

ONTARIO LABOUR RELATIONS BOARD

ANNUAL REPORT

1994-95

1995-96

1996-97



ONTARIO LABOUR RELATIONS BOARD

Chair R.O. MacDOWELL
Alternate Chair R.J. HERMAN

Vice-Chairs

C. ALBERTYN
J. BLOCH
P. CHAPMAN
G. CHARNEY
D. GEE
R. GOODFELLOW
B. HERLICH
D. HEWAT
J. JOHNSTON
B. KELLER
P. KNOPF
J. KOVACS

S. LIANG
G. MISRA
M. NAIRN
K. O'NEIL
K. PETRYSHEN
T. SARGEANT
R.K. SHOULDICE
I. STAMP
R. STOYKEWYCH
G.T. SURDYKOWSKI
L. TRACHUK
K. WHITAKER

Members

A.R. FOUCAULT
W.N. FRASER
V. HARRIS
J. IRVINE
J.F. KENNEDY
S. LAING
G. McMENEMY
R. R. MONTAGUE

D.A. PATTERSON
H. PEACOCK
F.B. REAUME
J. REDSHAW
J.A. RONSON
J.A. RUNDLE
D. RYAN
M. SULLIVAN
R. WEISS

Registrar T.A. INNIS
Deputy Registrar P.M. GRENIER

Board Solicitors

K. HESHKA
R. LEBI
V. STELMASZYNSKI

CHAIR'S MESSAGE

This report covers a period of adaptation and change - a period in which the Board has had to digest an unprecedented volume of new legislation, and cope with an equally unprecedented demand to "downsize" and "do more with less". It has not been an easy time - either institutionally or in our relationship with our community, who have come to expect a level of service that is ever more difficult to attain within our available budget. No doubt the strain shows sometimes. And no doubt some community expectations have not been fulfilled.

On the other hand, over the last couple of years: Crown employees have settled in under the umbrella of the Labour Relations Act (albeit with some early difficulties, including a five week strike); the Board has absorbed the adjudicative functions of the Office of Adjudication; we have been able to consistently deliver the five-day representation votes required by Bill 7; and we continue to have a healthy settlement rate for all types of disputes - a testament to the skills and hard work of our mediation staff. Moreover, by using a "consultation model" for jurisdictional disputes and fair representation complaints, we have significantly decreased the hearing time necessary to resolve these kinds of cases - without, I think, sacrificing the quality of the result.

So the picture is not entirely bleak; and despite some buffeting and painful adjustments, the Board has been able to maintain its reputation for independence, integrity, and adjudicative excellence. It can also continue to boast of an extraordinary complement of adjudicators, field staff and administrative personnel, who rival those found at any other labour tribunal in North America.

Now, after a tumultuous couple of years, I would like to be able to advise the labour relations community that the pace of change is slackening, and that we will soon return to the tranquil days that marked my first years at the Board. I would like to be able to promise a period of stability and consolidation. But that is not the current reality.

While the fiscal picture is a little better these days, the Board will continue to operate within a context of financial restraint, so that: some of the functions formerly done by the Board (such as serving documents) will increasingly become the responsibility of the parties; there will continue to be pressure on our travel budget; and the new fiscal year will probably bring demands for some form of "cost recovery" for construction industry arbitrations - something that we began to discuss with the community in early 1997. With an increased caseload and fewer adjudicators to call

upon, it is becoming increasingly difficult to maintain the expeditious case disposition that we have delivered in the past. We have had to make some hard choices and establish priorities. And, of course, the ongoing process of restructuring in the broader public sector will undoubtedly generate new cases and novel issues, as well as bring us into contact with parties who have not traditionally had much to do with the Board. At the time of writing, it is simply impossible to predict how that will unfold.

So, all in all, the pattern of the last two years is likely to continue, because, like other public sector institutions, the Board is in a period of transition. So far, we have been able to adapt; and if we have not actually been able to "do more with less", we have nevertheless done pretty well with what we have. However, we face an ongoing challenge to provide quality service within the fiscal and legal envelope set by government, and to meet that challenge, we will require the continuing understanding, participation, support, and advocacy of the labour relations community.

A handwritten signature in black ink, appearing to read "Mark Dwyer". The signature is fluid and cursive, with a large, stylized 'M' and 'D'.

TABLE OF CONTENTS

I	Window on the Board's Operations	1
II	Members of the Board	6
III	Field Services	20
IV	Legislative History	25
V	Board Publications	33
VI	Staff and Budget 1994-95	34
VII	Caseload 1994-95	35
VIII	Court Activity 1994-95	46
IX	Statistical Tables 1994-95	47
X	Staff and Budget 1995-96	64
XI	Caseload 1995-96	65
XII	Court Activity 1995-96	76
XIII	Statistical Tables 1995-96	77
XIV	Staff and Budget 1996-97	94
XV	Caseload 1996-97	95
XVI	Court Activity 1996-97	105
XVII	Statistical Tables 1996-97	106

I 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 Act*, 1993, S.O. 1993, c. 28
- * *Agricultural Labour Relations Act*, 1994, S.O. 1994, c.6 (repealed November 10, 1995)

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:

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

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes, and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, 18 full-time and 6 part-time Vice-Chairs, and 17 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 114(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, three administrative secretaries, and a clerk.

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 full-time librarian. He provides research services for the Board and assists other library users. The Board Library maintains a collection of approximately 1400 texts, 74 journals, and 47 case reports in the areas of industrial relations, labour, contract, evidence, constitutional, and administrative law. The library has approximately 8,000 volumes, including all reported Board decisions to date and all Employment Standards cases since 1970.

The librarian 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. Other resources include a file of all the certificates issued by the Board since 1962, 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* and the Board.

FIELD SERVICES

The Board has been a pioneer in the area of alternative dispute resolution. The Manager of Field Services, together with eight Senior Labour Relations Officers and 14 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. 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.

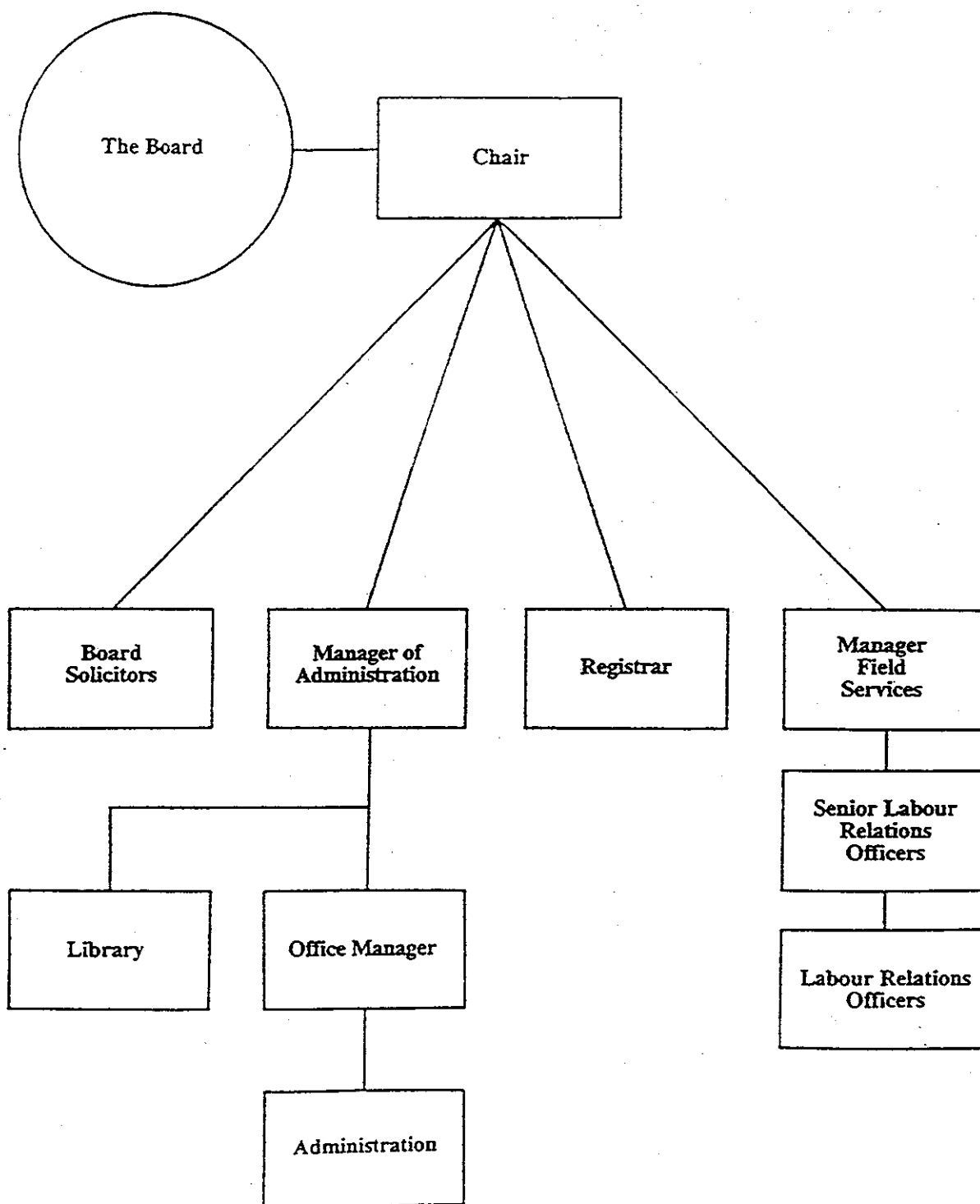
LEGAL SERVICES

Legal Services to the Board are provided by the Solicitors' Office, which consists of three Board Solicitors who report directly to the Chair. 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 proceedings, such as 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



II MEMBERS OF THE BOARD

During the years under review, the following members served at the Board:

Richard (Rick) MacDowell, 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 as Vice-Chair in 1979, and was alternate chair from 1987 until his appointment as Chair in September 1995. 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.

