn.

Two applications were dealt with under section 81 of the Act for decisions on the status of individuals as employees under the Act. One case was dismissed, and the other was pending as at March 31, 1993.

Statistics on the cases under the *Colleges Collective Bargaining Act* are included in Table 1.

BILL 40 CASES

Combination of Bargaining Units

The Board received 33 applications under section 7 of the Act to combine bargaining units. Two were granted, one was dismissed, one was adjourned sine die, and eight were withdrawn. The remaining 21 were pending at year-end.

Complaints During Organizing Activities

The Board received 22 applications under section 92.2 of the Act, alleging wrongful discipline or discharge of employees during organizing activities. Two were granted, two were adjourned sine die, and 13 were withdrawn or settled. Five were pending at March 31, 1993.

Interim Orders

Of the 19 applications for interim orders received under section 92.1 of the Act, six were granted, three were dismissed, seven were withdrawn, and the remainder were pending at year-end.

Jurisdictional Disputes

The Board held nine consultations with respect to jurisdictional disputes under section 93 of the Act. Two were granted, two were adjourned sine die, and the balance were pending at March 31, 1993.

Ministerial References

Two questions were referred to the Board by the Minister under section 109 of the Act involving issues other than those related to the Minister's authority to make appointments under sections 16, 45, or 46 of the Act. Both were pending at year-end.

Replacement Workers

Four applications regarding replacement workers under sections 73.1 or 73.2 of the Act were received by the Board. One was dismissed, two were adjourned sine die, and one was withdrawn.

Sale of a Business - Building Services Contracts

One application was filed under section 64.2 of the Act, and it was granted.

Access to Property to which the Public Normally has Access

No applications were received under section 11.1 of the Act regarding access to property to which the public normally has access for picketing or organizing purposes.

VIII COURT ACTIVITY 1992-93

During the fiscal year 1992-93, the Ontario Court of Justice (General Division) dealt with five applications for judicial review, of which four were dismissed and one was granted.

One application for judicial review was dismissed for delay.

Two applications to stay Board proceedings pending judicial review applications were brought. One was refused, the other was granted by a single judge, but was subsequently set aside by a panel of three judges. A third stay application was withdrawn.

An order compelling the attendance of the Chair, a Vice-Chair and the Registrar before a special examiner was granted. A motion to set aside this order was heard and reserved.

A motion to quash a summons to a Board member was granted, and a motion to set aside that order was dismissed. Leave to appeal is pending.

Nine other applications for judicial review were pending as at year-end.

During the year under review, the Court of Appeal in five cases denied leave to appeal a decision which had dismissed an application for judicial review.

One other application for leave to appeal a decision dismissing a judicial review was pending at year-end.

An appeal of a decision upholding a Board decision was heard and reserved by the Supreme Court of Canada.

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

IX STATISTICAL TABLES 1992-93

The following statistics reflect the activities of the Ontario Labour Relations Board during the fiscal year 1992-93.

Because of the number of inquiries the Board has received with respect to the impact of its new procedures and recent amendments to the *Labour Relations Act*, we have included three new tables. The first provides some approximate statistics on the volume of cases under certain sections of the amendments, and the others, which are included for this year only, break out disposition times for certifications and unfair labour practices applications between January of 1993 and the end of the fiscal year.

- Table 1:** Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1992-93.
- Table 2:** Applications and Complaints Received and Disposed of, Fiscal Years 1987-88 to 1992-93.
- Table 3:** Labour Relations Officer Activity in Cases Processed, Fiscal Year 1992-93.
- Table 4:** Labour Relations Officer Settlements in Cases Disposed of, Fiscal Year 1992-93.
- Table 5:** Results of Representation Votes Conducted, Fiscal Year 1992-93.
- Table 6:** Results of Representation Votes in Cases Disposed of, Fiscal Year 1992-93.
- Table 7:** Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1992-93.
- Table 8:** Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1992-93.
- Table 9:** Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1992-93.
- Table 10:** Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1992-93.
- Table 11:** Time Required to Process Certification Applications Granted, Fiscal Year 1992-93.

- Table 12:** Employment Status of Employees in Bargaining Units Certified, by Industry, Fiscal Year 1992-93.
- Table 13:** Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1992-93.
- Table 14:** Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1992-93.
- Table 15:** Occupational Groups in Bargaining Units Certified, by Union, Fiscal Year 1992-93.
- Table 16:** Bill 40 Applications Received and Disposed of, January 1, 1993 to March 31, 1993.
- Table 17:** Time Required to Process Certification Applications during January 1, 1993 to March 31, 1993.
- Table 18:** Time Required to Process Unfair Labour Practice Complaints during January 1, 1993 to March 31, 1993.

Table 1

Total Applications and Complaints Received, Disposed of and Pending Fiscal Year 1992-93

| Type of Case | Caseload | | Disposed of Fiscal Year 1992-93 | | | | | | Sine Die | Pending March 31, 1993 |
|---|----------|-----------------------|---------------------------------|-------|----------|-----------|------------|-----------|----------|------------------------|
| | Total | Pending April 1, 1992 | Received Fiscal Year 1992-93 | Total | Granted* | Dismissed | Terminated | Withdrawn | Settled | |
| Total | 4861 | 1024 | 3837 | 2906 | 813 | 357 | 6 | 93 | 1637 | 894 |
| CERTIFICATION OF BARGAINING AGENTS | 1062 | 238 | 824 | 743 | 509 | 96 | - | 28 | 110 | 232 |
| COMBINATION OF BARGAINING UNITS | 33 | - | 33 | 11 | 2 | 1 | - | - | 8 | 21 |
| DECLARATION OF TERMINATION OF BARGAINING RIGHTS | 164 | 42 | 122 | 134 | 64 | 33 | 0 | 2 | 35 | 24 |
| DECLARATION OF SUCCESSOR TRADE UNION OR COMMON EMPLOYER STATUS | 19 | 2 | 17 | 17 | 5 | 9 | 0 | 3 | 0 | 2 |
| DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS | 348 | 91 | 257 | 177 | 46 | 16 | 0 | 3 | 112 | 111 |
| APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS) | 19 | 18 | 1 | 13 | 5 | 8 | 0 | 0 | 0 | 4 |
| ACCREDITATION OF UNLAWFUL STRIKE | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| DECLARATION OF UNLAWFUL LOCKOUT | 5 | 2 | 3 | 5 | 0 | 0 | 0 | 1 | 4 | 0 |
| DECLARATION OF UNLAWFUL STRIKE | 3 | 0 | 3 | 1 | 0 | 0 | 0 | 0 | 1 | 0 |
| DIRECTION RESPECTING UNLAWFUL STRIKE | 29 | 3 | 26 | 15 | 5 | 0 | 0 | 2 | 8 | 13 |
| DIRECTION RESPECTING UNLAWFUL LOCKOUT | 13 | 4 | 9 | 2 | 2 | 1 | 0 | 3 | 3 | 0 |
| CONSENT TO PROSECUTE | 5 | 2 | 3 | 4 | 0 | 0 | 0 | 2 | 2 | 1 |
| CONTRAVENTION OF ACT | 1152 | 279 | 873 | 762 | 27 | 137 | 3 | 19 | 576 | 230 |
| EXEMPTION FROM UNION SECURITY | 6 | 2 | 4 | 2 | 0 | 0 | 0 | 0 | 2 | 3 |
| PROVISION IN COLLECTIVE AGREEMENT | 24 | 3 | 21 | 20 | 19 | 0 | 1 | 0 | 0 | 4 |
| EARLY TERMINATION OF COLLECTIVE AGREEMENT | 3 | 1 | 2 | 2 | 0 | 0 | 0 | 0 | 2 | 1 |
| TRADE UNION FINANCIAL STATEMENT | 81 | 49 | 32 | 39 | 13 | 6 | 0 | 19 | 1 | 30 |
| JURISDICTIONAL DISPUTE | 44 | 18 | 26 | 23 | 4 | 6 | 0 | 2 | 11 | 13 |
| REFERRAL ON EMPLOYEE STATUS | 5 | 0 | 5 | 1 | 0 | 0 | 1 | 0 | 0 | 3 |
| REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR | 1615 | 223 | 1392 | 767 | 69 | 11 | 0 | 4 | 683 | 183 |
| REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY | 136 | 34 | 102 | 87 | 1 | 12 | 1 | 0 | 73 | 24 |
| COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT | 54 | 8 | 46 | 44 | 33 | 6 | 0 | 0 | 5 | 8 |
| FIRST AGREEMENT ARBITRATION DIRECTION | 3 | 0 | 3 | 3 | 3 | 0 | 0 | 0 | 0 | 0 |
| ARBITRATION PROVISION | 7 | 1 | 6 | 2 | 0 | 1 | 0 | 0 | 1 | 3 |
| DETERMINATION OF SECTOR OF CONSTRUCTION WORK | 29 | 3 | 26 | 25 | 6 | 14 | 0 | 5 | 0 | 2 |
| FINAL OFFER VOTE | | | | | | | | | | |

* 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.

Table 2

Applications and Complaints Received and Disposed of Fiscal Years 1988-89 to 1992-93

| Type of Case | Number Received, Fiscal Year | | | | | Number Disposed of, Fiscal Year | | | | | | |
|---|------------------------------|---------|---------|---------|---------|---------------------------------|---------|---------|---------|---------|------|------|
| | Total 1988-89 | 1989-90 | 1990-91 | 1991-92 | 1992-93 | Total 1988-89 | 1989-90 | 1990-91 | 1991-92 | 1992-93 | | |
| Total | 18007 | 3225 | 3287 | 3488 | 4170 | 3837 | 14287 | 2856 | 2685 | 2799 | 3041 | 2906 |
| CERTIFICATION OF BARGAINING AGENTS | 4572 | 938 | 910 | 775 | 1,092 | 824 | 4339 | 944 | 880 | 773 | 988 | 743 |
| COMBINATION OF BARGAINING UNITS | 33 | - | - | - | - | 33 | 11 | - | - | - | - | 11 |
| DECLARATION OF TERMINATION OF BARGAINING RIGHTS | 728 | 177 | 167 | 129 | 133 | 122 | 748 | 209 | 132 | 152 | 121 | 134 |
| DECLARATION OF SUCCESSOR TRADE UNION | 46 | 8 | 13 | 5 | 3 | 17 | 70 | 24 | 23 | 3 | 3 | 17 |
| DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS | 1127 | 237* | 201* | 194 | 238 | 257 | 730 | 140* | 143* | 122 | 148 | 177 |
| APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS) | 23 | - | - | 9 | 13 | 1 | 78 | - | - | 63 | 2 | 13 |
| ACCREDITATION | 6 | 6 | - | - | - | - | 7 | 2 | 1 | 3 | 1 | - |
| DECLARATION OF UNLAWFUL STRIKE | 22 | 5 | 11 | 3 | - | 3 | 23 | 4 | 8 | 6 | - | 5 |
| DECLARATION OF UNLAWFUL LOCKOUT | 10 | 2 | - | 5 | - | 3 | 8 | 2 | 1 | 4 | - | 1 |
| DIRECTION RESPECTING UNLAWFUL STRIKE | 205 | 54 | 59 | 39 | 27 | 26 | 119 | 39 | 36 | 20 | 9 | 15 |
| DIRECTION RESPECTING UNLAWFUL LOCKOUT | 33 | 1 | 5 | 12 | 6 | 9 | 26 | 1 | 4 | 9 | 3 | 9 |
| CONSENT TO PROSECUTE | 19 | 4 | 5 | 5 | 2 | 3 | 20 | 9 | 3 | 3 | 1 | 4 |
| CONTRAVENTION OF ACT | 4248 | 787 | 817 | 883 | 888 | 873 | 3674 | 751 | 700 | 709 | 752 | 762 |
| RIGHT OF ACCESS | 6 | 2 | 1 | 2 | 1 | - | 7 | 3 | 1 | 2 | 1 | - |
| EXEMPTION FROM UNION SECURITY | 44 | 14 | 13 | 5 | 8 | 4 | 38 | 12 | 11 | 8 | 5 | 2 |
| PROVISION IN COLLECTIVE AGREEMENT | 94 | 12 | 27 | 16 | 18 | 21 | 93 | 13 | 27 | 13 | 20 | 20 |
| EARLY TERMINATION OF COLLECTIVE AGREEMENT | 31 | 8 | 5 | 9 | 7 | 2 | 33 | 10 | 6 | 8 | 7 | 2 |
| TRADE UNION FINANCIAL STATEMENT | 173 | 30 | 27 | 33 | 51 | 32 | 137 | 23 | 30 | 26 | 19 | 39 |
| JURISDICTIONAL DISPUTE | 243 | 65 | 55 | 54 | 43 | 26 | 234 | 62 | 59 | 41 | 49 | 23 |
| REFERRAL ON EMPLOYEE STATUS | 16 | 3 | 2 | 2 | 4 | 5 | 12 | 4 | - | 1 | 6 | 1 |
| REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR | 5664 | 739 | 881 | 1,162 | 1,490 | 1,392 | 3337 | 529 | 549 | 699 | 793 | 767 |
| REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE | 2 | - | - | 1 | - | 1 | 1 | - | 1 | - | - | - |
| REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY | 449 | 110 | 63 | 90 | 84 | 102 | 340 | 53 | 55 | 79 | 66 | 87 |
| COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT | 5 | - | 2 | 3 | - | - | 6 | 1 | 1 | 3 | 1 | - |
| ENVIRONMENTAL PROTECTION ACT | 1 | - | - | - | 1 | - | 1 | - | - | - | 1 | - |
| COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT | 145 | 20 | 21 | 22 | 36 | 46 | 130 | 20 | 13 | 25 | 28 | 44 |
| FIRST AGREEMENT ARBITRATION DIRECTION | 17 | 1 | - | 8 | 5 | 3 | 14 | 1 | 1 | 6 | 3 | 3 |
| ARBITRATION PROVISION | 15 | 2 | 2 | 2 | 3 | 6 | 7 | - | - | 3 | 2 | 2 |
| DETERMINATION OF SECTOR OF CONSTRUCTION WORK | 60 | - | - | 18 | 16 | 26 | 53 | - | - | 17 | 11 | 25 |
| FINAL OFFER VOTE | 3 | - | - | 2 | 1 | - | 2 | - | - | 1 | 1 | - |
| MISCELLANEOUS | - | - | - | - | - | - | - | - | - | - | - | - |

*Includes applications under Successor Rights (Crown Transfers)

Table 3

Labour Relations Officer Activity in Cases Processed *

Fiscal Year 1992-93

| Type of Case | Cases in Which Activity Completed | | | | | | |
|---|-----------------------------------|-------|---------|---------|----------------------|---------------------|-----|
| | Total Cases Assigned | Total | Settled | | Referred to Board | Sine Die Pending | |
| | | | Number | Percent | | | |
| Total | 3,054 | 1,796 | 1,568 | 87.3 | 228 | 765 | 493 |
| ===== | | | | | | | |
| CERTIFICATION OF BARGAINING AGENTS | 759 | 549 | 473 | 86.2 | 76 | 49 | 161 |
| Interim certificate | 56 | 28 | 27 | 96.4 | 1 | 11 | 17 |
| Pre-hearing application | 74 | 45 | 37 | 82.2 | 8 | 7 | 22 |
| Other application | 639 | 479 | 410 | 85.6 | 69 | 31 | 129 |
| CONTRAVENTION OF ACT | 800 | 519 | 440 | 84.8 | 79 | 113 | 168 |
| REFERRAL ON EMPLOYEE STATUS | 22 | 9 | 9 | 100.0 | 0 | 7 | 6 |
| REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE | 1,377 | 656 | 589 | 89.8 | 67 | 586 | 135 |
| COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT | 96 | 63 | 57 | 90.5 | 6 | 10 | 23 |

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

* * * * *

Table 4

Labour Relations Officer Settlements in Cases Disposed of *

Fiscal Year 1992-93

| Type of Case | Total Disposed of | Officer Settlements | |
|--|-------------------|---------------------|-------------------------|
| | | Number | Percent of Dispositions |
| Total | 1639 | 1339 | 81.7 |
| ===== | | | |
| CONTRAVENTION OF ACT | 762 | 577 | 75.7 |
| REFERRAL ON EMPLOYEE STATUS | 23 | 11 | 47.8 |
| REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE | 767 | 679 | 88.5 |
| COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT | 87 | 72 | 82.8 |

* 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.