Osgoode Hall Law School. She is an experienced adjudicator and has arbitrated, lectured and authored articles in the field of labour law. Her publications include "First Contract Arbitration in Ontario: A Glance at Some of the Issues", "Alternate Dispute Resolutions in Labour Relations: A Tale of Two Provinces" and "Nimble Justice".

Robert J. Herman, Alternate Chair

Mr. Herman was appointed a Vice-Chair of the Board in November, 1985, and Alternate Chair in 1995. 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. He has taught courses in various areas of law, both at Ryerson Polytechnical Institute and the Faculty of Law, University of Toronto. Mr. Herman is an experienced arbitrator and mediator.

Judith McCormack, Chair (to Sept. 1995)

Judith McCormack was appointed the Chair of the Ontario Labour Relations Board in September of 1992. She became a Vice-Chair of the Board in 1986 and worked in that capacity for six years until her appointment as the Chair. Her educational back-ground 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 practiced 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

Christopher Albertyn, Vice-Chair

Christopher Albertyn was appointed a Vice-Chair of the Board in October 1994. In 1997 he was appointed the Chair of the Ontario Education Relations Commission and the Colleges Relations Commission. He is a graduate of the University of Witwatersrand, Johannesburg (B.A. (Honours)), the University of South Africa (B. Proc.) and the University of Natal, Durban (LL.B.). He was the founding Director of the Centre for Socio-Legal Studies in the Law faculty of the University of Natal in Durban. He practiced law during the period 1977 to 1988. Since that time he has

practiced as an arbitrator and mediator. He settled in Canada in 1993. He is on arbitration panels in South Africa and the U.S., and has been admitted to the Minister's list of arbitrators of the Ontario Office of Adjudication. He is the co-author of *Alcohol, Employment and Fair Labour Practice* and has written several articles on labour law.

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, facilitator, and mediator, has been a contributing editor of the *National Labour Review*, and is one of the authors of *Canadian Construction Labour and Employment Law*.

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*.

Gerald Charney, Vice-Chair***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 practiced 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 practiced 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 practiced labour law in the federal and provincial sectors until his appointment to the Board in 1993. Mr. Goodfellow became a part-time Vice-Chair in 1995, and also acts as a private arbitrator and mediator.

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 practiced labour law with a Toronto firm and also acted as in-house counsel.

Dale Hewat, Vice-Chair

Ms. Hewat was appointed to the Board as a Vice-Chair in May, 1995. She is a graduate of the University of Western Ontario (B.A. 1983 and LL.B. 1986). Upon her call to the Bar in 1988, she practiced labour law with a Toronto law firm and also acted as in-house counsel for an Ontario Community College.

Robert D. Howe, Vice-Chair

Mr. Howe has been a Vice-Chair of the Board since February of 1980. 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 practiced 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 also an experienced arbitrator and mediator.

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 practiced 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 practiced 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.

Jerry Kovacs, Vice-Chair

Mr. Kovacs was appointed to the Board as a Vice-Chair in 1994. He is a graduate of the University of Toronto (B.A. 1983) and of Queen's University (LL.B. 1986). After his call to the Bar in 1988, he practiced labour law with a Toronto firm, and also acted as in-house counsel. In addition, he worked for the Ontario Ministry of Labour, providing legal counsel to the Labour-Management Services Division.

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), and is in the process of completing her LL.M. in Alternate Dispute Resolution. Prior to joining the Board she practiced 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 practiced labour law until joining the Board as Solicitor in 1987. Ms. Nairn has taught Labour Law and Collective Bargaining at Ryerson Polytechnical Institute, and has lectured in labour relations at George Brown College and York University. She is an experienced 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), practiced labour law and was a Vice-Chair of the Workers' Compensation Appeals Tribunal prior to her appointment to the Board in January, 1988.

Since September, 1994 she has been a part-time Vice-Chair and arbitrator.

Ken Petryshen, Vice-Chair

Mr. Petryshen was appointed a full-time Vice-Chair in June, 1986, after a brief period of time as a Board Solicitor. 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 practiced labour law until his appointment to the Board. In September, 1994, Mr. Petryshen became a part-time Vice-Chair. He also acts as a private arbitrator and mediator.

Tim Sargeant, Vice-Chair

Mr. Sargeant was appointed as a Vice-chair in March, 1996. He is a graduate of Yale University (B.A.), Osgoode Hall Law School (LL.B.), and the London School of Economics (LL.M.). He is also a Queen's Counsel. For many years Mr. Sargeant practiced labour law in Toronto. Prior to his appointment, Mr. Sargeant was acting as a private arbitrator.

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* (Carswell) 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 practiced 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 practiced law in Toronto until his appointment to the Board.

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 practiced 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.

Kevin Whitaker, Vice-Chair

Kevin Whitaker was appointed to the Board in 1995. He is a graduate of Queen's University (B.A.-B.P.H.E., 1979) and Osgoode Hall Law School (LL.B., 1984). Upon his call to the Ontario Bar in 1986, Mr. Whitaker practiced labour law with a large Toronto general practise law firm. He was then Senior Counsel to the Workers' Compensation Appeals Tribunal. From 1989 to 1995, Mr. Whitaker was a senior partner with a law firm specializing in labour law. Mr. Whitaker has lectured and written on labour matters and is an arbitrator and mediator.

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. He is also a recipient of the Order of Ontario, 1992, Order of Canada, 1994, and the O.P.S.E.U. Stanley Knowles Humanitarian Award, 1995.

Karen S. Brennan

Ms. Karen S. Brennan 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. Brennan 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. Brennan has also been active in various labour organizations such as the Ontario Federation of Labour and the Labour Community Services of Metropolitan Toronto.

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.

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

A native of Vancouver, B.C., Mr. Fraser was appointed a full-time Board Member representing management in January, 1988. For twenty years he was executive director of the Canadian, Ontario and Metro Toronto Masonry Contractors Associations, during which time he served as employer spokesperson in province-wide collective bargaining for the Bricklayer and Mason Tender Agreements. He served as a member of the National Building

Code Technical Committee on Unit Masonry and Canadian Standards Association Technical Committees, including chairmanship of the CSA Technical Committee on Mortar and Grout for Unit Masonry. A past president of the Institute of Association Executives, Toronto Chapter, Mr. Fraser is also active in the Scottish community, serving as Canadian Chairman of the Clan Fraser Society of North America; Governor of the Scottish Studies Foundation; and Immediate Past Chairman of the Clans and Scottish Societies of Canada. He is a Captain in the Old 78th Fraser Highlanders, Montreal, and was recently appointed by Highlands & Islands Enterprise in Scotland as an Ambassador in 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.

V. Harris***John H. Irvine******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.

Sharon Laing

Ms. Laing was appointed a full-time Board Member representing management in March 1994. Prior to joining the Board, Ms. Laing served for six years on the Pay Equity Hearings Tribunal as a member representative of employers. A graduate of York University (B.A.), Ms. Laing's background also includes many years as a Personnel practitioner, primarily in the broader public sector.

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.

Orval R. McGuire

Mr. McGuire was appointed a full-time Board Member representing management in August, 1994, having spent thirty-five years in the labour relations/personnel field in Canada and the U.S.A. Mr. McGuire, a graduate of Ryerson Polytechnical Institute, received a diploma from the University of Western Ontario in-residence Executive Training Program. He was an International Union representative for nine years before moving to the United States where he became Labour Relations Manager with a major daily newspaper. Returning home, he established the

first Personnel and Labour Relations department at The Globe and Mail before moving to Southam Newspapers as Industrial Relations Director. Mr. McGuire is a veteran member of the Personnel Association of Ontario, which in 1991 granted him the C.H.R.P. designation. He has presented cases to, and been a member of, many boards of conciliation and arbitration. Mr. McGuire was recently admitted to membership in Mensa.

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.

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 an Officer and Director of several volunteer community service 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.

James A. Ronson

Mr. Ronson has been a full-time Board Member representing management for the last 18 years. A graduate of the University of Toronto, he received his B.A.Sc. degree (Mining Engineering) in 1965 and an LL.B. degree in 1968. Prior to joining the Board he practiced law in Toronto for ten years.

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.

Dennis Ryan

Mr. Ryan was appointed a part-time Board Member representing management in November, 1994. He has a Bachelor of Arts and a Masters of Industrial Relations from Queen's University. He has served as General Manager of the Labour Relations Bureau of the Reinforcing Steel Institute of Ontario and Secretary of the Rodworker Employer Bargaining Agency. He was a member of the Board of Directors of the Ontario Construction Secretariat from its beginnings in 1991 until 1996, and served as Chair of the Data Statistics Committee during that period. He has extensive experience in the construction industry, having completed his apprenticeship in the trade of sprinkler fitter, and working at that trade between 1964-1983. He has been a member of the Panel of Arbitrators in Newfoundland, and has taught labour relations at McGill, Queen's and Memorial Universities. He was appointed Research Fellow at Queen's University in 1988, where he authored a number of works for Queen's publications. In 1994 he started a consulting business, Denmar Consulting Inc., and continues to work on behalf of the Reinforcing Steel Institute of Ontario, the Mechanical Contractors Association of Ontario and the Ontario Construction Secretariat.

Pauline Seville

Ms. Seville was appointed a full-time Board Member representing labour in 1994. Before coming to the Board she served as Assistant to the President of the Ontario Public Service Employees Union (OPSEU) during the terms of three presidents. She had been on the staff of OPSEU since 1975, first as an organizing representative, then as Head of the Organizing Department. Prior to joining OPSEU, Ms. Seville worked with the Textile Workers Union of America and the Canadian Labour Congress.

She was also a founding member of Organized Working Women (OWW).

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.

Michael Sullivan

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).

III FIELD SERVICES

During the years under review, the Board's Field Services consisted of the following staff:

Peter Gallus, Manager of Field Services

Mr. Gallus joined the Board as Manager of the Board's mediation division in the summer of 1994. Prior to coming to the Board, he was Registrar of the Pay Equity Hearings Tribunal, and then Registrar of both that tribunal and the Ontario Human Rights Boards of Inquiry. He has also been the Co-ordinator of the Administrative Merger of the Pay Equity Hearings Tribunal, Ontario Human Rights Boards of Inquiry and Employment Equity Tribunal, as well as a Labour Relations Officer at the Board. Before joining the public service, Mr. Gallus was a union representative in the university sector and at the CBC.

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

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.

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.

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. A former director with the Arbitration and Mediation Institute of Ontario, he 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.

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.

Frank Reilly

Mr. Reilly joined the Board as a Labour Relations Officer in 1988. Educated in Scotland, he has worked in both business and the trade union movement.

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.

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.

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.

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.

Joyce Caldwell

Joyce Caldwell joined the Board's Field Services in 1994. She did her undergraduate work at Brock University, and graduated from the University of Toronto with a Masters Degree in Industrial Relations in 1986. Prior

to joining the Board, Ms. Caldwell worked in a variety of human resources, compensation and labour relations positions, primarily in the broader public sector.

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.

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.

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).

Ron Pearson***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.

Pauline Ryan

Pauline Ryan joined the Ontario Labour Relations Board in July of 1994. Prior to joining the Board, she spent four years as a policy adviser with the Ontario Ministry of Labour working on various labour policy and legislative initiatives including: amendments to the *Labour Relations Act*, *Employment Standards Act*, and the *Crown Employees Collective Bargaining Act*. Her educational

background includes a B.A. (Honours) in Political Science from York University (Glendon College) and an M.A. in Canadian Politics from the Faculty of Graduate Studies, York University.

Joan Shirlow

Ms. Shirlow joined the Board's Field Services as a Board Officer in February, 1995. For the six years prior to coming to the Board, she was Registrar of the Crown Employees Grievance Settlement Board, the Ontario Public Service Labour Relations Tribunal, the Public Service Grievance Board and the Classification Rating Committees. Ms. Shirlow has over 24 years experience in administrative management in the Ontario Government. She has a degree in Sociology from York University and a Certificate in Public Administration from Ryerson Polytechnical Institute.

Paul Simon

Mr. Paul Simon joined the Board's Field Services as a Labour Relations Officer in January 1995. Prior to joining the Board, Mr. Simon worked in the labour relations field, during which time he negotiated many collective agreements and participated in many grievance settlements and arbitrations. Earlier in his career, Mr. Simon served as Unit Chair of his bargaining unit under the Energy and Chemical Workers Union, where he oversaw local negotiations and grievances and participated in joint labour/management meetings.

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.

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.

IV 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 Chair 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 was 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 78, 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 78.

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 strikes or threats of illegal strikes, and permitted a party affected by an illegal strike to seek relief through the expedited procedures in sections 100 and 144, rather than the more cumbersome process under section 96. 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 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.

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 to include any ground of discrimination prohibited by those 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 extended the application of the Act to domestic workers and certain categories of professionals, and allowed security guards to join the union of their choice. They also provided that regulations may be made that would make the Act apply to agricultural workers.

Employees and union officials were 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 was 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 was eliminated. The level of union support necessary for a representation vote (to determine whether a union would 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 a trade union when an employer had contravened the Act such that the true wishes of employees about being represented by the union were not likely able to be ascertained was changed: the requirement that the union have support adequate for collective bargaining was removed.

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

While the Board retained 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 had jurisdiction to settle the terms of the first contract itself. Parties could also apply to the Minister for first contract arbitration. In that case, access to arbitration was automatic 30 days after it became lawful to strike or lock-out.

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

Employees were 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 extended 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, were extended so that the successor employer was bound to all other labour relations proceedings and collective bargaining notices.

The Act required 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 provided 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 created 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 provided for the appointment of trustees of employment benefit plans by local unions, and, unless there is just cause, prohibited 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.

On June 23, 1994, the *Agricultural Labour Relations Act, 1994*, S.O. 1994, c.6 ("Bill 91") came into force, providing for collective bargaining in the agriculture and horticulture industries. The *Labour Relations Act* was made applicable to employees, employers and trade unions in those industries, but with modified application. Bill 91 recognized certain rights of employer "family members", contained special dispute resolution mechanisms (strike and lock-outs were prohibited), and provided that the Minister may establish an advisory committee to advise on matters concerning labour relations in the agriculture and horticulture industries.

On November 10, 1995, the *Labour Relations and Employment Statute Law Amendment Act, 1995* S.O. 1995, c.1 ("Bill 7") repealed the *Labour Relations Act* and enacted the *Labour Relations Act, 1995*. Bill 7 removed most of the Bill 40 amendments, including all of those described above with the exception of the new jurisdictional disputes process and the Board's power to make interim orders, both of which were revised. It also repealed the *Agricultural Labour Relations Act, 1994* and terminated the bargaining rights and collective agreements that arose under that Act.

Bill 7 also reversed the effect of Bill 40 in some areas. Bargaining units that were combined during Bill 40 were automatically divided unless the employer and union agreed otherwise. Bargaining rights and collective agreements covering professionals to whom the Act's coverage had been extended by Bill 40 were terminated. Upon application by an employer within 90 days of Bill 7's enactment, the Board was, unless it was satisfied that no conflict of interest exists, to declare that a union that represents both guards and other

employees no longer represents the guards and that guards are no longer members of a unit that includes other employees.

Bill 7 made several significant changes to the certification process. The card-based certification system was eliminated and replaced with a vote-based scheme. The Board is required to hold a representation vote in certification applications where at least 40% of employees in the proposed bargaining unit appear to be members of the applicant union, and is required to hold the vote within five days of the application unless the Board directs otherwise. The amendments impose an automatic one-year bar on unions against re-applying for the employees in the original application if it loses a certification vote or withdraws its application after the vote is held. The bar is discretionary if the union withdraws its application before the vote is held. The Board may now refuse to certify a union if it contravenes the Act such that the true wishes of employees about being represented by the union are not likely able to be ascertained and no other remedy would counter the effects of the contravention.

Security guards may be included in a unit with other employees and may be represented by a union that admits non-guards into membership or is chartered by or affiliated with an organization that does so, unless the employer objects and the union is unable to satisfy the Board that no conflict of interest would result.

The amendments lowered the level of support that is required to get a vote in a termination application from 45 percent of employees in the bargaining unit to 40 percent. The requirement that the evidence in support of a termination application be proven to be voluntary was removed, but the Board may dismiss an application if the employer or person acting on behalf of the employer initiated the application or engaged in threats, coercion or intimidation in connection with the application.

The Act now stipulates that a collective agreement does not take effect until it is ratified by a vote of the employees in the bargaining unit (unless the agreement is an arbitrated contract, the result of a last offer vote, or involves construction industry employees). Similarly, except in the construction industry, a strike is not lawful unless a vote is held amongst the employees and a majority of voters support it.

The amendments also established a new process for the resolution of duty of fair representation and referral complaints.

V BOARD PUBLICATIONS

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

The Ontario Labour Relations Board Reports: A bimonthly publication of selected Board decisions, 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.

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

Pamphlets and Information Bulletins: The Board has published two pamphlets: "Rights of Employees, Employers and Trade Unions", and "Unfair Labour Practice Proceedings before the Ontario Labour Relations Board". The latter pamphlet describes unfair labour practice proceedings before the Board and provides helpful instructions in filling out the application form that is used to institute proceedings. A series of Information Bulletins provides information on the Board's practice and procedures in various types of cases.