Table 5

Results of Representation Votes Conducted*

Fiscal Year 1992-93

| Type of Case | | Number of Votes | Eligible Employees | Ballots Cast | |
|-----------------------------------|------------|-----------------------|-----------------------|--------------|------------------------|
| | | | | Total | In Favour of Unions |
| Total | | 146 | 8647 | 6947 | 4056 |
| ===== | | | | | |
| Certification | | 106 | 7303 | 5728 | 3558 |
| Pre-hearing cases: | One union | 18 | 1,874 | 1,203 | 487 |
| | Two unions | 28 | 1,744 | 1,442 | 1,380 |
| Construction cases: | One union | 5 | 80 | 85 | 20 |
| | Two unions | 3 | 13 | 5 | 5 |
| Regular cases: | One union | 48 | 3,266 | 2,701 | 1,385 |
| | Two unions | 4 | 326 | 292 | 281 |
| Termination of Bargaining Rights: | One union | 39 | 1,260 | 1,143 | 428 |
| Successor Employer: | Two unions | 1 | 84 | 76 | 70 |

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

* * * * *

Table 6

Results of Representation Votes in Cases Disposed of *

Fiscal Year 1992-93

| Type of Case | Number of Votes | | | Eligible Votes | | | All Ballots Cast | | | Ballots Cast in Favour of Unions | | |
|--------------------|-----------------|--------------|---------------|----------------|----------|-------|------------------|----------|-------|----------------------------------|----------|------|
| | Total | Appl. Won | Appl. Lost | Total | In Votes | | Total | In Votes | | Total | In Votes | |
| | | | | | Won | Lost | | Won | Lost | | Won | Lost |
| Total | 128 | 84 | 44 | 6913 | 4576 | 2337 | 5529 | 3382 | 2147 | 3165 | 2396 | 769 |
| ===== | | | | | | | | | | | | |
| Certification | 85 | 48 | 37 | 5525 | 3282 | 2243 | 4270 | 2208 | 2062 | 2656 | 1931 | 725 |
| Pre-hearing cases | | | | | | | | | | | | |
| One union | 18 | 10 | 8 | 1,780 | 942 | 838 | 1,114 | 331 | 783 | 507 | 261 | 246 |
| Two unions | 24 | 19 | 5 | 1,635 | 1,479 | 156 | 1,322 | 1,183 | 139 | 1,270 | 1,155 | 115 |
| Construction cases | | | | | | | | | | | | |
| One union | 1 | 0 | 1 | 43 | 0 | 43 | 60 | 0 | 60 | 11 | 0 | 11 |
| Two unions | 1 | 1 | 0 | 5 | 5 | 0 | 5 | 5 | 0 | 5 | 5 | 0 |
| Regular cases | | | | | | | | | | | | |
| One union | 39 | 16 | 23 | 1,874 | 668 | 1,206 | 1,595 | 515 | 1,080 | 689 | 336 | 353 |
| Two unions | 2 | 2 | 0 | 188 | 188 | 0 | 174 | 174 | 0 | 174 | 174 | 0 |
| Termination | | | | | | | | | | | | |
| One union | 42 | 35 | 7 | 1,304 | 1,210 | 94 | 1,183 | 1,098 | 85 | 439 | 395 | 44 |
| Successor Employer | | | | | | | | | | | | |
| Two unions | 1 | 1 | 0 | 84 | 84 | 0 | 76 | 76 | 0 | 70 | 70 | 0 |

* 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.

Table 7

**Time Required to Process Applications and Complaints Disposed of,
by Major Type of Case, Fiscal Year 1992-93**

| Time Taken (Calendar Days) | All Cases | | Certification Cases | | Section 91 Cases | | Section 126 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 | 2902 | 100.0 | 743 | 100.0 | 762 | 100.0 | 767 | 100.0 | 630 | 100.0 |
| Under 8 days | 213 | 7.3 | 14 | 1.9 | 75 | 9.8 | 94 | 12.3 | 30 | 4.8 |
| 8-14 days | 448 | 22.8 | 42 | 7.5 | 59 | 17.6 | 307 | 52.3 | 40 | 11.1 |
| 15-21 days | 478 | 39.2 | 216 | 36.6 | 83 | 28.5 | 97 | 64.9 | 82 | 24.1 |
| 22-28 days | 266 | 48.4 | 118 | 52.5 | 62 | 36.6 | 35 | 69.5 | 51 | 32.2 |
| 29-35 days | 170 | 54.3 | 37 | 57.5 | 70 | 45.8 | 23 | 72.5 | 40 | 38.6 |
| 36-42 days | 145 | 59.3 | 31 | 61.6 | 54 | 52.9 | 22 | 75.4 | 38 | 44.6 |
| 43-49 days | 101 | 62.7 | 33 | 66.1 | 21 | 55.6 | 23 | 78.4 | 24 | 48.4 |
| 50-56 days | 97 | 66.1 | 42 | 71.7 | 24 | 58.8 | 11 | 79.8 | 20 | 51.6 |
| 57-63 days | 86 | 69.1 | 24 | 75.0 | 22 | 61.7 | 17 | 82.0 | 23 | 55.2 |
| 64-70 days | 61 | 71.2 | 19 | 77.5 | 20 | 64.3 | 5 | 82.7 | 17 | 57.9 |
| 71-77 days | 50 | 72.9 | 10 | 78.9 | 18 | 66.7 | 5 | 83.3 | 17 | 60.6 |
| 78-84 days | 38 | 74.2 | 8 | 79.9 | 10 | 68.0 | 7 | 84.2 | 13 | 62.7 |
| 85-91 days | 57 | 76.2 | 19 | 82.5 | 11 | 69.4 | 11 | 85.7 | 16 | 65.2 |
| 92-98 days | 44 | 77.7 | 7 | 83.4 | 14 | 71.3 | 8 | 86.7 | 15 | 67.6 |
| 99-105 days | 34 | 78.8 | 4 | 84.0 | 16 | 73.4 | 3 | 87.1 | 11 | 69.4 |
| 106-126 days | 92 | 82.0 | 13 | 85.7 | 31 | 77.4 | 20 | 89.7 | 28 | 73.8 |
| 127-147 days | 58 | 84.0 | 10 | 87.1 | 25 | 80.7 | 7 | 90.6 | 16 | 76.3 |
| 148-168 days | 55 | 85.9 | 13 | 88.8 | 23 | 83.7 | 9 | 91.8 | 10 | 77.9 |
| Over 168 days | 409 | 100.0 | 83 | 100.0 | 124 | 100.0 | 63 | 100.0 | 139 | 100.0 |

Table 8

Union Distribution of Certification Applications Received and Disposed of Fiscal Year 1992-93

| Union | Number of Applications Received | Number of Applications Disposed of | | | |
|---|---------------------------------------|------------------------------------|----------------|------------------|-------------------|
| | | Total | Certi- fied | Dismis- sed** | With- drawn*** |
| All Unions | 824 | 743 | 509 | 96 | 138 |
| CLC Affiliates * | 385 | 355 | 249 | 50 | 56 |
| AUTO WORKERS | 6 | 4 | 4 | 0 | 0 |
| BAKERY AND TOBACCO WORKERS | 5 | 6 | 4 | 2 | 0 |
| BREWERY AND SOFT DRINK WORKERS | 3 | 4 | 3 | 0 | 1 |
| CANADIAN AUTO WORKERS | 25 | 21 | 14 | 5 | 2 |
| CANADIAN PAPERWORKERS | 20 | 13 | 11 | 0 | 2 |
| CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) | 56 | 47 | 34 | 5 | 8 |
| CLC DIRECTLY CHARTERED | 0 | 1 | 0 | 1 | 0 |
| CLOTHING AND TEXTILE WORKERS | 2 | 2 | 2 | 0 | 0 |
| COMMUNICATIONS-ELECTRICAL WKRS. | 1 | 2 | 1 | 1 | 0 |
| ELECTRICAL WORKERS (UE) | 1 | 2 | 2 | 0 | 0 |
| ELEVATORS CONSTRUCTORS | 1 | 0 | 0 | 0 | 0 |
| ENERGY AND CHEMICAL WORKERS | 8 | 9 | 6 | 1 | 2 |
| FOOD AND COMMERCIAL WORKERS | 49 | 50 | 36 | 1 | 13 |
| GLASS, POTTERY AND PLASTIC WKRS. | 3 | 3 | 3 | 0 | 0 |
| GRAPHIC COMMUNICATION UNION | 3 | 3 | 1 | 2 | 0 |
| HOTEL EMPLOYEES | 8 | 7 | 4 | 2 | 1 |
| INTERNATIONAL WOODWORKERS OF AMERICA | 2 | 3 | 2 | 1 | 0 |
| IWA - CANADA | 12 | 11 | 7 | 3 | 1 |
| LADIES GARMENT WORKERS | 5 | 5 | 5 | 0 | 1 |
| MACHINISTS | 6 | 6 | 2 | 2 | 2 |
| NEWSPAPER GUILD | 1 | 0 | 0 | 0 | 0 |
| OFFICE AND PROFESSIONAL EMPLOYEES | 16 | 14 | 5 | 3 | 6 |
| ONTARIO PUBLIC SERVICE EMPLOYEES | 22 | 17 | 16 | 1 | 0 |
| RAILWAY, TRANSPORT AND GENERAL WORKERS | 3 | 3 | 1 | 2 | 0 |
| RETAIL WHOLESALE EMPLOYEES | 38 | 38 | 26 | 8 | 4 |
| SERVICE EMPLOYEES INTERNATIONAL | 40 | 40 | 32 | 3 | 5 |
| THEATRICAL STAGE EMPLOYEES | 2 | 3 | 2 | 0 | 1 |
| TRANSIT UNION (INTL.) | 1 | 0 | 0 | 0 | 0 |
| TYPOGRAPHICAL UNION | 2 | 3 | 3 | 0 | 0 |
| UNITED STEELWORKERS | 39 | 34 | 22 | 5 | 6 |
| UNITED TEXTILE WORKERS | 5 | 4 | 1 | 2 | 1 |
| Non-CLC Affiliates | 439 | 388 | 260 | 46 | 82 |
| ALLIED HEALTH PROFESSIONALS | 2 | 1 | 1 | 0 | 0 |
| ASBESTOS WORKERS | 4 | 3 | 2 | 0 | 1 |
| BRICKLAYERS INTERNATIONAL | 32 | 18 | 10 | 5 | 3 |
| CANADIAN OPERATING ENGINEERS | 1 | 1 | 0 | 0 | 1 |
| CANADIAN SECURITY UNION | 40 | 41 | 37 | 1 | 3 |
| CARPENTERS | 34 | 32 | 15 | 6 | 11 |
| CHRISTIAN LABOUR ASSOCIATION | 17 | 17 | 11 | 2 | 4 |
| ELECTRICAL WORKERS (IBEW) | 29 | 31 | 12 | 4 | 15 |
| INDEPENDENT LOCAL UNION | 22 | 19 | 11 | 2 | 6 |
| INTERNATIONAL OPERATING ENGINEERS | 45 | 44 | 32 | 3 | 9 |
| LABOURERS | 83 | 74 | 46 | 12 | 16 |
| ONTARIO ENGLISH CATHOLIC TEACHERS | 4 | 3 | 3 | 0 | 0 |
| ONTARIO NURSES ASSOCIATION | 20 | 9 | 9 | 0 | 0 |
| ONTARIO PUBLIC SCHOOL TEACHERS | 10 | 10 | 8 | 1 | 1 |
| PAINTERS | 12 | 11 | 9 | 1 | 1 |
| PLANT GUARD WORKERS | 9 | 11 | 7 | 2 | 2 |
| PLASTERERS | 1 | 1 | 1 | 0 | 0 |
| PLUMBERS | 14 | 10 | 8 | 0 | 2 |
| PRACTICAL NURSES FEDERATION OF ONTARIO | 8 | 9 | 7 | 2 | 0 |
| SHEET METAL WORKERS | 4 | 5 | 4 | 0 | 1 |
| STRUCTURAL IRON WORKERS | 12 | 10 | 4 | 3 | 3 |
| TEAMSTERS | 33 | 27 | 22 | 2 | 3 |
| TRANSIT UNION (CANADIAN) | 3 | 1 | 1 | 0 | 0 |

*Canadian Labour Congress. ** Includes cases that were terminated. ***Includes cases that were settled.

Table 9

Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 1992-93

| Industry | Number of Applications Received | Number of Applications Disposed of | | | |
|---------------------------------|---------------------------------------|------------------------------------|----------------|-----------------|------------------|
| | | Total | Certi- fied | Dismis- sed* | With- drawn** |
| All Industries | 824 | 743 | 509 | 96 | 138 |
| <hr/> | | | | | |
| Manufacturing | 115 | 111 | 75 | 21 | 15 |
| CHEMICALS | 8 | 7 | 5 | 1 | 1 |
| CLOTHING | 3 | 3 | 2 | 0 | 1 |
| ELECTRICAL PRODUCTS | 6 | 4 | 2 | 2 | 0 |
| FABRICATED METALS | 5 | 3 | 1 | 1 | 1 |
| FOOD, BEVERAGES | 23 | 25 | 18 | 2 | 5 |
| FURNITURE, FIXTURES | 2 | 2 | 1 | 1 | 0 |
| MACHINERY | 2 | 3 | 2 | 1 | 0 |
| NON-METALLIC MINERALS | 2 | 2 | 1 | 1 | 0 |
| PAPER | 7 | 7 | 6 | 0 | 1 |
| PETROLEUM, COAL | 2 | 2 | 0 | 0 | 2 |
| PRIMARY METALS | 2 | 5 | 4 | 1 | 0 |
| PRINTING, PUBLISHING | 4 | 5 | 3 | 2 | 0 |
| RUBBER, PLASTICS | 6 | 5 | 4 | 1 | 0 |
| TEXTILES | 1 | 1 | 1 | 0 | 0 |
| TOBACCO PRODUCTS | 2 | 3 | 1 | 2 | 0 |
| TRANSPORTATION EQUIPMENT | 13 | 10 | 7 | 2 | 1 |
| WOOD | 7 | 6 | 2 | 4 | 0 |
| OTHER MANUFACTURING | 20 | 18 | 15 | 0 | 3 |
| Non-Manufacturing | 709 | 632 | 434 | 75 | 123 |
| ACCOMMODATION, FOOD SERVICES | 25 | 25 | 17 | 6 | 2 |
| CONSTRUCTION | 223 | 202 | 113 | 31 | 58 |
| EDUCATION, RELATED SERVICES | 52 | 46 | 33 | 6 | 7 |
| ELECTRIC, GAS, WATER | 5 | 8 | 5 | 2 | 1 |
| FINANCE, INSURANCE CARRIERS | 1 | 1 | 1 | 0 | 0 |
| HEALTH, WELFARE SERVICES | 149 | 125 | 102 | 7 | 16 |
| LOCAL GOVERNMENT | 20 | 16 | 10 | 4 | 2 |
| MANAGEMENT SERVICES | 1 | 1 | 1 | 0 | 0 |
| MINING, QUARRYING | 3 | 3 | 2 | 1 | 0 |
| PERSONAL SERVICES | 4 | 3 | 2 | 0 | 1 |
| REAL ESTATE, INSURANCE AGENCIES | 12 | 9 | 8 | 0 | 1 |
| RECREATIONAL SERVICES | 4 | 4 | 3 | 0 | 1 |
| RETAIL TRADE | 42 | 50 | 37 | 4 | 9 |
| STORAGE | 2 | 1 | 1 | 0 | 0 |
| TRANSPORTATION | 20 | 17 | 6 | 5 | 6 |
| WHOLESALE TRADE | 15 | 10 | 9 | 1 | 0 |
| OTHER SERVICES | 131 | 111 | 84 | 8 | 19 |

* Includes cases that were terminated.

** Includes cases that were settled.

Table 10

Size of Bargaining Units in Certification Applications Granted Fiscal Year 1992-93

| 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 | 509 | 14,832 | 111 | 837 | 398 | 13,995 |
| 2-9 employees | 227 | 1,078 | 92 | 383 | 135 | 695 |
| 10-19 employees | 97 | 1,338 | 12 | 150 | 85 | 1,188 |
| 20-39 employees | 78 | 2,203 | 5 | 132 | 73 | 2,071 |
| 40-99 employees | 69 | 3,990 | 2 | 172 | 67 | 3,818 |
| 100-199 employees | 30 | 4,418 | 0 | 0 | 30 | 4,418 |
| 200-499 employees | 8 | 1,805 | 0 | 0 | 8 | 1,805 |
| 500 employees or more | 0 | 0 | 0 | 0 | 0 | 0 |

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 530 bargaining units were certified in the 509 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.

* * * * *

Table 11

Time Required to Process Certification Applications Granted *

Fiscal Year 1992-93

| Calendar Days (including adjournments requested by the parties) | Total Certified | | Non-Construction | | Construction | |
|---|-----------------|-----------------------|------------------|-----------------------|--------------|-----------------------|
| | Number | Cumulative Percent | Number | Cumulative Percent | Number | Cumulative Percent |
| Total | 509 | 100.0 | 398 | 100.0 | 111 | 100.0 |
| Under 8 days | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 8-14 days | 13 | 2.6 | 13 | 3.3 | 0 | 0.0 |
| 15-21 days | 181 | 38.1 | 156 | 42.5 | 25 | 22.5 |
| 22-28 days | 95 | 56.8 | 83 | 63.3 | 12 | 33.3 |
| 29-35 days | 25 | 61.7 | 16 | 67.3 | 9 | 41.4 |
| 36-42 days | 22 | 66.0 | 15 | 71.1 | 7 | 47.7 |
| 43-49 days | 21 | 70.1 | 13 | 74.4 | 8 | 55.0 |
| 50-56 days | 22 | 74.5 | 18 | 78.9 | 4 | 58.6 |
| 57-63 days | 16 | 77.6 | 10 | 81.4 | 6 | 64.0 |
| 64-70 days | 13 | 80.2 | 11 | 84.2 | 2 | 65.8 |
| 71-77 days | 9 | 81.9 | 7 | 85.9 | 2 | 67.6 |
| 78-84 days | 6 | 83.1 | 4 | 86.9 | 2 | 69.4 |
| 85-91 days | 9 | 84.9 | 4 | 87.9 | 5 | 73.9 |
| 92-98 days | 4 | 85.7 | 3 | 88.7 | 1 | 74.8 |
| 99-105 days | 2 | 86.1 | 2 | 89.2 | 0 | 74.8 |
| 106-126 days | 7 | 87.4 | 6 | 90.7 | 1 | 75.7 |
| 127-147 days | 7 | 88.8 | 3 | 91.5 | 4 | 79.3 |
| 148-168 days | 12 | 91.2 | 7 | 93.2 | 5 | 83.8 |
| Over 168 days | 45 | 100.0 | 27 | 100.0 | 18 | 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.