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, currently priced at \$160.50, including G.S.T. Individual copies of the Reports may be purchased at the Government of Ontario Bookstore. Order forms for subscriptions are available from the Board.

VI STAFF AND BUDGET 1994-95

At the end of the fiscal year 1994-95, the Board employed a total of 161 persons on a full-time basis. The Board has two types of employees. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council. The administrative, field, legal, and support staff are civil service appointees.

The total budget of the Ontario Labour Relations Board for the 1994-95 fiscal year was \$10.2 million.

VII CASELOAD 1994-95

In fiscal year 1994-95, the Board received a total of 4,732 applications and complaints, an increase of 4.6 percent from the intake of 4,525 cases in 1993-94. 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 7.6 percent over last year, allegations of contraventions of the Act increased by 14.0 percent and referrals of grievances under construction industry collective agreements increased by 15.4 percent. The total of all other types of cases decreased by 6.8 percent. (Tables 1 and 2)

In addition to the cases received, 1,118 were carried over from the previous year for a total caseload of 5,850 in 1994-95. Of the total caseload, 3,470 or 59.3 percent were disposed of during the year; proceedings in 1,282 were adjourned sine die* (without a fixed date for further action) at the request of the parties; and 1,098 were pending in various stages of processing at March 31, 1995.

The total number of cases processed during the year produced an average workload of 266 cases for the Board's full-time chair, alternate chair, and vice-chairs, and the total disposition represented an average output of 158 cases.

Note: The section numbers referred to below correspond to the Act that was in force during the 1994-95 year -- the Labour Relations Act, R.S.O. 1990, c.L.2 ("Bill 40").

Labour Relations Officer Activity

In 1994-95, the Board's labour relations officers were assigned a total of 3,666 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 62.7 percent of the Board's total caseload, and included 949 certification applications, 21 cases concerning the status of individuals as employees under the Act, 1,061 complaints of alleged contravention of the Act, 1,539 grievances under construction industry collective agreements, 94 complaints under the *Occupational Health and Safety Act*, and two cases under the *Environmental Protection Act*. (Table 3)

The labour relations officers completed activity in 2,089 of the assignments, obtaining settlements in 1,803 or 86.3 percent. They referred 286 cases to the Board for decisions; proceedings were adjourned sine die in 961 cases; and settlement efforts were continuing in the remaining 616 cases at March 31, 1995. Labour relations officers were also successful in having hearings waived by the parties in 662 or 69.8 percent of 949 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 1994-95, the Board's returning officers conducted a total of 154 representation votes among employees in one or more bargaining units. Of the 154 votes conducted, 122 involved certification applications, 25 were held in applications for termination of existing bargaining rights, and seven were taken in successor employer applications. (Table 5)

Of the certification votes, 83 involved a single union on the ballot, and 39 involved two unions.

A total of 16,404 employees were eligible to vote in the 154 elections that were conducted, of whom 12,837 or 78.2 percent cast ballots. Of those who participated, 67.5 percent voted in favour of union representation. In the 83 elections that involved a single union, 76.3 percent of the eligible voters cast ballots, with 56.4 percent of the participants voting for union representation.

In the 25 votes in applications for termination of bargaining rights, 94.1 percent of the eligible voters cast ballots, with only 30.2 percent of those who participated voting for the incumbent unions.

Final Offer Votes

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

Of the 22 requests dealt with by the Board during the fiscal year, six cases were granted, eight cases were dismissed, settlements were reached in six cases before a vote was taken, and votes were conducted in 14 situations.

In the 14 votes held, employees accepted the employer's offer in six cases by 273 votes in favour to 104 against, and rejected the offer in eight cases by 206 votes against to 118 in favour. The remaining two cases were pending at March 31, 1995.

Processing Time

Table 7 provides statistics on the time taken by the Board to process the 3,470 cases disposed of in 1994-95. 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 32 days was taken to proceed from filing to disposition for the 3,470 cases that were completed in 1994-95, compared with 26 days in 1993-94; certification applications were processed in a median of 26 days, compared with 24 days in 1993-94; complaints of contravention of the Act took 35 days, compared with 33 days in 1993-94; and referrals of construction industry grievances required 18 days compared to 15 days in 1993-94. The median time for the total of all other cases increased to 91 days from 48 in 1993-94.

Seventy-four point three percent (74.3) of all dispositions were accomplished in 84 days (3 months) or less, compared with 85.3 percent for certification applications, 74.2 percent for complaints of contravention of the Act, 88.4 percent for referrals of construction industry grievances, and 48.9 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 524 from 372 in 1993-94. (Table 7)

Certification of Bargaining Agents

In 1994-95, the Board received 1,077 applications for certification of trade unions as bargaining agents of employees, a decrease of 7.6 percent from 1993-94 (Tables 1 and 2).

Thirteen unions, each with more than 25 applications, accounted for 70.3 percent of the total filings: Labourers (132 cases), Food and Commercial Workers (93 cases), Public Employees (CUPE) (85 cases), United Steelworkers (84 cases), Intl. Operating Engineers (59 cases), Canadian Auto Workers (54 cases), Service Employees Intl. (53 cases), Teamsters (43 cases), Electrical Workers (IBEW) (36 cases), Carpenters (34 cases), Communications, Energy and Paperworkers Union of America (29 cases), Ontario Public Service Employees (29 cases), and Hotel Employees (26 cases). In contrast, sixteen unions filed fewer than 5 applications each. These unions together accounted for 2.4 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 84.3 percent of the applications received, concentrated in construction (224 cases) and health and welfare services (151 cases). These two groups comprised 41.3 percent of the total non-manufacturing applications. Of the 169 applications involving establishments in manufacturing industries, 32.5 percent were in three groups: printing and publishing (20 cases), food and beverage (19 cases), and transportation equipment (16 cases).

In addition to the applications received, 187 cases were carried over from last year, making a total certification caseload of 1,264 in 1994-95. Of the total caseload, 987 were disposed of, proceedings were adjourned sine die in 59 cases, and 218 cases were pending at March 31, 1995. Of the 987 dispositions, certification was granted in 762 cases, including 10 in which interim certificates were issued under section 6(2) of the Act, and 10 that were certified under section 9.2; 77 cases were dismissed; and 148 cases were settled or withdrawn. The certified cases represented 77.2 percent of the total dispositions. (Table 1)

Of the 879 applications that were either certified or dismissed, final decisions in 123 cases were based on the results of representation votes. Of the 123 votes conducted, 82 involved a single union on the ballot, and 41 were held between two unions. Applicants won in 80 of the votes and lost in the other 43. (Table 6)

A total of 13,538 employees were eligible to vote in the 123 elections, of whom 10,833 or 80.0 percent cast ballots. In the 80 votes that were won and resulted in certification, 8,421 or 78.0 percent of the 10,788 employees were eligible to vote cast ballots, and of these voters 6,111 or 72.6 percent favoured union representation. In the 43 elections that were lost and resulted in dismissals, 2,412 employees participated, and, of these, 49.9 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 1994-95. The average size of the bargaining units in the 762 applications that were certified was 42 employees, compared with 31 employees in 1993-94. Units in construction certifications averaged nine employees, the same as in 1993-1994; and in non-construction certifications they averaged 49 employees, the same as in 1993-94. Seventy-five point four (75.4) percent of the total certifications involved units of fewer than 40 employees, and 38.0 percent applied to units of fewer than 10 employees. The total number of employees covered by the certification applications granted increased to 32,116 from 25,798 in 1993-94. (Table 10)

Of the employees covered by the certification applications granted, 1,331, or 4.1 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 1,528 employees, found mostly in education and related services, health and welfare services, and retail trade. Full-time and part-time employees were represented in units covering 29,257 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13)

Seventy-three point three percent (73.3) of the employees, or 23,558, were employed in production, service and related occupations; and 1,047 were in office, clerical and technical occupations - mainly in health and welfare services, and education and related services. Professional employees, found mostly in health and welfare services and education and related services; accounted for 2,849 employees; a small number, 166 employees, were in sales classifications; and 4,496 were in units that included employees in two or more classifications. (Tables 14 and 15)

Disposition Time

A median time of 26 calendar days was required to complete the 762 certification applications granted from receipt to disposition. For non-construction certifications, the median time was 25 days, and for construction certifications the median time was 49 days. (Table 11)

Eighty-six point five percent (86.5) of the 762 certification applications granted were disposed of in 84 days (3 months) or less, 77.8 percent took 56 days (2 months) or less, 55.2 percent required 28 days (one month) or less, and 35.0 percent were processed in 21 days (three weeks) or less. Forty-two cases required longer than 168 days (six months) to process, compared with 55 in 1993-94. (Table 11)

Termination of Bargaining Rights

In 1994-95, the Board received 145 applications under sections 58, 60, 61, 62 and 125 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 16 cases were carried over from 1993-94.

Of the total cases processed, bargaining rights were terminated in 52 cases, 28 cases were dismissed, 35 cases were withdrawn or settled, proceedings were adjourned sine die in seven cases, and 39 cases were pending at March 31, 1995.