Table 12

Employment Status of Employees in Bargaining Units Certified by Industry Fiscal Year 1992-93

| 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 | 530 | 14,820 | 97 | 3,408 | 38 | 1,437 | 38 | 1,180 | 357 | 8,795 |
| Manufacturing | 76 | 3,036 | 24 | 986 | 3 | 67 | 7 | 130 | 42 | 1,853 |
| FOOD, BEVERAGES | 18 | 447 | 5 | 161 | 3 | 67 | 0 | 0 | 10 | 219 |
| TOBACCO PRODUCTS | 1 | 3 | 0 | 0 | 0 | 0 | 1 | 3 | 0 | 0 |
| RUBBER, PLASTICS | 4 | 89 | 1 | 23 | 0 | 0 | 1 | 20 | 2 | 46 |
| TEXTILES | 1 | 31 | 1 | 31 | 0 | 0 | 0 | 0 | 0 | 0 |
| CLOTHING | 2 | 41 | 0 | 0 | 0 | 0 | 1 | 5 | 1 | 36 |
| WOOD | 2 | 66 | 1 | 36 | 0 | 0 | 0 | 0 | 1 | 30 |
| FURNITURE, FIXTURES | 1 | 41 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 41 |
| PAPER | 6 | 648 | 1 | 45 | 0 | 0 | 0 | 0 | 5 | 603 |
| PRINTING, PUBLISHING | 3 | 103 | 1 | 89 | 0 | 0 | 0 | 0 | 2 | 14 |
| PRIMARY METALS | 4 | 232 | 3 | 220 | 0 | 0 | 0 | 0 | 1 | 12 |
| FABRICATED METALS | 1 | 54 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 54 |
| MACHINERY | 2 | 86 | 2 | 86 | 0 | 0 | 0 | 0 | 0 | 0 |
| TRANSPORTATION EQUIPMENT | 7 | 191 | 2 | 37 | 0 | 0 | 3 | 88 | 2 | 66 |
| ELECTRICAL PRODUCTS | 2 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 52 |
| NON-METALLIC MINERALS | 1 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 7 |
| CHEMICALS | 5 | 60 | 1 | 5 | 0 | 0 | 1 | 14 | 3 | 41 |
| OTHER MANUFACTURING | 16 | 885 | 6 | 253 | 0 | 0 | 0 | 0 | 10 | 632 |
| Non-Manufacturing | 454 | 11,784 | 73 | 2,422 | 35 | 1,370 | 31 | 1,050 | 315 | 6,942 |
| MINING, QUARRYING | 2 | 218 | 0 | 0 | 0 | 0 | 1 | 216 | 1 | 2 |
| TRANSPORTATION | 6 | 321 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 321 |
| STORAGE | 1 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 13 |
| ELECTRIC, GAS, WATER | 5 | 81 | 0 | 0 | 0 | 0 | 3 | 65 | 2 | 16 |
| WHOLESALE TRADE | 9 | 176 | 2 | 114 | 0 | 0 | 1 | 9 | 6 | 53 |
| RETAIL TRADE | 40 | 2,541 | 15 | 505 | 5 | 319 | 1 | 32 | 19 | 1,685 |
| FINANCE, INSURANCE CARRIERS | 1 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 21 |
| REAL ESTATE, INSURANCE AGENCIES | 8 | 101 | 1 | 10 | 0 | 0 | 1 | 7 | 6 | 84 |
| EDUCATION, RELATED SERVICES | 36 | 1,877 | 5 | 103 | 6 | 465 | 2 | 216 | 23 | 1,093 |
| HEALTH, WELFARE SERVICES | 111 | 2,828 | 30 | 1,016 | 20 | 562 | 8 | 98 | 53 | 1,152 |
| RECREATIONAL SERVICES | 3 | 27 | 1 | 16 | 0 | 0 | 0 | 0 | 2 | 11 |
| MANAGEMENT SERVICES | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 3 |
| PERSONAL SERVICES | 2 | 25 | 0 | 0 | 0 | 0 | 1 | 8 | 1 | 17 |
| ACCOMMODATION, FOOD SERVICES | 18 | 565 | 2 | 44 | 1 | 2 | 1 | 56 | 14 | 463 |
| LOCAL GOVERNMENT | 11 | 131 | 4 | 56 | 1 | 2 | 5 | 63 | 1 | 10 |
| CONSTRUCTION | 114 | 835 | 0 | 0 | 0 | 0 | 0 | 0 | 114 | 835 |
| OTHER SERVICES | 86 | 2,021 | 13 | 558 | 2 | 20 | 7 | 280 | 64 | 1,163 |

Table 13

Employment Status of Employees in Bargaining Units Certified by Union Fiscal Year 1992-93

| 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 | 530 | 14,820 | 97 | 3,408 | 38 | 1,437 | 38 | 1,180 | 357 | 8,795 |
| CLC | 264 | 9,640 | 65 | 2,358 | 29 | 893 | 23 | 723 | 147 | 5,666 |
| AUTO WORKERS | 4 | 72 | 3 | 58 | 0 | 0 | 1 | 14 | 0 | 0 |
| BAKERY AND TOBACCO WORKERS | 4 | 56 | 1 | 10 | 0 | 0 | 1 | 3 | 2 | 43 |
| BREWERY AND SOFT DRINK WORKERS | 4 | 24 | 1 | 2 | 0 | 0 | 0 | 0 | 3 | 22 |
| CANADIAN AUTO WORKERS | 14 | 652 | 5 | 362 | 0 | 0 | 1 | 49 | 8 | 241 |
| CANADIAN PAPERWORKERS | 11 | 568 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 568 |
| CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) | 37 | 882 | 6 | 233 | 4 | 122 | 7 | 103 | 20 | 424 |
| CLOTHING AND TEXTILE WORKERS | 2 | 110 | 1 | 89 | 0 | 0 | 0 | 0 | 1 | 21 |
| COMMUNICATIONS-ELECTRICAL WKRS. | 1 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 7 |
| ELECTRICAL WORKERS (UE) | 2 | 22 | 0 | 0 | 0 | 0 | 1 | 20 | 1 | 2 |
| ENERGY AND CHEMICAL WORKERS | 6 | 218 | 1 | 6 | 0 | 0 | 1 | 14 | 4 | 198 |
| FOOD AND COMMERCIAL WORKERS | 41 | 1,358 | 12 | 450 | 8 | 379 | 1 | 56 | 20 | 473 |
| GLASS, POTTERY AND PLASTIC WKRS. | 3 | 90 | 1 | 23 | 0 | 0 | 1 | 46 | 1 | 21 |
| GRAPHIC COMMUNICATION UNION | 1 | 5 | 0 | 0 | 0 | 0 | 1 | 5 | 0 | 0 |
| HOTEL EMPLOYEES | 5 | 137 | 1 | 41 | 1 | 13 | 0 | 0 | 3 | 83 |
| INTERNATIONAL WOODWORKERS OF AMERICA | 2 | 439 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 439 |
| IWA - CANADA | 7 | 320 | 1 | 7 | 0 | 0 | 0 | 0 | 6 | 313 |
| LADIES GARMENT WORKERS | 5 | 52 | 1 | 15 | 1 | 3 | 0 | 0 | 3 | 34 |
| MACHINISTS | 2 | 54 | 1 | 9 | 0 | 0 | 0 | 0 | 1 | 45 |
| OFFICE AND PROFESSIONAL EMPLOYEES | 5 | 170 | 0 | 0 | 0 | 0 | 2 | 107 | 3 | 63 |
| ONTARIO PUBLIC SERVICE EMPLOYEES | 17 | 441 | 4 | 144 | 3 | 80 | 2 | 29 | 8 | 188 |
| RAILWAY, TRANSPORT AND GENERAL WORKERS | 1 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 38 |
| RETAIL WHOLESALE EMPLOYEES | 26 | 1,509 | 6 | 213 | 4 | 111 | 0 | 0 | 16 | 1,185 |
| SERVICE EMPLOYEES INTERNATIONAL | 35 | 785 | 14 | 322 | 8 | 185 | 0 | 0 | 13 | 278 |
| THEATRICAL STAGE EMPLOYEES | 2 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 20 |
| TYPOGRAPHICAL UNION | 3 | 59 | 1 | 45 | 0 | 0 | 0 | 0 | 2 | 14 |
| UNITED STEELWORKERS | 23 | 1,516 | 5 | 329 | 0 | 0 | 4 | 277 | 14 | 910 |
| UNITED TEXTILE WORKERS | 1 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 36 |

Table 13 (Cont'd)

Employment Status of Employees in Bargaining Units Certified by Union Fiscal Year 1992-93

| 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 | 530 | 14,820 | 97 | 3,408 | 38 | 1,437 | 38 | 1,180 | 357 | 8,795 |
| Non-CLC | 266 | 5,180 | 32 | 1,050 | 9 | 544 | 15 | 457 | 210 | 3,129 |
| ALLIED HEALTH PROFESSIONALS | 2 | 13 | 1 | 7 | 1 | 6 | 0 | 0 | 0 | 0 |
| ASBESTOS WORKERS | 2 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 7 |
| BRICKLAYERS INTERNATIONAL | 10 | 112 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 112 |
| CANADIAN SECURITY UNION | 37 | 245 | 5 | 56 | 0 | 0 | 0 | 0 | 32 | 189 |
| CARPENTERS | 15 | 85 | 0 | 0 | 0 | 0 | 0 | 0 | 15 | 85 |
| CHRISTIAN LABOUR ASSOCIATION | 11 | 122 | 0 | 0 | 1 | 19 | 0 | 0 | 10 | 103 |
| ELECTRICAL WORKERS (IBEW) | 12 | 85 | 1 | 21 | 0 | 0 | 1 | 15 | 10 | 49 |
| INDEPENDENT LOCAL UNION | 11 | 433 | 2 | 183 | 0 | 0 | 0 | 0 | 9 | 250 |
| INTERNATIONAL OPERATING ENGINEERS | 33 | 462 | 9 | 162 | 0 | 0 | 0 | 0 | 24 | 300 |
| LABOURERS | 46 | 452 | 1 | 10 | 0 | 0 | 4 | 56 | 41 | 386 |
| ONTARIO ENGLISH CATHOLIC TEACHERS | 3 | 211 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 211 |
| ONTARIO NURSES ASSOCIATION | 11 | 482 | 3 | 247 | 2 | 78 | 0 | 0 | 6 | 157 |
| ONTARIO PUBLIC SCHOOL TEACHERS | 8 | 1,021 | 0 | 0 | 2 | 418 | 1 | 124 | 5 | 479 |
| PAINTERS | 10 | 51 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 51 |
| PLANT GUARD WORKERS | 8 | 747 | 3 | 234 | 2 | 20 | 2 | 217 | 1 | 276 |
| PLASTERERS | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 |
| PLUMBERS | 8 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | 38 |
| PRACTICAL NURSES FEDERATION OF ONTARIO | 7 | 249 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 249 |
| SHEET METAL WORKERS | 4 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 38 |
| STRUCTURAL IRON WORKERS | 4 | 12 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 12 |
| TEAMSTERS | 22 | 306 | 7 | 130 | 1 | 3 | 6 | 38 | 8 | 135 |
| TRANSIT UNION (CANADIAN) | 1 | 7 | 0 | 0 | 0 | 0 | 1 | 7 | 0 | 0 |

Table 14

Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 1992-93

| | Office | | | | | | Other |
|---|------------|-------------------------|-------------------------|--------------|-------|---------------|-------|
| | All Groups | Production & Related | Clerical & Technical | Professional | Sales | Number Empls. | |
| Number Empls. Number Empls. Number Empls. Number Empls. Number Empls. Number Empls. | | | | | | | |
| ===== | | | | | | | |
| All Industries | 530 14,820 | 393 10,724 | 35 844 | 39 1,723 | 7 137 | 56 1,392 | |
| Manufacturing | 76 3,036 | 58 2,660 | 4 126 | 3 30 | 1 8 | 10 212 | |
| FOOD, BEVERAGES | 18 447 | 13 395 | 1 4 | 1 4 | 1 8 | 2 36 | |
| TOBACCO PRODUCTS | 1 3 | 3 3 | 0 0 | 0 0 | 0 0 | 0 0 | |
| RUBBER, PLASTICS | 4 89 | 3 66 | 0 0 | 0 0 | 0 0 | 1 23 | |
| TEXTILES | 1 31 | 1 31 | 0 0 | 0 0 | 0 0 | 0 0 | |
| CLOTHING | 2 41 | 2 41 | 0 0 | 0 0 | 0 0 | 0 0 | |
| WOOD | 2 66 | 1 30 | 0 0 | 0 0 | 0 0 | 1 36 | |
| FURNITURE, FIXTURES | 1 41 | 1 41 | 0 0 | 0 0 | 0 0 | 0 0 | |
| PAPER | 6 648 | 6 648 | 0 0 | 0 0 | 0 0 | 0 0 | |
| PRINTING, PUBLISHING | 3 103 | 2 96 | 0 0 | 0 0 | 0 0 | 1 7 | |
| PRIMARY METALS | 4 232 | 2 154 | 1 66 | 0 0 | 0 0 | 1 12 | |
| FABRICATED METALS | 1 54 | 1 54 | 0 0 | 0 0 | 0 0 | 0 0 | |
| MACHINERY | 2 86 | 2 86 | 0 0 | 0 0 | 0 0 | 0 0 | |
| TRANSPORTATION EQUIPMENT | 7 191 | 5 155 | 0 0 | 0 0 | 0 0 | 2 36 | |
| ELECTRICAL PRODUCTS | 2 52 | 0 0 | 1 7 | 0 0 | 0 0 | 1 45 | |
| NON-METALLIC MINERALS | 1 7 | 1 7 | 0 0 | 0 0 | 0 0 | 0 0 | |
| CHEMICALS | 5 60 | 5 60 | 0 0 | 0 0 | 0 0 | 0 0 | |
| OTHER MANUFACTURING | 16 885 | 12 793 | 1 49 | 2 26 | 0 0 | 1 17 | |
| Non-Manufacturing | 454 11,784 | 335 8,064 | 31 718 | 36 1,693 | 6 129 | 46 1,180 | |
| MINING, QUARRYING | 2 218 | 2 218 | 0 0 | 0 0 | 0 0 | 0 0 | |
| TRANSPORTATION | 6 321 | 6 321 | 0 0 | 0 0 | 0 0 | 0 0 | |
| STORAGE | 1 13 | 1 13 | 0 0 | 0 0 | 0 0 | 0 0 | |
| ELECTRIC, GAS, WATER | 5 81 | 3 55 | 1 11 | 0 0 | 0 0 | 1 15 | |
| WHOLESALE TRADE | 9 176 | 6 128 | 0 0 | 0 0 | 0 0 | 3 48 | |
| RETAIL TRADE | 40 2,541 | 21 1,781 | 1 2 | 0 0 | 4 120 | 14 638 | |
| FINANCE, INSURANCE CARRIERS | 1 21 | 0 0 | 1 21 | 0 0 | 0 0 | 0 0 | |
| REAL ESTATE, INSURANCE AGENCIES | 8 101 | 6 66 | 1 3 | 0 0 | 0 0 | 1 32 | |
| EDUCATION, RELATED SERVICES | 36 1,877 | 8 323 | 11 509 | 13 1,002 | 0 0 | 4 43 | |
| HEALTH, WELFARE SERVICES | 111 2,828 | 60 1,710 | 9 124 | 21 683 | 2 9 | 19 302 | |
| RECREATIONAL SERVICES | 3 27 | 3 27 | 0 0 | 0 0 | 0 0 | 0 0 | |
| MANAGEMENT SERVICES | 1 3 | 1 3 | 0 0 | 0 0 | 0 0 | 0 0 | |
| PERSONAL SERVICES | 2 25 | 0 0 | 1 8 | 0 0 | 0 0 | 1 17 | |
| ACCOMMODATION, FOOD SERVICES | 18 565 | 17 509 | 0 0 | 0 0 | 0 0 | 1 56 | |
| LOCAL GOVERNMENT | 11 131 | 7 82 | 3 28 | 0 0 | 0 0 | 1 21 | |
| CONSTRUCTION | 114 835 | 114 835 | 0 0 | 0 0 | 0 0 | 0 0 | |
| OTHER SERVICES | 86 2,021 | 80 1,993 | 3 12 | 2 8 | 0 0 | 1 8 | |