Of the 80 cases that were either granted or dismissed, dispositions in 23 were based on the results of representation votes. A total of 557 employees were eligible to vote in the 23 elections that were held, of whom 522 or 93.7 percent cast ballots. Of the 522 who cast ballots, 164 or 31.4 percent voted for continued representation by unions. (Table 6)

Declaration of Successor Trade Union

In 1994-95, the Board dealt with 220 applications for declarations under section 63 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction.

Affirmative declarations were issued by the Board in 213 cases, three cases were settled or withdrawn, two cases were adjourned sine die, and two were pending at March 31, 1995.

Declaration of Successor or Common Employer

In 1994-95, the Board dealt with 434 applications for declarations under section 64 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 37 cases, 138 cases were settled, one case was withdrawn by the parties, proceedings were adjourned sine die in 99 cases, and 142 cases were pending at March 31, 1995.

Declaration and Direction of Unlawful Strike

In 1994-95, the Board dealt with seven applications seeking a declaration under section 94 regarding an alleged unlawful strike by employees in the construction industry. Four cases were settled, one case was dismissed, proceedings were adjourned sine die in one case, and the remaining case was pending at March 31, 1995.

Two 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, and the other case was settled.

Thirteen applications seeking directions under section 137 of the Act against alleged unlawful strikes by construction workers were processed. Four cases were settled, one was dismissed, two cases were withdrawn, proceedings were adjourned sine die in five cases and the remaining case was pending at March 31, 1995.

Declaration and Direction of Unlawful Lock-out

Two applications seeking a declaration under section 95 of the Act regarding an alleged unlawful lock-out by construction employers were processed in 1994-95. Both cases were settled.

One application was processed seeking a direction under section 95 of the Act regarding an alleged unlawful lock-out by non-construction employers. The case was adjourned sine die.

Consent to Prosecute

In 1994-95, the Board dealt with seven 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 seven applications processed, one was granted, three were settled, one was withdrawn, another was adjourned sine die, and the remaining case was pending at March 31, 1995.

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 1994-95, the Board received 1,216 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, 281 cases were carried over from 1993-94. Of the 1,497 cases processed, 933 were disposed of, proceedings were adjourned sine die in 224 cases, and 340 cases were pending at March 31, 1995.

In 623, or 66.8 percent, of the 933 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4). Remedial orders were issued by the Board in 48 cases, 228 cases were dismissed, 628 cases were settled, 27 cases were withdrawn and two cases were terminated. (Table 1)

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 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 1994-95, the Board received 1,574 cases under this section, an increase of 15.4 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, 190 were carried over from 1993-94. Of the total 1,764 processed, 725 were disposed of - 49 cases granted, 11 cases dismissed, 664 cases settled, one case was withdrawn, proceedings were adjourned sine die in 811 cases. The remaining 228 cases were pending at March 31, 1995.

In 664 or 91.6 percent of the 725 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4), and awards were made by the Board in 49 cases.

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Right of Access

In 1994-95, 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 granted, one was dismissed, one was withdrawn, another was terminated, one was adjourned sine die, and the remaining case was pending at March 31, 1995.

Religious Exemption

Nine 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. Five applications were settled, one case was dismissed, one was adjourned sine die, and the remaining two applications were pending at March 31, 1995.

Early Termination of Collective Agreements

Seventeen applications were processed under section 53(3) of the Act, seeking early termination of collective agreements. Consent was granted in 15 cases, and the remaining two cases were pending at March 31, 1995.

Union Financial Statements

Six 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 three cases, and the remaining three cases were pending at March 31, 1995.

Jurisdictional Disputes

Sixty-three 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, eight cases were dismissed, seven cases were settled or withdrawn, one case was terminated, 14 cases were adjourned sine die, and 20 cases were pending at March 31, 1995.

Determination of Employee Status

The Board dealt with 50 applications under section 108(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Seven cases were settled by the parties in discussions with labour relations officers. Determinations were made by the Board in two cases, seven cases were settled, six cases were dismissed, two cases were

withdrawn, and proceedings were adjourned sine die in six cases. The remaining 27 cases were pending at March 31, 1995.

Referrals by Minister of Labour

In 1994-95, the Board dealt with 13 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. Four cases were granted, three were dismissed, one was withdrawn, proceedings were adjourned sine die in two cases, and the remaining three were pending at March 31, 1995.

The Board also dealt with 11 cases referred by the Minister under subsection 3(2) of the Hospital Labour Disputes Arbitration Act. Seven cases were granted, proceeding was adjourned sine die in one case, and the remaining three cases were pending at March 31, 1995.

Trusteeship Reports

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

First Agreement Arbitration

In 1994-95, the Board received 14 applications for directions to settle first agreements by arbitration. One direction was issued, nine cases were settled or withdrawn, and proceedings were adjourned sine die in four cases.

Determination of Sector in the Construction Industry

Three applications were dealt with by the Board under section 153 asking the Board to determine whether construction work in question was within the industrial-commercial-institutional sector. All three cases were pending at March 31, 1995.

Occupational Health and Safety Act and the Environmental Protection Act

In 1994-95, the Board received 98 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Twenty-eight cases were carried over from 1993-94.

Of the total 126 cases processed, 71 were settled by the parties in discussions with labour relations officers. Four cases were granted, 13 cases were dismissed, one case was terminated, proceedings were adjourned sine die in 13 cases, and the remaining 24 were pending at March 31, 1995.

Two applications under the *Environmental Protection Act* were received by the Board in 1994-95; both were pending at March 31, 1995.

Colleges Collective Bargaining Act

One complaint was dealt with under section 77 of the *Colleges Collective Bargaining Act*. The case was still pending at March 31, 1995.

One applications was dealt with under section 81 of the Act for decisions on the status of individuals as employees under the Act. The case was pending at March 31, 1995.

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

BILL 40 CASES

Combination of Bargaining Units

The Board dealt with 132 applications to combine bargaining units. Fifty-one cases were granted, three cases were settled, 14 were withdrawn, two were dismissed, 30 were adjourned sine die and the remaining 32 were pending at year-end.

Complaints During Organizing Activities

The Board dealt with 55 complaints under section 92.2 of the Act, alleging wrongful discipline or discharge of employees during organizing activities. Three were granted, seven cases were settled, three were dismissed, one was terminated, eight were adjourned sine die, and 26 were withdrawn. The remaining seven cases were pending at March 31, 1995.

Interim Orders

The Board received 100 applications for interim orders under section 92.1 of the Act. Of the 112 cases processed, 20 cases were granted, 12 were settled, four cases were terminated, 15 cases were dismissed, 45 cases were withdrawn or adjourned sine die, and the remaining 16 were pending at year-end.

Jurisdictional Disputes

The Board held 57 consultations with respect to jurisdictional disputes under section 93 of the Act. Thirteen were granted, six were dismissed, two were settled, 19 were withdrawn or adjourned sine die, and the remaining 17 were pending at March 31, 1995.

Ministerial References

Eight 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. Six cases were carried over from 93-94. Five cases were granted, two were dismissed, one was withdrawn, three were adjourned sine die, with three pending at year-end.

Two questions were referred to the Board by the Minister under the *Hospital Labour Disputes Arbitration Act*, and six applications were carried over from 93-94. Of these, six cases were granted and the remaining two were pending at March 31, 1995.

Replacement Workers

Fifty-six applications regarding replacement workers under sections 73.1 or 73.2 of the Act were dealt with by the Board. Five were granted, six cases were settled, four were dismissed, two were terminated, 33 were withdrawn or adjourned sine die, and six were pending at March 31, 1995.

Sale of a Business - Building Services Contracts

Twenty-seven applications were filed under section 64.2 of the Act. Of the 35 cases processed, five were granted, one was dismissed, one was terminated, 15 were withdrawn or adjourned sine die, and the remaining 13 were pending at March 31, 1995.

Access to Third Party Premises

Two 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. One case was terminated and the other was pending at March 31, 1995.

VIII COURT ACTIVITY 1994-95

During the fiscal year 1994-95, the Ontario Court of Justice (General Division) (Divisional Court) dealt with eight applications for judicial review, all of which were dismissed. Three other applications were abandoned.

In addition, an application to stay the Board's decision pending the determination of a judicial review application was dismissed. Another stay application was adjourned sine die.

The Court of Appeal denied leave to appeal a Divisional Court's decision to set aside an order compelling the attendance of the Chair, Registrar and a Vice-Chair. Leave to appeal that decision to the Supreme Court of Canada was denied.

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

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

IX STATISTICAL TABLES 1994-95

The following statistics reflect the activities of the Ontario Labour Relations Board during the fiscal year 1994-95.