Table 15

Occupational Groups in Bargaining Units Certified by Union Fiscal Year 1992-93

| | Office | | | | | | Sales | Professional | Technical | Clerical & Other | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. |
|---|---------------|-------------------------|-------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | All Groups | Production & Related | Clerical & Technical | | Professional | Sales | | | | | | | | | | |
| ===== | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. |
| ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== |
| All Unions | 530 | 14,820 | 393 | 10,724 | 35 | 844 | 39 | 1,723 | 7 | 137 | 56 | 1,392 | | | | |
| CLC | 264 | 9,640 | 172 | 7,506 | 30 | 502 | 11 | 269 | 4 | 87 | 47 | 1,276 | | | | |
| AUTO WORKERS | 4 | 72 | 4 | 72 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| BAKERY AND TOBACCO WORKERS | 4 | 56 | 3 | 23 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 33 | | | | |
| BREWERY AND SOFT DRINK WORKERS | 4 | 24 | 1 | 15 | 2 | 6 | 1 | 3 | 0 | 0 | 0 | 0 | | | | |
| CANADIAN AUTO WORKERS | 14 | 652 | 10 | 572 | 0 | 0 | 1 | 26 | 0 | 0 | 3 | 54 | | | | |
| CANADIAN PAPERWORKERS | 11 | 568 | 10 | 565 | 1 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) | 37 | 882 | 18 | 512 | 8 | 120 | 4 | 150 | 0 | 0 | 7 | 100 | | | | |
| CLOTHING AND TEXTILE WORKERS | 2 | 110 | 1 | 89 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 21 | | | | |
| COMMUNICATIONS-ELECTRICAL WKRS. | 1 | 7 | 0 | 0 | 1 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| ELECTRICAL WORKERS (UE) | 2 | 22 | 1 | 20 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| ENERGY AND CHEMICAL WORKERS | 6 | 218 | 4 | 200 | 1 | 6 | 0 | 0 | 0 | 0 | 1 | 12 | | | | |
| FOOD AND COMMERCIAL WORKERS | 41 | 1,358 | 27 | 688 | 2 | 23 | 0 | 0 | 0 | 0 | 10 | 580 | | | | |
| GLASS, POTTERY AND PLASTIC WKRS. | 3 | 90 | 2 | 67 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 23 | | | | |
| GRAPHIC COMMUNICATION UNION | 1 | 5 | 1 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| HOTEL EMPLOYEES | 5 | 137 | 5 | 137 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| INTERNATIONAL WOODWORKERS OF AMERICA | 2 | 439 | 2 | 439 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| IWA - CANADA | 7 | 320 | 7 | 320 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| LADIES GARMENT WORKERS | 5 | 52 | 1 | 15 | 0 | 0 | 0 | 0 | 1 | 12 | 3 | 25 | | | | |
| MACHINISTS | 2 | 54 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 54 | | | | |
| OFFICE AND PROFESSIONAL EMPLOYEES | 5 | 170 | 1 | 12 | 2 | 131 | 1 | 12 | 0 | 0 | 1 | 15 | | | | |
| ONTARIO PUBLIC SERVICE EMPLOYEES | 17 | 441 | 9 | 274 | 5 | 64 | 2 | 63 | 0 | 0 | 1 | 40 | | | | |
| RAILWAY, TRANSPORT AND GENERAL WORKERS | 1 | 38 | 1 | 38 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| RETAIL WHOLESALE EMPLOYEES | 26 | 1,509 | 19 | 1,392 | 1 | 4 | 1 | 5 | 1 | 8 | 4 | 100 | | | | |
| SERVICE EMPLOYEES INTERNATIONAL | 35 | 785 | 23 | 586 | 4 | 67 | 1 | 10 | 0 | 0 | 7 | 122 | | | | |
| THEATRICAL STAGE EMPLOYEES | 2 | 20 | 2 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |
| TYPOGRAPHICAL UNION | 3 | 59 | 2 | 52 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 7 | | | | |
| UNITED STEELWORKERS | 23 | 1,516 | 17 | 1,357 | 2 | 69 | 0 | 0 | 0 | 0 | 4 | 90 | | | | |
| UNITED TEXTILE WORKERS | 1 | 36 | 1 | 36 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | | | | |

Occupational Groups in Bargaining Units Certified by Union Fiscal Year 1992-93

| | Office | | | | | |
|--|---------------|-------------------------|-------------------------|---------------|---------------|---------------|
| | All Groups | Production & Related | Clerical & Technical | Professional | Sales | Other |
| ===== | | | | | | |
| | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. |
| ===== | | | | | | |
| All Unions | 530 14,820 | 393 10,724 | 35 844 | 39 1,723 | 7 137 | 56 1,392 |
| ===== | | | | | | |
| Non-CLC | 266 5,180 | 221 3,218 | 5 342 | 28 1,454 | 3 50 | 9 116 |
| ===== | | | | | | |
| ALLIED HEALTH PROFESSIONALS | 2 13 | 0 0 | 0 0 | 2 13 | 0 0 | 0 0 |
| ASBESTOS WORKERS | 2 7 | 2 7 | 0 0 | 0 0 | 0 0 | 0 0 |
| BRICKLAYERS INTERNATIONAL | 10 112 | 10 112 | 0 0 | 0 0 | 0 0 | 0 0 |
| CANADIAN SECURITY UNION | 37 245 | 37 245 | 0 0 | 0 0 | 0 0 | 0 0 |
| CARPENTERS | 15 85 | 15 85 | 0 0 | 0 0 | 0 0 | 0 0 |
| CHRISTIAN LABOUR ASSOCIATION | 11 122 | 10 118 | 0 0 | 1 4 | 0 0 | 0 0 |
| ELECTRICAL WORKERS (IBEW) | 12 85 | 9 38 | 1 11 | 0 0 | 0 0 | 2 36 |
| INDEPENDENT LOCAL UNION | 11 433 | 7 319 | 1 69 | 2 37 | 0 0 | 1 8 |
| INTERNATIONAL OPERATING ENGINEERS | 33 462 | 28 419 | 0 0 | 3 30 | 0 0 | 2 13 |
| LABOURERS | 46 452 | 45 448 | 0 0 | 0 0 | 0 0 | 1 4 |
| ONTARIO ENGLISH CATHOLIC TEACHERS | 3 211 | 1 95 | 1 89 | 1 27 | 0 0 | 0 0 |
| ONTARIO NURSES ASSOCIATION | 11 482 | 0 0 | 0 0 | 11 482 | 0 0 | 0 0 |
| ONTARIO PUBLIC SCHOOL TEACHERS | 8 1,021 | 1 72 | 1 124 | 6 825 | 0 0 | 0 0 |
| PAINTERS | 10 51 | 10 51 | 0 0 | 0 0 | 0 0 | 0 0 |
| PLANT GUARD WORKERS | 8 747 | 8 747 | 0 0 | 0 0 | 0 0 | 0 0 |
| PLASTERERS | 1 2 | 1 2 | 0 0 | 0 0 | 0 0 | 0 0 |
| PLUMBERS | 8 38 | 8 38 | 0 0 | 0 0 | 0 0 | 0 0 |
| PRACTICAL NURSES FEDERATION OF ONTARIO | 7 249 | 6 233 | 0 0 | 1 16 | 0 0 | 0 0 |
| SHEET METAL WORKERS | 4 38 | 4 38 | 0 0 | 0 0 | 0 0 | 0 0 |
| STRUCTURAL IRON WORKERS | 4 12 | 4 12 | 0 0 | 0 0 | 0 0 | 0 0 |
| TEAMSTERS | 22 306 | 14 132 | 1 49 | 1 20 | 3 50 | 3 55 |
| TRANSIT UNION (CANADIAN) | 1 7 | 1 7 | 0 0 | 0 0 | 0 0 | 0 0 |

Table 16

**Total Bill 40 Applications and Complaints Received, Disposed of and Pending
Fiscal Year 1992-93**

| Type of Case | Caseload | | Disposed of Fiscal Year 1992-93 | | | | | | | Sine Die | Pending March 31, 1993 |
|--|----------|------------------------------|---------------------------------|---------|-----------|------------|-----------|---------|---|----------|------------------------|
| | Total | Received Fiscal Year 1992-93 | Total | Granted | Dismissed | Terminated | Withdrawn | Settled | | | |
| Total | 90 | 90 | 47 | 13 | 5 | - | 28 | 1 | 7 | 36 | |
| ===== | | | | | | | | | | | |
| COMBINATION OF BARGAINING UNITS | 33 | 33 | 11 | 2 | 1 | - | 8 | - | 1 | 21 | |
| COMPLAINTS DURING ORGANIZING ACTIVITIES | 22 | 22 | 15 | 2 | - | - | 12 | 1 | 2 | 5 | |
| INTERIM ORDER | 19 | 19 | 16 | 6 | 3 | - | 7 | - | - | 3 | |
| JURISDICTIONAL DISPUTE | 9 | 9 | 2 | 2 | - | - | - | - | 2 | 5 | |
| MINISTERIAL REFERENCE | 2 | 2 | - | - | - | - | - | - | - | 2 | |
| REPLACEMENT WORKERS | 4 | 4 | 2 | - | 1 | - | 1 | - | 2 | - | |
| SALE OF BUSINESS CONTRACT SERVICE SECTOR | 1 | 1 | 1 | 1 | - | - | - | - | - | - | |
| ===== | | | | | | | | | | | |

Table 17

**Time Lapse of Certification Applications,
Disposed of under Bill 40
(January 1, 1993, to March 31, 1993)**

| Time Taken (In Calendar Days) | 4th QUARTER 1992-93 | | | 4th QUARTER 1991-92 | | |
|----------------------------------|---------------------|-------|-------------------|---------------------|-------|-------------------|
| | Number Disposed | % | Cumula- tive % | Number Disposed | % | Cumula- tive % |
| TOTAL | 197 | 100.0 | - | 211 | 100.0 | - |
| Under 8 days | 6 | 3.0 | 3.0 | 4 | 1.9 | 1.9 |
| 8 - 14 | 1 | 0.5 | 3.6 | 13 | 6.2 | 8.1 |
| 15 - 21 | 54 | 27.4 | 31.0 | 26 | 12.3 | 20.4 |
| 22 - 28 | 39 | 19.8 | 50.8 | 38 | 18.0 | 38.4 |
| 29 - 35 | 11 | 5.6 | 56.3 | 24 | 11.4 | 49.8 |
| 36 - 42 | 15 | 7.6 | 64.0 | 7 | 3.3 | 53.1 |
| 43 - 49 | 13 | 6.6 | 70.6 | 6 | 2.8 | 55.9 |
| 50 - 56 | 9 | 4.6 | 75.1 | 11 | 5.2 | 61.1 |
| 57 - 63 | 4 | 2.0 | 77.2 | 10 | 4.7 | 65.9 |
| 64 - 70 | 3 | 1.5 | 78.7 | 5 | 2.4 | 68.2 |
| 71 - 77 | 5 | 2.5 | 81.2 | 8 | 3.8 | 72.0 |
| 78 - 84 | 0 | 0.0 | 81.2 | 5 | 2.4 | 74.4 |
| 85 - 91 | 3 | 1.5 | 82.7 | 8 | 3.8 | 78.2 |
| 92 - 98 | 1 | 0.5 | 83.2 | 1 | 0.5 | 78.7 |
| 99 - 105 | 0 | 0.0 | 83.2 | 6 | 2.8 | 81.5 |
| 106 - 126 | 2 | 1.0 | 84.3 | 6 | 2.8 | 84.4 |
| 127 - 147 | 3 | 1.5 | 85.8 | 1 | 0.5 | 84.8 |
| 148 - 168 | 3 | 1.5 | 87.3 | 2 | 0.9 | 85.8 |
| 169 days and over ... | 25 | 12.7 | 100.0 | 30 | 14.2 | 100.0 |

* * * * *

Table 18

**Time Lapse of Section 91 Complaints,
Disposed of under Bill 40
(January 1, 1993, to March 31, 1993)**

| Time Lapse From Date Of Application (In Calendar Days) | 4th QUARTER 1992-93 | | | 4th QUARTER 1991-92 | | |
|--|---------------------|-------|-------------------|---------------------|-------|-------------------|
| | Number Disposed | % | Cumula- tive % | Number Disposed | % | Cumula- tive % |
| TOTAL | 213 | 100.0 | - | 196 | 100.0 | - |
| Under 8 days | 15 | 7.0 | 7.0 | 11 | 5.6 | 5.6 |
| 8 - 14 | 18 | 8.5 | 15.5 | 9 | 4.6 | 10.2 |
| 15 - 21 | 35 | 16.4 | 31.9 | 14 | 7.1 | 17.3 |
| 22 - 28 | 26 | 12.2 | 44.1 | 11 | 5.6 | 23.0 |
| 29 - 35 | 11 | 5.2 | 49.3 | 18 | 9.2 | 32.1 |
| 36 - 42 | 14 | 6.6 | 55.9 | 22 | 11.2 | 43.4 |
| 43 - 49 | 4 | 1.9 | 57.7 | 13 | 6.6 | 50.0 |
| 50 - 56 | 4 | 1.9 | 59.6 | 13 | 6.6 | 56.6 |
| 57 - 63 | 5 | 2.3 | 62.0 | 12 | 6.1 | 62.8 |
| 64 - 70 | 6 | 2.8 | 64.8 | 7 | 3.6 | 66.3 |
| 71 - 77 | 2 | 0.9 | 65.7 | 5 | 2.6 | 68.9 |
| 78 - 84 | 4 | 1.9 | 67.6 | 0 | 0.0 | 68.9 |
| 85 - 91 | 2 | 0.9 | 68.5 | 3 | 1.5 | 70.4 |
| 92 - 98 | 6 | 2.8 | 71.4 | 2 | 1.0 | 71.4 |
| 99 - 105 | 6 | 2.8 | 74.2 | 2 | 1.0 | 72.4 |
| 106 - 126 | 7 | 3.3 | 77.5 | 7 | 3.6 | 76.0 |
| 127 - 147 | 8 | 3.8 | 81.2 | 2 | 1.0 | 77.0 |
| 148 - 168 | 5 | 2.3 | 83.6 | 7 | 3.6 | 80.6 |
| 169 days and over ... | 35 | 16.4 | 100.0 | 38 | 19.4 | 100.0 |

X CASELOAD 1993-94

In fiscal year 1993-94, the Board received a total of 4,525 applications and complaints, an increase of 17.9 percent from the intake of 3,837 cases in 1992-93. Of the three major categories of cases that are brought to the Board under the Act, applications for certification of trade unions as bargaining agents increased by 41.5 percent over last year, contraventions of the Act increased by 22.2 percent, and referrals of grievances under construction industry collective agreements decreased by 2.0 percent. The total of all other types of cases increased by 24.1 percent. (Tables 1 and 2).

In addition to the cases received, 894 were carried over from the previous year for a total caseload of 5,419 in 1993-94. Of the total caseload, 3,287, or 60.6 percent, were disposed of during the year; proceedings in 1,014 were adjourned sine die* (without a fixed date for further action) at the request of the parties; and 1,118 were pending in various stages of processing at March 31, 1994.

The total number of cases processed during the year produced an average workload of 271 cases for the Board's full-time chair and vice-chairs, and the total disposition represented an average output of 164 cases.

Labour Relations Officer Activity

In 1993-94, the Board's labour relations officers were assigned a total of 3,523 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 65.0 percent of the Board's total caseload, and included 1,107 certification applications, 14 cases concerning the status of individuals as employees under the Act, 955 complaints of alleged contravention of the Act, 1,356 grievances under construction industry collective agreements, and 89 complaints under the *Occupational Health and Safety Act*. (Table 3).

The labour relations officers completed activity in 2,213 of the assignments, obtaining settlements in 1,931, or 87.3 percent. They referred 282 cases to the Board for decisions; proceedings were adjourned sine die in 778 cases; and settlement efforts were continuing in the remaining 532 cases as of March 31, 1994. Labour relations officers were also successful in having hearings waived by the parties in 931, or 84.1 percent, of 1,107 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 1993-94, 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, 125 involved certification applications, 32 were held in applications for termination of existing bargaining rights, and three were taken in successor employer applications. (Table 5).

Of the certification votes, 82 involved a single union on the ballot, and 43 involved two unions.

A total of 12,443 employees were eligible to vote in the 160 elections that were conducted, of whom 9,357, or 75.2 percent, cast ballots. Of those who participated, 59.1 percent voted in favour of union representation. In the 82 elections that involved a single union, 71.6 percent of the eligible voters cast ballots, with 48.0 percent of the participants voting for union representation.

In the 32 votes held in applications for termination of bargaining rights, 79.6 percent of the eligible voters cast ballots, with only 19.3 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, four cases were granted, six cases were dismissed, settlements were reached in eight cases before a vote was taken, and votes were conducted in 10 situations.

In the 10 votes held, employees accepted the employer's offer in four cases by 102 votes in favour to 74 against, and rejected the offer in 6 cases by 396 votes against to 210 in favour.

Hearings

The Board held a total of 2,310 hearings and continuation of hearings in 1,077, or 19.9 percent, of the 5,419 cases processed during the fiscal year. Six hundred and seventy-six (676) hearings and continuations of hearings in 354 cases were conducted by a vice-chair

sitting alone, compared with 178 hearings and continuation of hearings in 100 cases in 1992-93.

Processing Time

Table 7 provides statistics on the time taken by the Board to process the 3,287 cases disposed of in 1993-94. 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 26 days was taken to proceed from filing to disposition for 3,287 cases that were completed in 1993-94, compared with 30 days in 1992-93; certification applications were processed in a median of 24 days, compared with 27 days in 1992-93; complaints of contravention of the Act took 33 days, compared with 39 days in 1992-93; and referrals of construction industry grievances required 15 days as in 1992-93. The median time for the total of all other cases decreased to 48 days from 53 in 1992-93.

Seventy-nine point four percent (79.4) of all dispositions were accomplished in 84 days (3 months) or less, compared with 85.0 percent for certification applications, 74.4 percent for complaints of contravention of the Act, 84.4 percent for referrals of construction industry grievances, and 69.6 percent for the total of all other types of cases. The number of cases requiring more than 168 days (6 months) to complete decreased to 372 from 409 in 1992-93.

Certification of Bargaining Agents

In 1993-94, the Board received 1,166 applications for certification of trade unions as bargaining agents of employees, an increase of 41.5 percent from 1992-93 (Tables 1 and 2).