- Table 1: Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1994-95.
- Table 2: Applications and Complaints Received and Disposed of, Fiscal Years 1990-91 to 1994-95.
- Table 3: Labour Relations Officer Activity in Cases Processed, Fiscal Year 1994-95.
- Table 4: Labour Relations Officer Settlements in Cases Disposed of, Fiscal Year 1994-95.
- Table 5: Results of Representation Votes Conducted, Fiscal Year 1994-95.
- Table 6: Results of Representation Votes in Cases Disposed of, Fiscal Year 1994-95.
- Table 7: Time Required to Process Applications and Complaints Disposed of, by Major type of Case, Fiscal Year 1994-95.
- Table 8: Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1994-95.
- Table 9: Industry Distribution of Certification Applications Granted, Fiscal Year 1994-95.
- Table 10: Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1994-95.
- Table 11: Time Required to Process Certification Applications Granted, Fiscal Year 1994-95.
- Table 12: Employment Status of Employees in Bargaining Units Certified, by Industry Fiscal Year 1994-95.
- Table 13: Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1994-95.
- Table 14: Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1994-95.

Table 15: Occupational Groups in Bargaining Units Certified, by Union, Fiscal Year 1994-95.

Table 16: Bill 40 Applications Received, Disposed of, and Pending, Fiscal Year 1994-95.

Table 1

Total Applications and Complaints Received, Disposed of and Pending Fiscal Year 1994-95

Type of Case	Caseload			Disposed of Fiscal Year 1994-95								Sine Die	Pending March 31, 1995
	Total	Pending April 1, 1994	Received Fiscal Year 1994-95	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled				
Total	5850	1118	4732	3470	1268	405	5	81	1711	1282	1098		
CERTIFICATION OF BARGAINING AGENTS	1264	187	1077	987	762	77	0	29	119	59	218		
COMBINATION OF BARGAINING UNITS	132	17	115	71	52	2	0	1	16	29	32		
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	161	16	145	115	52	28	0	2	33	7	39		
DECLARATION OF SUCCESSOR TRADE UNION	220	205	15	216	213	0	0	1	2	2	2		
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	434	127	307	193	37	17	0	1	138	99	142		
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	3	3	0	0	0	0	0	0	0	1	2		
DECLARATION OF UNLAWFUL STRIKE	7	0	7	5	0	1	0	0	4	1	1		
DECLARATION OF UNLAWFUL LOCKOUT	2	0	2	2	0	0	0	0	2	0	0		
DIRECTION RESPECTING UNLAWFUL STRIKE	15	3	12	9	1	1	0	2	5	5	1		
DIRECTION RESPECTING UNLAWFUL LOCKOUT	1	0	1	0	0	0	0	0	0	1	0		
CONSENT TO PROSECUTE	7	2	5	5	1	0	0	1	3	1	1		
CONTRAVENTION OF ACT	1497	281	1216	933	48	228	2	27	628	224	340		
RIGHT OF ACCESS	6	2	4	4	1	1	1	1	0	1	1		
EXEMPTION FROM UNION SECURITY	9	1	8	6	0	1	0	0	5	1	2		
PROVISION IN COLLECTIVE AGREEMENT	17	1	16	15	15	0	0	0	0	0	2		
EARLY TERMINATION OF COLLECTIVE AGREEMENT	6	0	6	3	0	0	0	0	3	0	3		
TRADE UNION FINANCIAL STATEMENT	63	27	36	29	13	8	1	5	2	14	20		
JURISDICTIONAL DISPUTE	50	11	39	17	2	6	0	2	7	6	27		
REFERRAL ON EMPLOYEE STATUS	24	14	10	15	11	3	0	1	0	3	6		
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	1764	190	1574	725	49	11	0	1	664	811	228		
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE													
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	126	28	98	89	4	13	1	0	71	13	24		
ENVIRONMENTAL PROTECTION ACT	2	0	2	0	0	0	0	0	0	0	2		
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	1	0	1	0	0	0	0	1	0	0		
FIRST AGREEMENT ARBITRATION DIRECTION	14	0	14	10	1	0	0	7	2	4	0		
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	3	2	1	0	0	0	0	0	0	0	3		
FINAL OFFER VOTE**	22	0	22	20	6	8	0	0	6	0	2		

*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 1990-91 to 1994-95

Type of Case	Number Received, Fiscal Year					Number Disposed of, Fiscal Year						
	Total	1990-91	1991-92	1992-93	1993-94	1994-95	Total	1990-91	1991-92	1992-93	1993-94	1994-95
Total	20752	3488	4170	3837	4525	4732	15503	2799	3041	2906	3287	3470
CERTIFICATION OF BARGAINING AGENTS	4,934	775	1,092	824	1,166	1,077	4,626	773	988	743	1,135	987
COMBINATION OF BARGAINING UNITS	221	-	-	33	73	115	144	-	-	11	62	71
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	639	129	133	122	110	145	629	152	121	134	107	115
DECLARATION OF SUCCESSOR TRADE UNION	251	5	3	17	211	15	247	3	3	17	8	216
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1,258	194	238	257	262	307	818	122	148	177	178	193
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	26	9	13	1	3	0	78	63	2	13	-	-
ACCREDITATION	-	-	-	-	-	0	4	3	1	-	-	-
DECLARATION OF UNLAWFUL STRIKE	13	3	-	3	-	7	16	6	-	5	-	5
DECLARATION OF UNLAWFUL LOCKOUT	10	5	-	3	-	2	7	4	-	1	-	2
DIRECTION RESPECTING UNLAWFUL STRIKE	129	39	27	26	25	12	70	20	9	15	17	9
DIRECTION RESPECTING UNLAWFUL LOCKOUT	32	12	6	9	4	1	25	9	3	9	4	-
CONSENT TO PROSECUTE	17	5	2	3	2	5	13	3	1	4	-	5
CONTRAVENTION OF ACT	4,927	883	888	873	1,067	1,216	4,012	709	752	762	856	933
RIGHT OF ACCESS	13	2	1	-	6	4	11	2	1	-	4	4
EXEMPTION FROM UNION SECURITY	29	5	8	4	4	8	26	8	5	2	5	6
PROVISION IN COLLECTIVE AGREEMENT	-	-	-	-	-	-	-	-	-	-	-	-
EARLY TERMINATION OF COLLECTIVE AGREEMENT	91	16	18	21	20	16	91	13	20	20	23	15
TRADE UNION FINANCIAL STATEMENT	26	9	7	2	2	6	22	8	7	2	2	3
JURISDICTIONAL DISPUTE	190	33	51	32	38	36	146	26	19	39	33	29
REFERRAL ON EMPLOYEE STATUS	187	54	43	26	25	39	150	41	49	23	20	17
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	47	2	4	5	26	10	35	1	6	1	12	15
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	6,982	1,162	1,490	1,392	1,364	1,574	3,707	699	793	767	723	725
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	1	-	-	-	-	1	-	-	-	1	-
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	465	90	84	102	91	98	391	79	66	87	70	89
ENVIRONMENTAL PROTECTION ACT	6	3	-	-	1	2	5	3	1	-	1	-
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	3	-	1	1	1	-	2	-	1	-	-	1
FIRST AGREEMENT ARBITRATION DIRECTION	125	22	36	46	7	14	114	25	28	44	7	10
ARBITRATION PROVISION	16	8	5	3	-	-	12	6	3	3	-	-
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	13	2	3	6	1	1	8	3	2	2	1	-
FINAL OFFER VOTE	98	18	16	26	16	22	91	17	11	25	18	20
MISCELLANEOUS	3	2	1	-	-	-	2	1	1	-	-	-

Labour Relations Officer Activity in Cases Processed * Fiscal Year 1994-95

Type of Case	Cases in Which Activity Completed						
	Total Cases Assigned	Settled			Referred to Board	Sine Die Pending	
		Total	Number	Percent			
Total	3,666	2,089	1,803	86.3	286	961	616
CERTIFICATION OF BARGAINING AGENTS	949	747	637	85.3	110	39	163
Interim certificate	66	44	38	86.4	6	7	15
Pre-hearing application	67	49	43	87.8	6	4	14
Other application	893	695	590	84.9	105	46	152
CONTRAVENTION OF ACT	1,061	629	522	83.0	107	174	258
REFERRAL ON EMPLOYEE STATUS	21	7	6	85.7	1	2	12
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,539	643	583	90.7	60	736	160
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	94	63	56	88.9	7	10	21
ENVIRONMENTAL PROTECTION ACT	2	0	1	100.0	1	0	2

* 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 1994-95

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1765	1366	77.4
CONTRAVENTION OF ACT	933	623	66.8
REFERRAL ON EMPLOYEE STATUS	17	7	41.2
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	725	664	91.6
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	89	71	79.8
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	1	100.0

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

Table 5

Results of Representation Votes Conducted*

Fiscal Year 1994-95

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	154	16,404	12,837	8,670
Certification	122	13,760	10,662	6,894
Pre-hearing cases				
One union	20	5,314	3,422	2,135
Two unions	26	1,880	1,535	1,523
Construction cases				
One union	6	66	55	25
Regular cases				
One union	57	5,874	5,113	2,689
Two unions	13	626	537	522
Termination of Bargaining Rights				
One union	25	562	529	160
Successor Employer				
One union	2	318	271	269
Two unions	5	1,764	1,375	1,347