The applications for certification of trade unions were filed by 84 trade unions, including 15 employee associations. Fourteen of the unions, each with more than 25 applications, accounted for 76.1 percent of the total filings: United Steelworkers (127 cases), Labourers (118 cases), Plant Guard Workers (100 cases), Canadian Security Union (88 cases), Public Employees (CUPE) (72 cases), Canadian Auto Workers (64), Intl. Operating Engineers (60 cases), Food and Commercial Workers (58 cases), Teamsters (44 cases), Ontario Public Service Employees (38 cases), Christian Labour Association (31 cases), Service Employees Intl. (31 cases), Electrical Workers (IBEW) (29 cases), and Carpenters (27 cases). In contrast, 17.8 percent of the unions filed fewer than 5 applications each. These unions together accounted for 2.6 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 88.1 percent of the

applications received, concentrated in construction (186 cases), health and welfare services (134 cases) and other services (429 cases). These three groups comprised 72.9 percent of the total non-manufacturing applications. Of the 139 applications involving establishments in manufacturing industries, 42.4 percent were in three groups: transportation equipment (26 cases), food and beverage (22 cases), and wood (11).

In addition to the applications received, 232 cases were carried over from last year, making a total certification caseload of 1,398 in 1993-94. Of the total caseload, 1,135 were disposed of, proceedings were adjourned sine die in 76 cases, and 187 cases were pending as of March 31, 1994. Of the 1,135 dispositions, certification was granted in 829 cases, including 69 in which interim certificates were issued under section 6(2) of the Act, and five that were certified under Section 9.2; 102 cases were dismissed; and 204 cases were settled or withdrawn. The certified cases represented 73.0 percent of the total dispositions. (Table 1).

Of the 931 applications that were either certified or dismissed, final decisions in 136 cases were based on the results of representation votes. Of the 136 votes conducted, 93 involved a single union on the ballot, and 43 were held between two unions. Applicants won in 74 of the votes and lost in the other 62. (Table 6).

A total of 9,402 employees were eligible to vote in the 136 elections, of whom 9,128, or 97.1 percent, cast ballots. In the 74 votes that were won and resulted in certification, 4,845, or 91.7 percent, of the 5,284 employees eligible to vote cast ballots, and of these voters 3,470, or 71.6 percent, favoured union representation. In the 62 elections that were lost and resulted in dismissals, 4,283 employees participated, and, of these, 48 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 1993-94. The average size of the bargaining units in the 829 applications that were certified was 31 employees, compared with 29 employees in 1992-93. Units in construction certifications averaged seven employees, the same as in 1992-1993; and in non-construction certifications they averaged 35 employees, the same as in 1992-93. Eighty-two (82) percent of the total certifications involved units of fewer than 40 employees, and 46.2 percent applied to units of fewer than 10 employees. The total number of employees covered by the certification applications granted increased to 25,798 from 14,832 in 1992-93. (Table 10).

Of the employees covered by the applications certified, 2,230, or 8.6 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 1,212 employees, found mostly in health and welfare services, and education and related services. Full-time and part-time employees were represented in units covering 22,356 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13).

Seventy-four point three percent (74.3) of the employees, or 19,168 were employed in production, service and related occupations; and 1,833 were in office, clerical and technical occupations - mainly in education and related services. Professional employees, found mostly in health and welfare services and education and related services, accounted for 2,089 employees; a small number, 142 employees, were in sales classifications; and 2,566 were in units that included employees in two or more classifications. (Tables 14 and 15).

Disposition Time: A median time of 22 calendar days was required to complete the 829 certification applications granted from receipt to disposition. For non-construction certifications, the median time was 22 days, and for construction certifications the median time was 43 days. (Table 11).

Eighty-eight percent (88.0) of the 829 certification applications granted were disposed of in 84 days (3 months) or less, 80.0 percent took 56 days (2 months) or less, 64.4 percent required 28 days (one month) or less, and 45.8 percent were processed in 21 days (three weeks) or less. Fifty-five cases required longer than 168 days (six months) to process, compared with 45 cases in 1992-93. (Table 11).

Termination of Bargaining Rights

In 1993-94, the Board received 110 applications under sections 58, 60, 61, 62 and 125 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 24 cases were carried over from 1992-93.

Of the total cases processed, bargaining rights were terminated in 53 cases, 25 cases were dismissed, one case was terminated, 28 cases were withdrawn or settled, proceedings were adjourned sine die in 11 cases, and 16 cases were pending at March 31, 1994.

Unions lost the right to represent 2,004 employees in the 53 cases in which termination was granted, but retained bargaining rights for 518 employees in the 26 cases that were either dismissed or withdrawn.

Of the 78 cases that were either granted or dismissed, dispositions in 31 were based on the results of representation votes. A total of 1,625 employees were eligible to vote in the 31 elections that were held, of whom 1,290, or 79.4 percent, cast ballots. Of those who cast ballots, 244 voted for continued representation by unions and 1,046 voted against. (Table 6).

Declaration of Successor Trade Union

In 1993-94, the Board dealt with 213 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, compared to 19 in 1992-93.

Affirmative declarations were issued by the Board in five cases, one case was dismissed, two cases were withdrawn or settled, with 205 cases pending at March 31, 1994.

Declaration of Successor or Common Employer

In 1993-94, the Board dealt with 373 applications for declarations under section 64 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a sale of a business, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 33 cases, 128 cases were settled, three cases were withdrawn by the parties, 13 cases were dismissed, one case was terminated, proceedings were adjourned sine die in 68 cases, and 127 cases were pending at March 31, 1994.

Accreditation of Employer Organizations

One application was processed under sections 127 through 129 of the Act for accreditation of an employer organization as bargaining agent of employers in the construction industry. This case was adjourned sine die.

Declaration and Direction of Unlawful Strike

No application seeking a declaration under section 94 regarding an alleged unlawful strike by employees in the construction industry was processed by the Board.

Eleven applications were dealt with seeking directions under section 94 regarding alleged unlawful strikes by employees in non-construction industries. A direction was issued in one case, one case was dismissed, one case was settled, four cases were withdrawn, and four cases were adjourned sine die.

Fifteen applications seeking directions under section 137 of the Act against alleged unlawful strikes by construction workers were received. One case was dismissed, nine were withdrawn, proceedings were adjourned sine die in two cases, and three cases were pending at March 31, 1994.

Declaration and Direction of Unlawful Lock-out

No applications seeking a declaration under section 95 of the Act regarding an alleged unlawful lock-out by construction employers were processed in 1993-94.

Four applications were processed seeking a direction under section 95 of the Act regarding an alleged unlawful lock-out by non-construction employers. All four cases were settled.

Consent to Prosecute

In 1993-94, the Board dealt with two 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. Both cases were pending at March 31, 1994.

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board 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 1993-94, the Board received 1,067 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 81, 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, 230 cases were carried over from 1992-93. Of the 1,297 cases processed, 856 were disposed of, proceedings were adjourned sine die in 160 cases, and 281 cases were pending at March 31, 1994.

In 624, or 72.9 percent, of the 856 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4). Remedial orders were issued by the Board in 50 cases, 156 cases were dismissed, 625 cases were settled, 22 cases were withdrawn, and three cases were terminated (Table 1).

Construction Industry Grievances

Grievances over an 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 1993-94, the Board received 1,364 applications under this section, a decrease of 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, 183 were carried over from 1992-93. Of the total 1,547 grievances processed, 723 were disposed of, 72 were granted, 14 cases were dismissed, 633 cases were settled, four cases were withdrawn, proceedings were adjourned sine die in 634 cases, and 190 were pending at March 31, 1994.

In 631, or 87.3 percent, of the 723 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4), and awards were made by the Board in 72 cases.

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Right of Access

In 1993-94, six applications were dealt with under section 11 of the Act, in which the union sought access to the employer's property. One case was dismissed, three were withdrawn, and two cases were pending at March 31, 1994.

Religious Exemption

Seven 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. Three applications were settled, two cases were dismissed, one was adjourned sine die, and the remaining case was pending at March 31, 1994.

Early Termination of Collective Agreements

Twenty-four applications were processed under section 53(3) of the Act, seeking early termination of collective agreements. Consent was granted in 23 cases, and one case was pending at March 31, 1994.

Union Financial Statements

Two 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. A settlement was reached in one case, and the remaining case was dismissed.

Jurisdictional Disputes

Sixty-eight complaints were dealt with under section 93 of the Act, involving union work jurisdiction. An assignment of work in dispute was made by the Board in 14 cases, nine cases were dismissed, nine cases were settled or withdrawn, one case was terminated, eight cases were adjourned sine die, and 27 cases were pending at March 31, 1994.

Determination of Employee Status

The Board dealt with 38 applications under section 108(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Ten cases were settled by the parties in discussions with labour relations officers. Determinations were made by the Board in five cases, four cases were dismissed, one case was terminated, proceedings were adjourned sine die in seven cases, and 11 cases were pending at March 31, 1994.

Referrals by Minister of Labour

In 1993-94, the Board dealt with 29 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. Five cases were granted, one case was dismissed, three cases were terminated, six cases were either withdrawn or adjourned sine die, and 14 cases were pending at March 31, 1994.

One case was 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. The case was dismissed.

Trusteeship Reports

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

First Agreement Arbitration

Until January 1, 1993, under section 41 of the Act parties could first apply to the Board for a direction to arbitrate; then, if the direction was granted, they could choose to

have the settlement arbitrated by the Board or privately by a board of arbitration. As of the January 1, 1993 amendments, the Board no longer has the power to arbitrate first agreements.

In 1993-94, the Board dealt with 9 applications for directions to settle first agreements by arbitration. One direction was issued, six cases were settled or withdrawn, and proceedings were adjourned sine die in two cases.

Determination of Sector in the Construction Industry

Four applications were dealt with by the Board under section 153 of the Act, asking the Board to determine whether construction work in question was within the industrial, commercial and institutional sector. One case was granted, one case was adjourned sine die, and two cases were pending at March 31, 1994.

Occupational Health and Safety Act and the Environmental Protection Act

In 1993-94, the Board dealt with 115 complaints under section 50 of the *Occupational Health and Safety Act*, alleging wrongful discipline or discharge for acting in compliance with the Act. Twenty-four cases were carried over from 1992-93.

Of the total 115 cases processed, 63 were settled by the parties in discussions with labour relations officers. Seven cases were dismissed, proceedings were adjourned sine die in 17 cases, and the remaining 28 were pending at March 31, 1994.

One application under the *Environmental Protection Act* was processed by the Board. The case was settled.

Colleges Collective Bargaining Act

One complaint was dealt with under section 77 of the *Colleges Collective Bargaining Act*, alleging contraventions of the Act. The case was withdrawn.

Two applications were dealt with under section 81 of the Act for decisions on the status of individuals as employees under the Act. One case was dismissed, and the other was withdrawn.

Statistics on the cases under the *Colleges Collective Bargaining Act* are included in Table 1.

BILL 40 CASES

Combination of Bargaining Units

The Board dealt with 94 applications under section 7 of the Act to combine bargaining units. Thirty-six were granted, 24 were withdrawn, 2 were dismissed, and 15 were adjourned sine die. The remaining 17 were pending at year-end.

Complaints During Organizing Activities

The Board dealt with 71 under section 92.2 of the Act, alleging wrongful discipline or discharge of employees during organizing activities. Three were granted, one case was settled, four were dismissed, two were terminated, 17 were adjourned sine die, and 38 were withdrawn. Six were pending at March 31, 1994.

Interim Orders

The Board received 111 applications for interim orders received under section 92.1 of the Act. Of the 114 cases processed, 16 cases were granted, five were settled, four cases were terminated, 11 were dismissed, 66 were withdrawn or adjourned sine die, and the remaining 12 were pending at year-end.

Jurisdictional Disputes

The Board held 43 consultations with respect to jurisdictional disputes under section 93 of the Act. Six were granted, five were dismissed, one was terminated, 10 were withdrawn or adjourned sine die, and the remaining 21 were pending at March 31, 1994.

Ministerial References

Fifteen questions were referred to the Board by the Minister under section 109 of the Act, involving issues other than those related to the Minister's authority to make appointments under sections 16, 45, or 46 of the Act. Two cases were carried over from 92-93. Four cases were granted, one case was dismissed, two cases were terminated, four were withdrawn or adjourned sine die, with six pending at year-end.

Eleven questions were referred to the Board by the Minister under the *Hospital Labour Disputes Arbitration Act*. Three cases were granted, one terminated, one adjourned sine die, and the remaining six pending at March 31, 1994.

Replacement Workers

Twenty-six applications regarding replacement workers under sections 73.1 or 73.2 of the Act were received by the Board. Three were granted, two were dismissed, one was terminated, nine were withdrawn or adjourned sine die, and 11 were pending at March 31, 1994.

Sale of a Business - Building Services Contracts

Eighteen applications were filed under section 64.2 of the Act. Three cases were granted, two were settled, one was terminated, four cases were withdrawn or adjourned sine die, and the remaining eight were pending at March 31, 1994.

Access to Property to which the Public Normally has Access

Four applications were received under section 11.1 of the Act regarding access to property to which the public normally has access for picketing or organizing purposes. Two were dismissed and the remaining two withdrawn.

XI COURT ACTIVITY 1993-94

During the fiscal year 1993-94, the Ontario Court of Justice (General Division) dealt with five applications for judicial review, all of which were dismissed.

An application for leave to have a matter heard before a single judge on the grounds of urgency was dismissed. That case is still pending.

An appeal of the granting of an application for an order compelling the attendance of the Chair, Registrar and a Vice-Chair was allowed. Leave to appeal that decision is pending.

A motion to strike an affidavit in one case was dismissed. That case is still pending.

A motion to quash a summons to a Board member was granted, and a motion to set aside that order was dismissed during the 1992-93 year. Leave to appeal is still pending.

Eight other applications for judicial review were pending at year-end.

The Board was granted intervenor status in two cases that came before the courts. In one, a motion to vary a receivership order was dismissed. In another, an application to restrain picketing activities was dismissed, as was an appeal of that decision. Leave to appeal is being sought.

In one case, the Court of Appeal denied leave to appeal a decision which had dismissed an application for judicial review.

The Supreme Court of Canada dismissed an appeal of a decision upholding a Board decision in one case, and dismissed a motion for leave to appeal from a decision which upheld a Board decision in another.

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

XII STATISTICAL TABLES 1993-94

The following statistics reflect the activities of the Ontario Labour Relations Board during the fiscal year 1993-94.

- Table 1:** Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1993-94.
- Table 2:** Applications and Complaints Received and Disposed of, Fiscal Years 1989-90 to 1993-94.
- Table 3:** Labour Relations Officer Activity in Cases Processed, Fiscal Year 1993-94.
- Table 4:** Labour Relations Officer Settlements in Cases Disposed of, Fiscal Year 1993-94.
- Table 5:** Results of Representation Votes Conducted, Fiscal Year 1993-94.
- Table 6:** Results of Representation Votes in Cases Disposed of, Fiscal Year 1993-94.
- Table 7:** Time Required to Process Applications and Complaints Disposed of, by Major Type of Case, Fiscal Year 1993-94.
- Table 8:** Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1993-94.
- Table 9:** Industry Distribution of Certification Applications Received and Disposed of, Fiscal Year 1993-94.
- Table 10:** Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1993-94.
- Table 11:** Time Required to Process Certification Applications Granted, Fiscal Year 1993-94.
- Table 12:** Employment Status of Employees in Bargaining Units Certified, by Industry, Fiscal Year 1993-94.
- Table 13:** Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1993-94.

- Table 14:** Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1993-94.
- Table 15:** Occupational Groups in Bargaining Units Certified, by Union, Fiscal Year 1993-94.
- Table 16:** Bill 40 Applications Received, Disposed of, and Pending, Fiscal Year 1993-94.

Table 1

Total Applications and Complaints Received, Disposed of and Pending Fiscal Year 1993-94

| Type of Case | Caseload | | | Disposed of Fiscal Year 1993-94 | | | | | | Sine Die | Pending March 31, 1994 |
|---|-------------|-----------------------|------------------------------|---------------------------------|-------------|------------|------------|-----------|-------------|-------------|------------------------|
| | Total | Pending April 1, 1993 | Received Fiscal Year 1993-94 | Total | Granted* | Dismissed | Terminated | Withdrawn | Settled | | |
| Total | 5419 | 894 | 4525 | 3287 | 1132 | 347 | 10 | 78 | 1720 | 1014 | 1118 |
| CERTIFICATION OF BARGAINING AGENTS | 1398 | 232 | 1166 | 1135 | 829 | 102 | 0 | 16 | 188 | 76 | 187 |
| COMBINATION OF BARGAINING UNITS | 94 | 21 | 73 | 62 | 36 | 2 | 0 | 0 | 24 | 15 | 17 |
| DECLARATION OF TERMINATION OF BARGAINING RIGHTS | 134 | 24 | 110 | 107 | 53 | 25 | 1 | 1 | 27 | 11 | 16 |
| DECLARATION OF SUCCESSOR TRADE UNION | 213 | 2 | 211 | 8 | 5 | 1 | 0 | 1 | 1 | 0 | 205 |
| DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS | 373 | 111 | 262 | 178 | 33 | 13 | 1 | 3 | 128 | 68 | 127 |
| APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS) | 7 | 3 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 4 | 3 |
| ACCREDITATION | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| DIRECTION RESPECTING UNLAWFUL STRIKE | 26 | 1 | 25 | 17 | 1 | 2 | 0 | 13 | 1 | 6 | 3 |
| DIRECTION RESPECTING UNLAWFUL LOCKOUT | 4 | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 4 | 0 | 0 |
| CONSENT TO PROSECUTE | 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 |
| CONTRAVENTION OF ACT | 1297 | 230 | 1067 | 856 | 50 | 156 | 3 | 22 | 625 | 160 | 281 |
| RIGHT OF ACCESS | 6 | 0 | 6 | 4 | 0 | 1 | 0 | 3 | 0 | 0 | 2 |
| EXEMPTION FROM UNION SECURITY | 7 | 3 | 4 | 5 | 0 | 2 | 0 | 0 | 3 | 1 | 1 |
| PROVISION IN COLLECTIVE AGREEMENT | 24 | 4 | 20 | 23 | 23 | 0 | 0 | 0 | 0 | 0 | 1 |
| EARLY TERMINATION OF COLLECTIVE AGREEMENT | 2 | 0 | 2 | 2 | 0 | 1 | 0 | 0 | 1 | 0 | 0 |
| TRADE UNION FINANCIAL STATEMENT | 68 | 30 | 38 | 33 | 14 | 9 | 1 | 7 | 2 | 8 | 27 |
| JURISDICTIONAL DISPUTE | 38 | 13 | 25 | 20 | 5 | 4 | 1 | 0 | 10 | 7 | 11 |
| REFERRAL ON EMPLOYEE STATUS | 29 | 3 | 26 | 12 | 5 | 1 | 3 | 3 | 0 | 3 | 14 |
| REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR | 1547 | 183 | 1364 | 723 | 72 | 14 | 0 | 4 | 633 | 634 | 190 |
| REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE | | | | | | | | | | | |
| REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY | 1 | 1 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT | 115 | 24 | 91 | 70 | 0 | 7 | 0 | 0 | 63 | 17 | 28 |
| ENVIRONMENTAL PROTECTION ACT | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| FIRST AGREEMENT ARBITRATION DIRECTION | 9 | 2 | 7 | 7 | 1 | 0 | 0 | 5 | 1 | 2 | 0 |
| DETERMINATION OF SECTOR OF CONSTRUCTION | 4 | 3 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 2 |
| FINAL OFFER VOTE | 18 | 2 | 16 | 18 | 4 | 6 | 0 | 0 | 8 | 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.

Table 2

Applications and Complaints Received and Disposed of Fiscal Years 1989-90 to 1993-94

| Type of Case | Number Received, Fiscal Year | | | | | Number Disposed of, Fiscal Year | | | | | | |
|---|------------------------------|---------|---------|---------|---------|---------------------------------|-------|---------|---------|---------|---------|---------|
| | Total | 1989-90 | 1990-91 | 1991-92 | 1992-93 | 1993-94 | Total | 1989-90 | 1990-91 | 1991-92 | 1992-93 | 1993-94 |
| Total | 19307 | 3287 | 3488 | 4170 | 3837 | 4525 | 14718 | 2685 | 2799 | 3041 | 2906 | 3287 |
| CERTIFICATION OF BARGAINING AGENTS | 4767 | 910 | 775 | 1,092 | 824 | 1,166 | 4,519 | 880 | 773 | 988 | 743 | 1,135 |
| COMBINATION OF BARGAINING UNITS | 106 | - | - | - | 33 | 73 | 73 | - | - | - | 11 | 62 |
| DECLARATION OF TERMINATION OF BARGAINING RIGHTS | 661 | 167 | 129 | 133 | 122 | 110 | 646 | 132 | 152 | 121 | 134 | 107 |
| DECLARATION OF SUCCESSOR TRADE UNION | 249 | 13 | 5 | 3 | 17 | 211 | 54 | 23 | 3 | 3 | 17 | 8 |
| DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS | 1152 | 201* | 194 | 238 | 257 | 262 | 768 | 143 | 122 | 148 | 177 | 178 |
| APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS) | 26 | - | 9 | 13 | 1 | 3 | 78 | - | 63 | 2 | 13 | - |
| ACCREDITATION | - | - | - | - | - | - | 5 | 1 | 3 | 1 | - | - |
| DECLARATION OF UNLAWFUL STRIKE | 17 | 11 | 3 | - | 3 | - | 19 | 8 | 6 | - | 5 | - |
| DECLARATION OF UNLAWFUL LOCKOUT | 8 | - | 5 | - | 3 | - | 6 | 1 | 4 | - | 1 | - |
| DIRECTION RESPECTING UNLAWFUL STRIKE | 176 | 59 | 39 | 27 | 26 | 25 | 97 | 36 | 20 | 9 | 15 | 17 |
| DIRECTION RESPECTING UNLAWFUL LOCKOUT | 36 | 5 | 12 | 6 | 9 | 4 | 29 | 4 | 9 | 3 | 9 | 4 |
| CONSENT TO PROSECUTE | 17 | 5 | 5 | 2 | 3 | 2 | 11 | 3 | 3 | 1 | 4 | - |
| CONTRAVENTION OF ACT | 4,528 | 817 | 883 | 888 | 873 | 1,067 | 3,779 | 700 | 709 | 752 | 762 | 856 |
| RIGHT OF ACCESS | 10 | 1 | 2 | 1 | - | 6 | 8 | 1 | 2 | 1 | - | 4 |
| EXEMPTION FROM UNION SECURITY | 34 | 13 | 5 | 8 | 4 | 4 | 31 | 11 | 8 | 5 | 2 | 5 |
| PROVISION IN COLLECTIVE AGREEMENT | 102 | 27 | 16 | 18 | 21 | 20 | 103 | 27 | 13 | 20 | 20 | 23 |
| EARLY TERMINATION OF COLLECTIVE AGREEMENT | 25 | 5 | 9 | 7 | 2 | 2 | 25 | 6 | 8 | 7 | 2 | 2 |
| TRADE UNION FINANCIAL STATEMENT | 181 | 27 | 33 | 51 | 32 | 38 | 147 | 30 | 26 | 19 | 39 | 33 |
| JURISDICTIONAL DISPUTE | 203 | 55 | 54 | 43 | 26 | 25 | 192 | 59 | 41 | 49 | 23 | 20 |
| REFERRAL ON EMPLOYEE STATUS | 39 | 2 | 2 | 4 | 5 | 26 | 20 | - | 1 | 6 | 1 | 12 |
| REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR | 6,289 | 881 | 1,162 | 1,490 | 1,392 | 1,364 | 3,531 | 549 | 699 | 793 | 767 | 723 |
| REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE | 2 | - | - | 1 | - | - | 2 | 1 | - | - | - | 1 |
| REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY | 430 | 63 | 90 | 84 | 102 | 91 | 357 | 55 | 79 | 66 | 87 | 70 |
| COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT | 6 | 3 | 2 | - | - | 1 | 6 | 1 | 3 | 1 | - | 1 |
| ENVIRONMENTAL PROTECTION ACT COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT | 132 | 21 | 22 | 36 | 46 | 7 | 117 | 13 | 25 | 28 | 44 | 7 |
| FIRST AGREEMENT ARBITRATION DIRECTION | 16 | - | 8 | 5 | 3 | - | 13 | 1 | 6 | 3 | 3 | - |
| ARBITRATION PROVISION | 14 | 2 | 2 | 3 | 6 | 1 | 8 | - | 3 | 2 | 2 | 1 |
| DETERMINATION OF SECTOR OF CONSTRUCTION WORK | 76 | - | 18 | 16 | 26 | 16 | 71 | - | 17 | 11 | 25 | 18 |
| FINAL OFFER VOTE | 3 | - | 2 | 1 | - | - | 2 | - | 1 | 1 | - | - |
| MISCELLANEOUS | - | - | - | - | - | - | - | - | - | - | - | - |

*Includes applications under Successor Rights (Crown Transfers)

Table 3

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Labour Relations Officer Activity in Cases Processed *

Fiscal Year 1993-94

| Type of Case | Cases in Which Activity Completed | | | | | | |
|--|-----------------------------------|-------|---------|---------|-------------------|------------------|-----|
| | Total Cases Assigned | Total | Settled | | Referred to Board | Sine Die Pending | |
| | | | Number | Percent | | | |
| Total | 3,523 | 2,213 | 1,931 | 87.3 | 282 | 778 | 532 |
| CERTIFICATION OF BARGAINING AGENTS | 1,107 | 916 | 815 | 89.0 | 101 | 47 | 144 |
| Interim certificate | 73 | 41 | 29 | 70.7 | 12 | 7 | 25 |
| Pre-hearing application | 74 | 62 | 55 | 88.7 | 7 | 1 | 11 |
| Other application | 988 | 825 | 739 | 89.6 | 86 | 47 | 116 |
| CONTRAVENTION OF ACT | 955 | 613 | 499 | 81.4 | 114 | 131 | 211 |
| REFERRAL ON EMPLOYEE STATUS | 14 | 9 | 9 | 100.0 | 0 | 2 | 3 |
| REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE | 1,356 | 620 | 560 | 90.3 | 60 | 588 | 148 |
| COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT | 89 | 54 | 47 | 87.0 | 7 | 10 | 25 |
| ENVIRONMENTAL PROTECTION ACT | 1 | 1 | 1 | 100.0 | 0 | 0 | 0 |
| COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT | 1 | 0 | 0 | 0.0 | 0 | 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.

* * * * *

Table 4

Labour Relations Officer Settlements in Cases Disposed of *

Fiscal Year 1993-94

| Type of Case | Total Disposed of | Officer Settlements | |
|--|-------------------|---------------------|-------------------------|
| | | Number | Percent of Dispositions |
| Total | 1670 | 1329 | 79.6 |
| CONTRAVENTION OF ACT | 856 | 624 | 72.9 |
| REFERRAL ON EMPLOYEE STATUS | 20 | 10 | 50.0 |
| REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE | 723 | 631 | 87.3 |
| COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT | 70 | 63 | 90.0 |
| ENVIRONMENTAL PROTECTION 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.

Table 5

Results of Representation Votes Conducted*

Fiscal Year 1993-94

| Type of Case | | Number of Votes | Eligible Employees | Ballots Cast | |
|-----------------------------------|------------|-----------------|--------------------|--------------|---------------------|
| | | | | Total | In Favour of Unions |
| Total | | 160 | 12443 | 9357 | 5534 |
| Certification | | 125 | 10662 | 7917 | 5226 |
| Pre-hearing cases: | One union | 24 | 2,804 | 1,947 | 882 |
| | Two unions | 34 | 2,744 | 2,270 | 2,229 |
| Construction cases: | One union | 7 | 51 | 44 | 13 |
| | Two unions | 3 | 26 | 23 | 22 |
| Regular cases: | One union | 51 | 4,205 | 3,066 | 1,532 |
| | Two unions | 6 | 832 | 567 | 548 |
| Termination of Bargaining Rights: | One union | 32 | 1,656 | 1,318 | 254 |
| Successor Employer: | One union | 3 | 125 | 122 | 54 |

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

* * * * *

Table 6

Results of Representation Votes in Cases Disposed of *

Fiscal Year 1993-94

| Type of Case | Number of Votes | | | Eligible Votes | | | All Ballots Cast | | | Ballots Cast in Favour of Unions | | |
|--------------------|-----------------|-----------|------------|----------------|----------|-------|------------------|-------|-------|----------------------------------|-------|-------|
| | Total | Appl. Won | Appl. Lost | Total | In Votes | | In Votes | | Total | In Votes | | Total |
| | | | | | Won | Lost | Won | Lost | | Won | Lost | |
| Total | 170 | 105 | 65 | 11152 | 6928 | 4224 | 10540 | 6153 | 4387 | 5823 | 3730 | 2093 |
| Certification | 136 | 74 | 62 | 9402 | 5284 | 4118 | 9128 | 4845 | 4283 | 5525 | 3470 | 2055 |
| Pre-hearing cases | | | | | | | | | | | | |
| One union | 29 | 14 | 15 | 2,653 | 1,482 | 1,171 | 3,676 | 2,030 | 1,646 | 1,689 | 1,227 | 462 |
| Two unions | 36 | 27 | 9 | 2,470 | 1,279 | 1,191 | 2,071 | 1,006 | 1,065 | 2,023 | 1,001 | 1,022 |
| Construction cases | | | | | | | | | | | | |
| One union | 10 | 1 | 9 | 82 | 15 | 67 | 65 | 15 | 50 | 20 | 8 | 12 |
| Two unions | 1 | 1 | 0 | 4 | 4 | 0 | 5 | 5 | 0 | 4 | 4 | 0 |
| Regular cases | | | | | | | | | | | | |
| One union | 54 | 27 | 27 | 3,846 | 2,214 | 1,632 | 3,063 | 1,585 | 1,478 | 1,562 | 1,037 | 525 |
| Two unions | 6 | 4 | 2 | 347 | 290 | 57 | 248 | 204 | 44 | 227 | 193 | 34 |
| Termination | | | | | | | | | | | | |
| One union | 31 | 30 | 1 | 1,625 | 1,613 | 12 | 1,290 | 1,278 | 12 | 244 | 240 | 4 |
| Successor Employer | | | | | | | | | | | | |
| One union | 3 | 1 | 2 | 125 | 31 | 94 | 122 | 30 | 92 | 54 | 20 | 34 |

* 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.

Table 7

**Time Required to Process Applications and Complaints Disposed of,
by Major Type of Case, Fiscal Year 1993-94**

| Time Taken (Calendar Days) | All Cases | | Certification Cases | | Section 91 Cases | | Section 126 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 | 3287 | 100.0 | 1135 | 100.0 | 856 | 100.0 | 723 | 100.0 | 573 | 100.0 |
| Under 8 days | 261 | 7.9 | 18 | 1.6 | 145 | 16.9 | 59 | 8.2 | 39 | 6.8 |
| 8-14 days | 465 | 22.1 | 62 | 7.0 | 85 | 26.9 | 284 | 47.4 | 34 | 12.7 |
| 15-21 days | 649 | 41.8 | 389 | 41.3 | 79 | 36.1 | 108 | 62.4 | 73 | 25.5 |
| 22-28 days | 404 | 54.1 | 222 | 60.9 | 80 | 45.4 | 43 | 68.3 | 59 | 35.8 |
| 29-35 days | 180 | 59.6 | 47 | 65.0 | 61 | 52.6 | 32 | 72.8 | 40 | 42.8 |
| 36-42 days | 154 | 64.3 | 53 | 69.7 | 48 | 58.2 | 24 | 76.1 | 29 | 47.8 |
| 43-49 days | 104 | 67.4 | 41 | 73.3 | 34 | 62.1 | 11 | 77.6 | 18 | 51.0 |
| 50-56 days | 107 | 70.7 | 44 | 77.2 | 21 | 64.6 | 11 | 79.1 | 31 | 56.4 |
| 57-63 days | 78 | 73.1 | 27 | 79.6 | 19 | 66.8 | 6 | 79.9 | 26 | 60.9 |
| 64-70 days | 91 | 75.8 | 27 | 81.9 | 29 | 70.2 | 12 | 81.6 | 23 | 64.9 |
| 71-77 days | 56 | 77.5 | 13 | 83.1 | 23 | 72.9 | 8 | 82.7 | 12 | 67.0 |
| 78-84 days | 62 | 79.4 | 22 | 85.0 | 13 | 74.4 | 12 | 84.4 | 15 | 69.6 |
| 85-91 days | 46 | 80.8 | 11 | 86.0 | 12 | 75.8 | 10 | 85.8 | 13 | 71.9 |
| 92-98 days | 41 | 82.1 | 7 | 86.6 | 15 | 77.6 | 9 | 87.0 | 10 | 73.6 |
| 99-105 days | 33 | 83.1 | 10 | 87.5 | 11 | 78.9 | 6 | 87.8 | 6 | 74.7 |
| 106-126 days | 85 | 85.7 | 21 | 89.3 | 27 | 82.0 | 18 | 90.3 | 19 | 78.0 |
| 127-147 days | 50 | 87.2 | 9 | 90.1 | 18 | 84.1 | 9 | 91.6 | 14 | 80.5 |
| 148-168 days | 49 | 88.7 | 12 | 91.2 | 25 | 87.0 | 2 | 91.8 | 10 | 82.2 |
| Over 168 days | 372 | 100.0 | 100 | 100.0 | 111 | 100.0 | 59 | 100.0 | 102 | 100.0 |