* 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 1994-95

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
	Total	Appl. Won	Appl. Lost	In Votes			In Votes			In Votes		
				Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	152	105	47	15514	12592	2922	12510	9960	2550	8613	7288	1325
Certification	123	80	43	13538	10788	2750	10833	8421	2412	7316	6111	1205
Pre-hearing cases												
One union	21	14	7	4,368	3,497	871	2,943	2,197	746	1,934	1,668	266
Two unions	30	24	6	2,122	1,718	404	1,816	1,453	363	1,807	1,444	363
Construction cases												
One union	6	2	4	68	27	41	55	18	37	25	14	11
Regular cases												
One union	55	31	24	5,852	4,789	1,063	5,149	4,197	952	2,703	2,447	256
Two unions	11	9	2	1,128	757	371	870	556	314	847	538	309
Termination												
One union	23	21	2	557	526	31	522	491	31	164	150	14
Successor Employer												
One union	2	1	1	318	205	113	271	189	82	269	188	81
Two unions	4	3	1	1,101	1,073	28	884	859	25	864	839	25

* 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 1994-95**

Time Taken (Calendar Days)	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievance 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	3470	100.0	987	100.0	933	100.0	725	100.0	825	100.0
Under 8 days	234	6.7	19	1.9	150	16.1	31	4.3	34	4.1
8-14 days	425	19.0	48	6.8	91	25.8	248	38.5	38	8.7
15-21 days	575	35.6	287	35.9	71	33.4	149	59.0	68	17.0
22-28 days	370	46.2	178	53.9	77	41.7	52	66.2	63	24.6
29-35 days	233	53.0	67	60.7	78	50.1	44	72.3	44	30.0
36-42 days	189	58.4	52	66.0	57	56.2	41	77.9	39	34.7
43-49 days	124	62.0	40	70.0	46	61.1	18	80.4	20	37.1
50-56 days	130	65.7	58	75.9	32	64.5	21	83.3	19	39.4
57-63 days	92	68.4	29	78.8	25	67.2	10	84.7	28	42.8
64-70 days	85	70.8	27	81.6	31	70.5	7	85.7	20	45.3
71-77 days	56	72.4	17	83.3	18	72.5	10	87.0	11	46.6
78-84 days	65	74.3	20	85.3	16	74.2	10	88.4	19	48.9
85-91 days	51	75.8	13	86.6	17	76.0	9	89.7	12	50.4
92-98 days	49	77.2	9	87.5	16	77.7	8	90.8	16	52.3
99-105 days	27	78.0	4	87.9	14	79.2	0	90.8	9	53.4
106-126 days	106	81.0	28	90.8	40	83.5	8	91.9	30	57.0
127-147 days	79	83.3	17	92.5	29	86.6	8	93.0	25	60.1
148-168 days	56	84.9	13	93.8	22	89.0	5	93.7	16	62.0
Over 168 days	524	100.0	61	100.0	103	100.0	46	100.0	314	100.0

Table 8

Union Distribution of Certification Applications Received and Disposed of Fiscal Year 1994-95

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn***
All Unions	1077	987	762	77	148
CLC Affiliates *	562	525	413	41	71
ALUMINUM BRICK AND GLASS WORKERS	2	2	2	0	0
AUTO WORKERS	8	5	5	0	0
BAKERY AND TOBACCO WORKERS	3	2	1	0	1
BREWERY AND SOFT DRINK WORKERS	9	8	4	4	0
CANADIAN AUTO WORKERS	54	54	46	2	6
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	85	78	59	3	16
CLOTHING AND TEXTILE WORKERS	5	5	5	0	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	29	28	16	3	9
ELEVATORS CONSTRUCTORS	1	1	1	0	0
FOOD AND COMMERCIAL WORKERS	93	92	73	11	8
GRAPHIC COMMUNICATION UNION	9	7	4	2	1
HOTEL EMPLOYEES	26	20	12	2	6
INTERNATIONAL WOODWORKERS OF AMERICA	0	2	2	0	0
IWA - CANADA	14	12	10	1	1
LADIES GARMENT WORKERS	8	7	6	0	1
MACHINISTS	2	2	2	0	0
NEWSPAPER GUILD	6	7	6	0	1
OFFICE AND PROFESSIONAL EMPLOYEES	6	4	2	2	0
ONTARIO PUBLIC SERVICE EMPLOYEES	29	30	26	1	3
POSTAL WORKERS	1	1	1	0	0
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	1	1	0	0
RUBBER WORKERS	2	2	1	0	1
SERVICE EMPLOYEES INTERNATIONAL	53	47	38	3	6
THEATRICAL STAGE EMPLOYEES	15	9	9	0	0
TRANSIT UNION (INTL.)	1	1	1	0	0
TYPOGRAPHICAL UNION	1	1	1	0	0
UNITED STEELWORKERS	84	85	70	5	10
UNITED TEXTILE WORKERS	15	12	9	2	1
Non-CLC Affiliates	515	462	349	36	77
ALLIED HEALTH PROFESSIONALS	5	6	6	0	0
ASBESTOS WORKERS	1	2	2	0	0
BOILERMAKERS	2	2	1	0	1
BRICKLAYERS INTERNATIONAL	15	13	11	0	2
CANADIAN EDUCATIONAL WORKERS	1	1	0	1	0
CANADIAN SECURITY UNION	20	20	11	1	8
CARPENTERS	34	29	13	4	12
CHRISTIAN LABOUR ASSOCIATION	22	18	16	0	2
ELECTRICAL WORKERS (IBEW)	36	31	22	5	4
FOOD AND SERVICE WORKERS	1	2	2	0	0
INDEPENDENT LOCAL UNION	4	8	3	2	3
INTERNATIONAL OPERATING ENGINEERS	59	44	30	6	8
LABOURERS	132	127	103	3	21
ONTARIO ENGLISH CATHOLIC TEACHERS	1	1	1	0	0
ONTARIO NURSES ASSOCIATION	14	12	12	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	12	10	9	1	0
PAINTERS	23	19	15	1	3
PLANT GUARD WORKERS	8	8	6	2	0
PLUMBERS	25	17	13	3	1
PRACTICAL NURSES FEDERATION OF ONTARIO	17	16	13	0	3
SHEET METAL WORKERS	11	7	4	1	2
STRUCTURAL IRON WORKERS	9	9	8	0	1
TEAMSTERS	43	44	36	4	4
TRANSIT UNION (CANADIAN)	2	3	2	1	0
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	18	13	10	1	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 1994-95

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed*	With- drawn**
All Industries	1077	987	762	77	148
Manufacturing	169	154	117	12	25
CHEMICALS	6	5	3	0	2
CLOTHING	3	3	2	0	1
ELECTRICAL PRODUCTS	16	13	11	1	1
FABRICATED METALS	5	6	5	0	1
FOOD, BEVERAGES	19	16	13	0	3
FURNITURE, FIXTURES	9	10	8	1	1
KNITTING MILLS	1	1	1	0	0
MACHINERY	2	2	1	0	1
NON-METALLIC MINERALS	7	3	2	1	0
PAPER	8	11	10	0	1
PRIMARY METALS	10	8	5	1	2
PRINTING, PUBLISHING	20	18	14	2	2
RUBBER, PLASTICS	9	9	8	1	0
TEXTILES	4	4	3	1	0
TRANSPORTATION EQUIPMENT	16	16	11	1	4
WOOD	13	11	7	1	3
OTHER MANUFACTURING	21	18	13	2	3
Non-Manufacturing	908	833	645	65	123
ACCOMMODATION, FOOD SERVICES	59	50	35	5	10
CONSTRUCTION	224	185	132	14	39
EDUCATION, RELATED SERVICES	42	38	32	4	2
ELECTRIC, GAS, WATER	15	11	11	0	0
FINANCE, INSURANCE CARRIERS	3	3	2	0	1
HEALTH, WELFARE SERVICES	151	147	122	8	17
LOCAL GOVERNMENT	28	25	18	3	4
MINING, QUARRYING	3	3	3	0	0
PERSONAL SERVICES	10	10	9	1	0
REAL ESTATE, INSURANCE AGENCIES	6	6	6	0	0
RECREATIONAL SERVICES	20	16	14	0	2
RETAIL TRADE	78	70	56	9	5
STORAGE	4	3	2	1	0
TRANSPORTATION	17	17	10	4	3
WHOLESALE TRADE	9	12	8	3	1
OTHER SERVICES	239	237	185	13	39

* Includes cases that were terminated.