Table 8

Union Distribution of Certification Applications Received and Disposed of Fiscal Year 1993-94

| Union | Number of Applications Received | Number of Applications Disposed of | | | |
|--|---------------------------------------|------------------------------------|----------------|------------------|-------------------|
| | | Total | Certi- fied | Dismis- sed** | With- drawn*** |
| All Unions | 1166 | 1135 | 829 | 102 | 204 |
| CLC Affiliates * | 558 | 561 | 405 | 55 | 101 |
| AUTO WORKERS | 5 | 5 | 4 | 1 | 0 |
| BAKERY AND TOBACCO WORKERS | 1 | 1 | 1 | 0 | 0 |
| BREWERY AND SOFT DRINK WORKERS | 6 | 8 | 6 | 2 | 0 |
| CANADIAN AUTO WORKERS | 64 | 67 | 49 | 5 | 13 |
| CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) | 72 | 68 | 57 | 2 | 9 |
| CLOTHING AND TEXTILE WORKERS | 3 | 4 | 3 | 1 | 0 |
| COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA | 24 | 26 | 16 | 8 | 2 |
| ELEVATORS CONSTRUCTORS | 1 | 2 | 2 | 0 | 0 |
| FOOD AND COMMERCIAL WORKERS | 58 | 43 | 34 | 1 | 8 |
| GRAIN MILLERS | 1 | 1 | 1 | 0 | 0 |
| GRAPHIC COMMUNICATION UNION | 4 | 4 | 2 | 1 | 1 |
| HOTEL EMPLOYEES | 14 | 19 | 8 | 6 | 5 |
| INTERNATIONAL WOODWORKERS OF AMERICA | 9 | 7 | 7 | 0 | 0 |
| IWA - CANADA | 12 | 12 | 9 | 1 | 2 |
| LADIES GARMENT WORKERS | 3 | 2 | 1 | 1 | 0 |
| MACHINISTS | 4 | 4 | 3 | 0 | 1 |
| NEWSPAPER GUILD | 5 | 4 | 3 | 0 | 1 |
| OFFICE AND PROFESSIONAL EMPLOYEES | 7 | 10 | 9 | 0 | 1 |
| ONTARIO PUBLIC SERVICE EMPLOYEES | 38 | 38 | 34 | 2 | 2 |
| RAILWAY, TRANSPORT AND GENERAL WORKERS | 8 | 8 | 5 | 1 | 2 |
| RETAIL WHOLESALE EMPLOYEES | 16 | 34 | 17 | 11 | 6 |
| SEAFARERS | 7 | 7 | 0 | 0 | 7 |
| SERVICE EMPLOYEES INTERNATIONAL | 31 | 29 | 22 | 3 | 4 |
| THEATRICAL STAGE EMPLOYEES | 18 | 15 | 11 | 2 | 2 |
| TRANSIT UNION (INTL.) | 3 | 4 | 4 | 0 | 0 |
| UNITED STEELWORKERS | 127 | 122 | 86 | 5 | 31 |
| UNITED TEXTILE WORKERS | 17 | 17 | 11 | 2 | 4 |
| Non-CLC Affiliates | 608 | 574 | 424 | 47 | 103 |
| ALLIED HEALTH PROFESSIONALS | 1 | 1 | 1 | 0 | 0 |
| ASBESTOS WORKERS | 1 | 1 | 0 | 1 | 0 |
| BOILERMAKERS | 2 | 2 | 2 | 0 | 0 |
| BRICKLAYERS INTERNATIONAL | 13 | 11 | 8 | 1 | 2 |
| CANADIAN EDUCATIONAL WORKERS | 1 | 0 | 0 | 0 | 0 |
| CANADIAN OPERATING ENGINEERS | 0 | 1 | 0 | 0 | 1 |
| CANADIAN SECURITY UNION | 88 | 84 | 66 | 1 | 17 |
| CARPENTERS | 27 | 29 | 14 | 10 | 5 |
| CHRISTIAN LABOUR ASSOCIATION | 31 | 33 | 26 | 2 | 5 |
| ELECTRICAL WORKERS (IBEW) | 29 | 28 | 22 | 3 | 3 |
| FOOD AND SERVICE WORKERS | 1 | 0 | 0 | 0 | 0 |
| INDEPENDENT LOCAL UNION | 7 | 6 | 6 | 0 | 0 |
| INTERNATIONAL OPERATING ENGINEERS | 60 | 59 | 36 | 5 | 18 |
| LABOURERS | 118 | 119 | 88 | 10 | 21 |
| ONTARIO ENGLISH CATHOLIC TEACHERS | 4 | 4 | 4 | 0 | 0 |
| ONTARIO NURSES ASSOCIATION | 18 | 16 | 15 | 1 | 0 |
| ONTARIO PUBLIC SCHOOL TEACHERS | 7 | 7 | 6 | 1 | 0 |
| PAINTERS | 9 | 9 | 7 | 1 | 1 |
| PLANT GUARD WORKERS | 100 | 77 | 60 | 4 | 13 |
| PLASTERERS | 1 | 1 | 1 | 0 | 0 |
| PLUMBERS | 14 | 15 | 10 | 1 | 4 |
| PRACTICAL NURSES FEDERATION OF ONTARIO | 5 | 6 | 3 | 1 | 2 |
| SHEET METAL WORKERS | 7 | 6 | 6 | 0 | 0 |
| STRUCTURAL IRON WORKERS | 10 | 8 | 7 | 0 | 1 |
| TEAMSTERS | 44 | 43 | 31 | 5 | 7 |
| TRANSIT UNION (CANADIAN) | 0 | 1 | 0 | 0 | 1 |
| OTHER | 10 | 7 | 5 | 0 | 2 |

*Canadian Labour Congress. **Includes cases that were terminated. ***Includes cases that were settled.

Table 9

Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 1993-94

| Industry | Number of Applications Received | Number of Applications Disposed of | | | |
|---------------------------------|---------------------------------------|------------------------------------|----------------|-----------------|------------------|
| | | Total | Certi- fied | Dismis- sed* | With- drawn** |
| All Industries | 1166 | 1135 | 829 | 103 | 203 |
| ===== | ===== | ===== | ===== | ===== | ===== |
| Manufacturing | 139 | 139 | 103 | 21 | 15 |
| CHEMICALS | 5 | 7 | 6 | 1 | 0 |
| CLOTHING | 3 | 3 | 2 | 0 | 1 |
| ELECTRICAL PRODUCTS | 8 | 9 | 6 | 1 | 2 |
| FABRICATED METALS | 9 | 9 | 6 | 2 | 1 |
| FOOD, BEVERAGES | 22 | 24 | 19 | 2 | 3 |
| FURNITURE, FIXTURES | 7 | 5 | 4 | 0 | 1 |
| LEATHER | 1 | 0 | 0 | 0 | 0 |
| MACHINERY | 3 | 3 | 3 | 0 | 0 |
| NON-METALLIC MINERALS | 1 | 1 | 1 | 0 | 0 |
| PAPER | 8 | 7 | 1 | 5 | 1 |
| PRIMARY METALS | 7 | 6 | 4 | 2 | 0 |
| PRINTING, PUBLISHING | 9 | 10 | 6 | 2 | 2 |
| RUBBER, PLASTICS | 9 | 9 | 5 | 3 | 1 |
| TEXTILES | 2 | 1 | 1 | 0 | 0 |
| TRANSPORTATION EQUIPMENT | 26 | 28 | 26 | 2 | 0 |
| WOOD | 11 | 11 | 9 | 0 | 2 |
| OTHER MANUFACTURING | 8 | 6 | 4 | 1 | 1 |
| Non-Manufacturing | 1027 | 996 | 726 | 82 | 188 |
| ACCOMMODATION, FOOD SERVICES | 40 | 44 | 31 | 6 | 7 |
| CONSTRUCTION | 186 | 191 | 118 | 29 | 44 |
| EDUCATION, RELATED SERVICES | 28 | 29 | 28 | 1 | 0 |
| ELECTRIC, GAS, WATER | 15 | 14 | 12 | 1 | 1 |
| FINANCE, INSURANCE CARRIERS | 2 | 2 | 2 | 0 | 0 |
| HEALTH, WELFARE SERVICES | 134 | 141 | 116 | 11 | 14 |
| LOCAL GOVERNMENT | 27 | 22 | 18 | 1 | 3 |
| MANAGEMENT SERVICES | 1 | 1 | 1 | 0 | 0 |
| MINING, QUARRYING | 3 | 3 | 3 | 0 | 0 |
| PERSONAL SERVICES | 14 | 11 | 9 | 1 | 1 |
| REAL ESTATE, INSURANCE AGENCIES | 8 | 10 | 8 | 0 | 2 |
| RECREATIONAL SERVICES | 31 | 27 | 16 | 3 | 8 |
| RETAIL TRADE | 71 | 63 | 39 | 6 | 18 |
| STORAGE | 3 | 3 | 3 | 0 | 0 |
| TRANSPORTATION | 19 | 30 | 17 | 7 | 6 |
| WHOLESALE TRADE | 16 | 16 | 10 | 4 | 2 |
| OTHER SERVICES | 429 | 389 | 295 | 12 | 82 |

* Includes cases that were terminated.

** Includes cases that were settled.

Table 10

Size of Bargaining Units in Certification Applications Granted Fiscal Year 1993-94

| 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 | 829 | 25,798 | 113 | 764 | 716 | 25,034 |
| 2-9 employees | 383 | 1,820 | 94 | 372 | 289 | 1,448 |
| 10-19 employees | 168 | 2,299 | 12 | 162 | 156 | 2,137 |
| 20-39 employees | 128 | 3,539 | 5 | 135 | 123 | 3,404 |
| 40-99 employees | 106 | 6,681 | 2 | 95 | 104 | 6,586 |
| 100-199 employees | 28 | 3,808 | 0 | 0 | 28 | 3,808 |
| 200-499 employees | 12 | 3,567 | 0 | 0 | 12 | 3,567 |
| 500 employees or more | 4 | 4,084 | 0 | 0 | 4 | 4,084 |

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 840 bargaining units were certified in the 829 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.

* * * * *

Table 11

Time Required to Process Certification Applications Granted *

Fiscal Year 1993-94

| Calendar Days (including adjournments requested by the parties) | Total Certified | | Non-Construction | | Construction | |
|---|-----------------|-----------------------|------------------|-----------------------|--------------|-----------------------|
| | Number | Cumulative Percent | Number | Cumulative Percent | Number | Cumulative Percent |
| Total | 829 | 100.0 | 716 | 100.0 | 113 | 100.0 |
| Under 8 days | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 8-14 days | 36 | 4.3 | 33 | 4.6 | 3 | 2.7 |
| 15-21 days | 343 | 45.8 | 315 | 48.7 | 28 | 27.4 |
| 22-28 days | 155 | 64.4 | 140 | 68.2 | 15 | 40.7 |
| 29-35 days | 34 | 68.5 | 28 | 72.0 | 6 | 46.0 |
| 36-42 days | 40 | 73.3 | 26 | 75.7 | 14 | 58.4 |
| 43-49 days | 22 | 76.0 | 17 | 78.0 | 5 | 62.8 |
| 50-56 days | 33 | 80.0 | 28 | 82.0 | 5 | 67.3 |
| 57-63 days | 22 | 82.6 | 19 | 84.6 | 3 | 69.9 |
| 64-70 days | 17 | 84.7 | 15 | 86.7 | 2 | 71.7 |
| 71-77 days | 7 | 85.5 | 5 | 87.4 | 2 | 73.5 |
| 78-84 days | 21 | 88.0 | 20 | 90.2 | 1 | 74.3 |
| 85-91 days | 6 | 88.8 | 4 | 90.8 | 2 | 76.1 |
| 92-98 days | 6 | 89.5 | 5 | 91.5 | 1 | 77.0 |
| 99-105 days | 6 | 90.2 | 3 | 91.9 | 3 | 79.6 |
| 106-126 days | 13 | 91.8 | 11 | 93.4 | 2 | 81.4 |
| 127-147 days | 5 | 92.4 | 3 | 93.8 | 2 | 83.2 |
| 148-168 days | 8 | 93.4 | 8 | 95.0 | 0 | 83.2 |
| Over 168 days | 55 | 100.0 | 36 | 100.0 | 19 | 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.

Table 12

Employment Status of Employees in Bargaining Units Certified by Industry Fiscal Year 1993-94

| 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 | 840 | 25,798 | 62 | 2,230 | 33 | 1,212 | 76 | 2,936 | 669 | 19,420 |
| Manufacturing | 105 | 4,562 | 20 | 935 | 3 | 54 | 14 | 1,038 | 68 | 2,535 |
| FOOD, BEVERAGES | 19 | 506 | 1 | 45 | 2 | 47 | 1 | 7 | 15 | 407 |
| RUBBER, PLASTICS | 5 | 166 | 2 | 67 | 0 | 0 | 0 | 0 | 3 | 99 |
| TEXTILES | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 4 |
| CLOTHING | 2 | 62 | 0 | 0 | 0 | 0 | 1 | 8 | 1 | 54 |
| WOOD | 9 | 299 | 5 | 223 | 0 | 0 | 1 | 24 | 3 | 52 |
| FURNITURE, FIXTURES | 5 | 121 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 121 |
| PAPER | 1 | 34 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 34 |
| PRINTING, PUBLISHING | 6 | 168 | 3 | 117 | 0 | 0 | 0 | 0 | 3 | 51 |
| PRIMARY METALS | 4 | 173 | 0 | 0 | 0 | 0 | 1 | 7 | 3 | 166 |
| FABRICATED METALS | 6 | 393 | 1 | 117 | 0 | 0 | 2 | 86 | 3 | 190 |
| MACHINERY | 3 | 265 | 1 | 60 | 0 | 0 | 1 | 158 | 1 | 47 |
| TRANSPORTATION EQUIPMENT | 27 | 1,600 | 5 | 186 | 1 | 7 | 5 | 511 | 16 | 896 |
| ELECTRICAL PRODUCTS | 6 | 416 | 0 | 0 | 0 | 0 | 1 | 220 | 5 | 196 |
| NON-METALLIC MINERALS | 1 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 7 |
| CHEMICALS | 6 | 272 | 1 | 95 | 0 | 0 | 0 | 0 | 5 | 177 |
| OTHER MANUFACTURING | 4 | 76 | 1 | 25 | 0 | 0 | 1 | 17 | 2 | 34 |
| Non-Manufacturing | 735 | 21,236 | 42 | 1,295 | 30 | 1,158 | 62 | 1,898 | 601 | 16,885 |
| RETAIL TRADE | 39 | 1,536 | 7 | 146 | 1 | 18 | 4 | 203 | 27 | 1,169 |
| FINANCE, INSURANCE CARRIERS | 2 | 26 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 26 |
| REAL ESTATE, INSURANCE AGENCIES | 8 | 37 | 0 | 0 | 0 | 0 | 0 | 0 | 8 | 37 |
| EDUCATION, RELATED SERVICES | 28 | 2,415 | 6 | 702 | 5 | 393 | 2 | 675 | 15 | 645 |
| HEALTH, WELFARE SERVICES | 121 | 4,082 | 9 | 103 | 16 | 607 | 4 | 53 | 92 | 3,319 |
| RECREATIONAL SERVICES | 16 | 767 | 1 | 3 | 1 | 6 | 2 | 21 | 12 | 737 |
| MANAGEMENT SERVICES | 1 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 5 |
| PERSONAL SERVICES | 9 | 171 | 0 | 0 | 0 | 0 | 3 | 44 | 6 | 127 |
| ACCOMMODATION, FOOD SERVICES | 32 | 1,404 | 5 | 95 | 1 | 32 | 5 | 159 | 21 | 1,118 |
| OTHER SERVICES | 296 | 5,271 | 5 | 136 | 4 | 88 | 36 | 621 | 251 | 4,426 |
| LOCAL GOVERNMENT | 18 | 629 | 3 | 44 | 0 | 0 | 1 | 33 | 14 | 552 |
| CONSTRUCTION | 118 | 822 | 3 | 29 | 0 | 0 | 1 | 26 | 114 | 767 |

Table 13

Employment Status of Employees in Bargaining Units Certified by Union Fiscal Year 1993-94

| 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 | 840 | 25,798 | 62 | 2,230 | 33 | 1,212 | 76 | 2,936 | 669 | 19,420 |
| CLC | 409 | 17,728 | 43 | 1,301 | 20 | 604 | 25 | 1,753 | 321 | 14,070 |
| AUTO WORKERS | 4 | 166 | 1 | 117 | 0 | 0 | 2 | 30 | 1 | 19 |
| BAKERY AND TOBACCO WORKERS | 1 | 45 | 1 | 45 | 0 | 0 | 0 | 0 | 0 | 0 |
| BREWERY AND SOFT DRINK WORKERS | 6 | 129 | 1 | 88 | 0 | 0 | 0 | 0 | 5 | 41 |
| CANADIAN AUTO WORKERS | 50 | 2,451 | 7 | 258 | 1 | 7 | 5 | 505 | 37 | 1,681 |
| CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) | 57 | 2,419 | 5 | 153 | 4 | 286 | 1 | 107 | 47 | 1,873 |
| CLOTHING AND TEXTILE WORKERS | 3 | 87 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 87 |
| COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA | 16 | 431 | 2 | 93 | 0 | 0 | 2 | 45 | 12 | 293 |
| ELEVATORS CONSTRUCTORS | 2 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 14 |
| FOOD AND COMMERCIAL WORKERS | 34 | 1,400 | 5 | 84 | 1 | 12 | 2 | 167 | 26 | 1,137 |
| GRAIN MILLERS | 1 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 13 |
| GRAPHIC COMMUNICATION UNION | 2 | 21 | 1 | 12 | 0 | 0 | 0 | 0 | 1 | 9 |
| HOTEL EMPLOYEES | 8 | 285 | 1 | 16 | 0 | 0 | 2 | 112 | 5 | 157 |
| INTERNATIONAL WOODWORKERS OF AMERICA | 7 | 194 | 2 | 81 | 0 | 0 | 2 | 77 | 3 | 36 |
| IWA - CANADA | 9 | 144 | 4 | 78 | 0 | 0 | 0 | 0 | 5 | 66 |
| LADIES GARMENT WORKERS | 1 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 13 |
| MACHINISTS | 3 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 45 |
| NEWSPAPER GUILD | 3 | 62 | 1 | 20 | 0 | 0 | 0 | 0 | 2 | 42 |
| OFFICE AND PROFESSIONAL EMPLOYEES | 9 | 736 | 0 | 0 | 0 | 0 | 1 | 568 | 8 | 168 |
| ONTARIO PUBLIC SERVICE EMPLOYEES | 35 | 1,106 | 1 | 5 | 7 | 191 | 0 | 0 | 27 | 910 |
| RAILWAY, TRANSPORT AND GENERAL WORKERS | 5 | 164 | 0 | 0 | 1 | 7 | 0 | 0 | 4 | 157 |
| RETAIL WHOLESALE EMPLOYEES | 18 | 3,542 | 2 | 48 | 0 | 0 | 1 | 28 | 15 | 3,466 |
| SERVICE EMPLOYEES INTERNATIONAL | 22 | 423 | 4 | 22 | 2 | 41 | 2 | 33 | 14 | 327 |
| THEATRICAL STAGE EMPLOYEES | 11 | 248 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 248 |
| TRANSIT UNION (INTL.) | 4 | 273 | 1 | 26 | 1 | 7 | 0 | 0 | 2 | 240 |
| UNITED STEELWORKERS | 87 | 3,116 | 2 | 82 | 2 | 47 | 2 | 26 | 81 | 2,961 |
| UNITED TEXTILE WORKERS | 11 | 201 | 2 | 73 | 1 | 6 | 3 | 55 | 5 | 67 |

Table 13 (Cont'd)

Employment Status of Employees in Bargaining Units Certified by Union Fiscal Year 1993-94

| 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 | 840 | 25,798 | 62 | 2,230 | 33 | 1,212 | 76 | 2,936 | 669 | 19,420 |
| Non-CLC | 431 | 8,070 | 19 | 929 | 13 | 608 | 51 | 1,183 | 348 | 5,350 |
| ALLIED HEALTH PROFESSIONALS | 1 | 72 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 72 |
| BOILERMAKERS | 2 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 7 |
| BRICKLAYERS INTERNATIONAL | 8 | 54 | 0 | 0 | 0 | 0 | 1 | 7 | 7 | 47 |
| CANADIAN SECURITY UNION | 66 | 422 | 0 | 0 | 1 | 6 | 0 | 0 | 65 | 416 |
| CARPENTERS | 14 | 79 | 0 | 0 | 0 | 0 | 0 | 0 | 14 | 79 |
| CHRISTIAN LABOUR ASSOCIATION | 30 | 322 | 4 | 39 | 3 | 31 | 0 | 0 | 23 | 252 |
| ELECTRICAL WORKERS (IBEW) | 22 | 212 | 1 | 5 | 0 | 0 | 0 | 0 | 21 | 207 |
| INDEPENDENT LOCAL UNION | 6 | 133 | 0 | 0 | 1 | 75 | 1 | 33 | 4 | 25 |
| INTERNATIONAL OPERATING ENGINEERS | 36 | 444 | 4 | 59 | 0 | 0 | 2 | 28 | 30 | 357 |
| LABOURERS | 90 | 1,172 | 1 | 95 | 1 | 61 | 5 | 82 | 83 | 934 |
| ONTARIO ENGLISH CATHOLIC TEACHERS | 4 | 313 | 1 | 141 | 1 | 108 | 0 | 0 | 2 | 64 |
| ONTARIO NURSES ASSOCIATION | 15 | 686 | 0 | 0 | 2 | 104 | 0 | 0 | 13 | 582 |
| ONTARIO PUBLIC SCHOOL TEACHERS | 6 | 732 | 1 | 394 | 2 | 173 | 0 | 0 | 3 | 165 |
| PAINTERS | 7 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 21 |
| PLANT GUARD WORKERS | 60 | 1,103 | 1 | 44 | 0 | 0 | 34 | 578 | 25 | 481 |
| PLASTERERS | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 4 |
| PLUMBERS | 10 | 45 | 0 | 0 | 0 | 0 | 1 | 5 | 9 | 40 |
| PRACTICAL NURSES FEDERATION OF ONTARIO | 3 | 85 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 85 |
| SHEET METAL WORKERS | 6 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 20 |
| STRUCTURAL IRON WORKERS | 7 | 43 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 43 |
| TEAMSTERS | 32 | 1,944 | 5 | 89 | 2 | 50 | 7 | 450 | 18 | 1,355 |
| OTHER | 3 | 107 | 1 | 63 | 0 | 0 | 0 | 0 | 4 | 94 |

Table 14

Occupational Groups in Bargaining Units Certified by Industry Fiscal Year 1993-94

| | All Groups | | Production & Related | | Office Clerical & Technical | | Professional | | Sales | | Other | |
|---------------------------------|---------------|---------------|-------------------------|---------------|-----------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. |
| ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== |
| All Industries | 840 | 25,798 | 679 | 19,168 | 51 | 1,833 | 53 | 2,089 | 9 | 142 | 48 | 2,566 |
| ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== |
| Manufacturing | 105 | 4,562 | 89 | 4,113 | 10 | 141 | 0 | 0 | 3 | 33 | 3 | 275 |
| ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== |
| FOOD, BEVERAGES | 19 | 506 | 15 | 465 | 1 | 8 | 0 | 0 | 3 | 33 | 0 | 0 |
| RUBBER, PLASTICS | 5 | 166 | 5 | 166 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TEXTILES | 1 | 4 | 0 | 0 | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |
| CLOTHING | 2 | 62 | 2 | 62 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| WOOD | 9 | 299 | 9 | 299 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FURNITURE, FIXTURES | 5 | 121 | 5 | 121 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PAPER | 1 | 34 | 1 | 34 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PRINTING, PUBLISHING | 6 | 168 | 3 | 106 | 3 | 62 | 0 | 0 | 0 | 0 | 0 | 0 |
| PRIMARY METALS | 4 | 173 | 4 | 173 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FABRICATED METALS | 6 | 393 | 6 | 393 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MACHINERY | 3 | 265 | 3 | 265 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TRANSPORTATION EQUIPMENT | 27 | 1,600 | 22 | 1,274 | 3 | 57 | 0 | 0 | 0 | 0 | 2 | 269 |
| ELECTRICAL PRODUCTS | 6 | 416 | 4 | 407 | 1 | 3 | 0 | 0 | 0 | 0 | 1 | 6 |
| NON-METALLIC MINERALS | 1 | 7 | 1 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CHEMICALS | 6 | 272 | 6 | 272 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| OTHER MANUFACTURING | 4 | 76 | 3 | 69 | 1 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== |
| Non-Manufacturing | 735 | 21,236 | 590 | 15,055 | 41 | 1,692 | 53 | 2,089 | 6 | 109 | 45 | 2,291 |
| ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== | ===== |
| RETAIL TRADE | 39 | 1,536 | 30 | 1,166 | 0 | 0 | 0 | 0 | 5 | 99 | 4 | 271 |
| FINANCE, INSURANCE CARRIERS | 2 | 26 | 0 | 0 | 2 | 26 | 0 | 0 | 0 | 0 | 0 | 0 |
| REAL ESTATE, INSURANCE AGENCIES | 8 | 37 | 5 | 27 | 1 | 2 | 0 | 0 | 0 | 0 | 2 | 8 |
| EDUCATION, RELATED SERVICES | 28 | 2,415 | 6 | 757 | 5 | 759 | 13 | 597 | 0 | 0 | 4 | 302 |
| HEALTH, WELFARE SERVICES | 121 | 4,082 | 55 | 1,965 | 11 | 157 | 37 | 1,352 | 0 | 0 | 18 | 608 |
| RECREATIONAL SERVICES | 16 | 767 | 10 | 680 | 1 | 3 | 0 | 0 | 1 | 10 | 4 | 74 |
| MANAGEMENT SERVICES | 1 | 5 | 0 | 0 | 1 | 5 | 0 | 0 | 0 | 0 | 0 | 0 |
| PERSONAL SERVICES | 9 | 171 | 7 | 117 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 54 |
| ACCOMMODATION, FOOD SERVICES | 32 | 1,404 | 30 | 624 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 780 |
| OTHER SERVICES | 296 | 5,271 | 280 | 4,797 | 9 | 306 | 2 | 45 | 0 | 0 | 5 | 123 |
| LOCAL GOVERNMENT | 18 | 629 | 7 | 73 | 7 | 402 | 1 | 95 | 0 | 0 | 3 | 59 |
| CONSTRUCTION | 118 | 822 | 116 | 805 | 1 | 5 | 0 | 0 | 0 | 0 | 1 | 12 |

Table 15

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 1993-94

| | All Groups | Office | | | | | Professional | Sales | Other | | | |
|---|---------------|-------------------------|-------------------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----|-------|
| | | Production & Related | Clerical & Technical | Number Empls. | Number Empls. | Number Empls. | | | | | | |
| ===== | | | | | | | | | | | | |
| Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | Number Empls. | | |
| ===== | | | | | | | | | | | | |
| ALL Unions | 840 | 25,798 | 679 | 19,168 | 51 | 1,833 | 53 | 2,089 | 9 | 142 | 48 | 2,566 |
| ===== | | | | | | | | | | | | |
| CLC | 409 | 17,728 | 291 | 13,338 | 41 | 1,637 | 28 | 892 | 7 | 135 | 42 | 1,726 |
| ===== | | | | | | | | | | | | |
| AUTO WORKERS | 4 | 166 | 4 | 166 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| BAKERY AND TOBACCO WORKERS | 1 | 45 | 1 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| BREWERY AND SOFT DRINK WORKERS | 6 | 129 | 4 | 125 | 1 | 2 | 1 | 2 | 0 | 0 | 0 | 0 |
| CANADIAN AUTO WORKERS | 50 | 2,451 | 45 | 2,150 | 3 | 32 | 0 | 0 | 0 | 0 | 2 | 269 |
| CANADIAN UNION OF PUBLIC EMPLOYEES | 57 | 2,419 | 30 | 1,258 | 8 | 419 | 13 | 380 | 0 | 0 | 6 | 362 |
| (CUPE) | | | | | | | | | | | | |
| CLOTHING AND TEXTILE WORKERS | 3 | 87 | 2 | 83 | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |
| COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA | 16 | 431 | 11 | 371 | 3 | 52 | 0 | 0 | 0 | 0 | 2 | 8 |
| ELEVATORS CONSTRUCTORS | 2 | 14 | 2 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FOOD AND COMMERCIAL WORKERS | 34 | 1,400 | 32 | 1,230 | 0 | 0 | 0 | 0 | 1 | 10 | 1 | 160 |
| GRAIN MILLERS | 1 | 13 | 1 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| GRAPHIC COMMUNICATION UNION | 2 | 21 | 2 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| HOTEL EMPLOYEES | 8 | 285 | 8 | 285 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| INTERNATIONAL WOODWORKERS OF AMERICA | 7 | 194 | 6 | 187 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 7 |
| IWA - CANADA | 9 | 144 | 9 | 144 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| LADIES GARMENT WORKERS | 1 | 13 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 13 |
| MACHINISTS | 3 | 45 | 1 | 21 | 2 | 24 | 0 | 0 | 0 | 0 | 0 | 0 |
| NEWSPAPER GUILD | 3 | 62 | 0 | 0 | 3 | 62 | 0 | 0 | 0 | 0 | 0 | 0 |
| OFFICE AND PROFESSIONAL EMPLOYEES | 9 | 736 | 2 | 32 | 5 | 643 | 0 | 0 | 0 | 0 | 2 | 61 |
| ONTARIO PUBLIC SERVICE EMPLOYEES | 35 | 1,106 | 12 | 231 | 5 | 72 | 9 | 439 | 0 | 0 | 9 | 364 |
| RAILWAY, TRANSPORT AND GENERAL WORKERS | 5 | 164 | 4 | 148 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 16 |
| ===== | | | | | | | | | | | | |
| RETAIL WHOLESALE EMPLOYEES | 18 | 3,542 | 16 | 3,487 | 0 | 0 | 0 | 0 | 1 | 23 | 1 | 32 |
| SERVICE EMPLOYEES INTERNATIONAL | 22 | 423 | 14 | 324 | 2 | 26 | 4 | 28 | 0 | 0 | 2 | 45 |
| THEATRICAL STAGE EMPLOYEES | 11 | 248 | 4 | 86 | 0 | 0 | 1 | 43 | 0 | 0 | 6 | 119 |
| TRANSIT UNION (INTL.) | 4 | 273 | 3 | 266 | 1 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| UNITED STEELWORKERS | 87 | 3,116 | 67 | 2,450 | 7 | 294 | 0 | 0 | 5 | 102 | 8 | 270 |
| UNITED TEXTILE WORKERS | 11 | 201 | 11 | 201 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

Table 15 (Cont'd)

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 1993-94

| | All Groups | | Production & Related | | Office Clerical & Technical | | Professional | | Sales | | Other | |
|--|------------|--------|-------------------------|--------|-----------------------------------|--------|--------------|--------|--------|--------|--------|--------|
| | Number | Empls. | Number | Empls. | Number | Empls. | Number | Empls. | Number | Empls. | Number | Empls. |
| All Unions | 840 | 25,798 | 679 | 19,168 | 51 | 1,833 | 53 | 2,089 | 9 | 142 | 48 | 2,566 |
| Non-CLC | 431 | 8,070 | 388 | 5,830 | 10 | 196 | 25 | 1,197 | 2 | 7 | 6 | 840 |
| ALLIED HEALTH PROFESSIONALS | 1 | 72 | 1 | 72 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| BOILERMAKERS | 2 | 7 | 2 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| BRICKLAYERS INTERNATIONAL | 8 | 54 | 7 | 42 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 12 |
| CANADIAN SECURITY UNION | 66 | 422 | 66 | 422 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CARPENTERS | 14 | 79 | 14 | 79 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| CHRISTIAN LABOUR ASSOCIATION | 30 | 322 | 30 | 322 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| ELECTRICAL WORKERS (IBEW) | 22 | 212 | 19 | 155 | 1 | 5 | 0 | 0 | 0 | 0 | 0 | 0 |
| INDEPENDENT LOCAL UNION | 6 | 133 | 3 | 46 | 2 | 12 | 1 | 75 | 0 | 0 | 2 | 52 |
| INTERNATIONAL OPERATING ENGINEERS | 36 | 444 | 36 | 444 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| LABOURERS | 90 | 1,172 | 87 | 1,138 | 1 | 8 | 0 | 0 | 0 | 0 | 2 | 26 |
| ONTARIO ENGLISH CATHOLIC TEACHERS | 4 | 313 | 0 | 0 | 1 | 141 | 3 | 172 | 0 | 0 | 0 | 0 |
| ONTARIO NURSES ASSOCIATION | 15 | 686 | 0 | 0 | 0 | 0 | 15 | 686 | 0 | 0 | 0 | 0 |
| ONTARIO PUBLIC SCHOOL TEACHERS | 6 | 732 | 2 | 552 | 1 | 7 | 3 | 173 | 0 | 0 | 0 | 0 |
| PAINTERS | 7 | 21 | 7 | 21 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PLANT GUARD WORKERS | 60 | 1,103 | 60 | 1,103 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PLASTERERS | 1 | 4 | 1 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PLUMBERS | 10 | 45 | 10 | 45 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PRACTICAL NURSES FEDERATION OF ONTARIO | 3 | 85 | 2 | 72 | 0 | 0 | 1 | 13 | 0 | 0 | 0 | 0 |
| SHEET METAL WORKERS | 6 | 20 | 6 | 20 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| STRUCTURAL IRON WORKERS | 7 | 43 | 7 | 43 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TEAMSTERS | 32 | 1,944 | 24 | 1,149 | 4 | 23 | 1 | 15 | 2 | 7 | 1 | 750 |
| OTHER | 3 | 107 | 4 | 94 | 0 | 0 | 1 | 63 | 0 | 0 | 0 | 0 |

Table 16

**Total Bill 40 Applications and Complaints Received, Disposed of and Pending
Fiscal Year 1993-94**

| Type of Case | Caseload | | | Disposed of Fiscal Year 1993-94 | | | | | | Sine Die | Pending March 31, 1994 |
|--|----------|-----------------------------|---------------------------------------|---------------------------------|----------|-----------|------------|-----------|---------|-------------|---------------------------------|
| | Total | Pending April 1, 1993 | Received Fiscal Year 1993-94 | Total | Granted* | Dismissed | Terminated | Withdrawn | Settled | | |
| | 398 | 36 | 362 | 260 | 74 | 27 | 12 | 139 | 8 | 51 | 87 |
| ===== | | | | | | | | | | | |
| COMBINATION OF BARGAINING UNITS | 94 | 21 | 73 | 62 | 36 | 2 | - | 24 | - | 15 | 17 |
| COMPLAINTS DURING ORGANIZING ACTIVITIES | 71 | 5 | 66 | 48 | 3 | 4 | 2 | 38 | 1 | 17 | 6 |
| INTERIM ORDER | 114 | 3 | 111 | 92 | 16 | 11 | 4 | 56 | 5 | 10 | 12 |
| JURISDICTIONAL DISPUTE | 43 | 5 | 38 | 20 | 6 | 5 | 1 | 8 | - | 2 | 21 |
| MINISTERIAL REFERENCE | 28 | 2 | 26 | 14 | 7 | 1 | 3 | 3 | - | 2 | 12 |
| REPLACEMENT WORKERS | 26 | - | 26 | 11 | 3 | 2 | 1 | 5 | - | 4 | 11 |
| SALE OF BUSINESS CONTRACT SERVICE SECTOR | 18 | - | 18 | 9 | 3 | - | 1 | 3 | 2 | 1 | 8 |
| ACCESS TO THIRD PARTY PREMISES | 4 | - | 4 | 4 | - | 2 | - | 2 | - | - | - |

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