** Includes cases that were settled.

Table 10

Size of Bargaining Units in Certification Applications Granted Fiscal Year 1994-95

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	762	32,116	130	1,118	632	30,998
1-9 employees	290	1,438	99	427	191	1,011
10-19 employees	149	2,083	19	247	130	1,836
20-39 employees	136	3,894	10	229	126	3,665
40-99 employees	125	7,897	1	73	124	7,824
100-199 employees	41	5,642	1	142	40	5,500
200-499 employees	17	4,633	0	0	17	4,633
500 employees or more	4	6,529	0	0	4	6,529

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 770 bargaining units were certified in the 762 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 1994-95

Calendar Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	762	100.0	632	100.0	130	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	27	3.5	25	4.0	2	1.5
15-21 days	240	35.0	223	39.2	17	14.6
22-28 days	154	55.2	136	60.8	18	28.5
29-35 days	52	62.1	38	66.8	14	39.2
36-42 days	39	67.2	34	72.2	5	43.1
43-49 days	32	71.4	20	75.3	12	52.3
50-56 days	49	77.8	37	81.2	12	61.5
57-63 days	17	80.1	11	82.9	6	66.2
64-70 days	23	83.1	19	85.9	4	69.2
71-77 days	11	84.5	9	87.3	2	70.8
78-84 days	15	86.5	8	88.6	7	76.2
85-91 days	9	87.7	8	89.9	1	76.9
92-98 days	9	88.8	8	91.1	1	77.7
99-105 days	3	89.2	3	91.6	0	77.7
106-126 days	17	91.5	14	93.8	3	80.0
127-147 days	11	92.9	6	94.8	5	83.8
148-168 days	12	94.5	8	96.0	4	86.9
Over 168 days	42	100.0	25	100.0	17	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 1994-95

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	770	32,116	40	1,331	23	1,528	44	3,357	663	25,900
Manufacturing	118	8,654	6	263	3	86	12	1,795	97	6,510
CHEMICALS	3	224	2	149	0	0	0	0	1	75
CLOTHING	2	99	1	81	0	0	0	0	1	18
ELECTRICAL PRODUCTS	11	2,285	1	6	0	0	1	1,105	9	1,174
FABRICATED METALS	5	312	0	0	0	0	0	0	5	312
FOOD, BEVERAGES	13	360	1	23	1	18	2	43	9	276
FURNITURE, FIXTURES	8	487	0	0	0	0	1	60	7	427
KNITTING MILLS	1	123	0	0	0	0	1	123	0	0
MACHINERY	1	8	0	0	0	0	0	0	1	8
NON-METALLIC MINERALS	2	25	0	0	0	0	0	0	2	25
PAPER	10	563	0	0	0	0	1	86	9	477
PRIMARY METALS	5	338	0	0	0	0	0	0	5	338
PRINTING, PUBLISHING	15	635	0	0	1	52	2	152	12	431
RUBBER, PLASTICS	8	473	0	0	0	0	0	0	8	473
TEXTILES	3	30	1	4	1	16	0	0	1	10
TRANSPORTATION EQUIPMENT	11	1,602	0	0	0	0	1	185	10	1,417
WOOD	7	186	0	0	0	0	1	13	6	173
OTHER MANUFACTURING	13	904	0	0	0	0	2	28	11	876
Non-Manufacturing	652	23,462	34	1,068	20	1,442	32	1,562	566	19,390
ACCOMODATION, FOOD SERVICES	35	1,808	2	182	0	0	4	97	29	1,529
CONSTRUCTION	132	1,116	0	0	0	0	0	0	132	1,116
EDUCATION, RELATED SERVICES	32	2,801	0	0	3	726	2	138	27	1,937
ELECTRIC, GAS, WATER	11	245	4	76	1	38	2	100	4	31
FINANCE, INSURANCE CARRIERS	2	31	0	0	0	0	0	0	2	31
HEALTH, WELFARE SERVICES	123	4,784	9	514	7	276	5	171	102	3,823
LOCAL GOVERNMENT	18	334	4	62	3	142	0	0	11	130
MINING, QUARRYING	3	267	0	0	0	0	1	224	2	43
PERSONAL SERVICES	9	254	0	0	0	0	2	13	7	241
REAL ESTATE, INSURANCE AGENCIES	9	96	0	0	0	0	2	18	7	78
RECREATIONAL SERVICES	16	4,582	0	0	0	0	0	0	16	4,582
RETAIL TRADE	57	2,622	7	64	4	210	5	514	41	1,834
STORAGE	2	33	0	0	0	0	0	0	2	33
TRANSPORTATION	10	835	0	0	0	0	0	0	10	835
WHOLESALE TRADE	8	208	0	0	0	0	1	24	7	184
OTHER SERVICES	185	3,446	8	170	2	50	8	263	167	2,963

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	770	32,116	40	1,331	23	1,528	44	3,357	663	25,900
CLC	417	23,292	32	1,207	21	1,283	34	2,980	330	17,822
ALUMINUM BRICK AND GLASS WORKERS	2	108	0	0	0	0	0	0	2	108
AUTO WORKERS	5	168	0	0	0	0	0	0	5	168
BAKERY AND TOBACCO WORKERS	1	49	0	0	0	0	0	0	1	49
BREWERY AND SOFT DRINK WORKERS	4	41	0	0	0	0	1	19	3	22
CANADIAN AUTO WORKERS	49	9,158	1	86	0	0	5	1,359	43	7,713
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	59	2,181	7	123	9	691	3	52	40	1,315
CLOTHING AND TEXTILE WORKERS	5	134	2	88	1	16	1	17	1	13
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	16	675	0	0	0	0	1	86	15	589
ELEVATORS CONSTRUCTORS	1	2	0	0	0	0	0	0	1	2
FOOD AND COMMERCIAL WORKERS	74	2,633	6	69	2	47	7	532	59	1,985
GRAPHIC COMMUNICATION UNION	4	166	0	0	0	0	2	152	2	14
HOTEL EMPLOYEES	12	222	0	0	1	21	0	0	11	201
INTERNATIONAL WOODWORKERS OF AMERICA	2	15	1	4	0	0	0	0	1	11
IWA - CANADA	10	361	1	16	0	0	2	59	7	286
LADIES GARMENT WORKERS	6	83	0	0	0	0	1	13	5	70
MACHINISTS	2	23	0	0	0	0	0	0	2	23
NEWSPAPER GUILD	6	375	0	0	1	52	0	0	5	323
OFFICE AND PROFESSIONAL EMPLOYEES	2	8	0	0	0	0	0	0	2	8
ONTARIO PUBLIC SERVICE EMPLOYEES	26	1,030	2	96	1	5	3	146	20	783
POSTAL WORKERS	1	6	0	0	0	0	0	0	1	6
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	12	0	0	0	0	0	0	1	12
RUBBER WORKERS	1	8	0	0	0	0	0	0	1	8
SERVICE EMPLOYEES INTERNATIONAL	38	1,678	6	403	2	241	1	32	29	1,002
THEATRICAL STAGE EMPLOYEES	9	131	0	0	0	0	0	0	9	131
TRANSIT UNION (INTL.)	1	277	0	0	0	0	0	0	1	277
TYPING UNIT	1	9	0	0	0	0	0	0	1	9
UNITED STEELWORKERS	70	3,240	4	86	4	210	3	436	59	2,508
UNITED TEXTILE WORKERS	9	499	2	236	0	0	4	77	3	186

Table 13 (Cont'd)

Employment Status of Employees in Bargaining Units Certified by Union Fiscal Year 1994-95

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	770	32,116	40	1,331	23	1,528	44	3,357	663	25,900
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
Non-CLC	353	8,824	8	124	2	245	10	377	333	8,078
ALLIED HEALTH PROFESSIONALS	6	344	0	0	0	0	0	0	6	344
ASBESTOS WORKERS	2	13	0	0	0	0	0	0	2	13
BOILERMAKERS	1	19	0	0	0	0	0	0	1	19
BRICKLAYERS INTERNATIONAL	11	77	0	0	0	0	0	0	11	77
CANADIAN SECURITY UNION	11	281	1	56	0	0	0	0	10	225
CARPENTERS	13	625	0	0	0	0	1	60	12	565
CHRISTIAN LABOUR ASSOCIATION	16	335	0	0	0	0	1	30	15	305
ELECTRICAL WORKERS (IBEW)	22	768	1	6	0	0	0	0	21	762
FOOD AND SERVICE WORKERS	2	440	0	0	0	0	0	0	2	440
INDEPENDENT LOCAL UNION	3	24	0	0	0	0	0	0	3	24
INTERNATIONAL OPERATING ENGINEERS	30	345	2	34	0	0	0	0	28	311
LABOURERS	106	1,603	3	23	0	0	2	75	101	1,505
ONTARIO ENGLISH CATHOLIC TEACHERS	1	48	0	0	0	0	0	0	1	48
ONTARIO NURSES ASSOCIATION	13	786	1	5	1	6	0	0	11	775
ONTARIO PUBLIC SCHOOL TEACHERS	9	1,193	0	0	1	239	1	80	7	874
PAINTERS	15	87	0	0	0	0	0	0	15	87
PLANT GUARD WORKERS	6	165	0	0	0	0	1	76	5	89
PLUMBERS	13	161	0	0	0	0	0	0	13	161
PRACTICAL NURSES FEDERATION OF ONTARIO	13	336	0	0	0	0	0	0	13	336
SHEET METAL WORKERS	4	12	0	0	0	0	0	0	4	12
STRUCTURAL IRON WORKERS	8	50	0	0	0	0	0	0	8	50
TEAMSTERS	36	826	0	0	0	0	3	47	33	779
TRANSIT UNION (CANADIAN)	2	17	0	0	0	0	1	9	1	8
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	10	269	0	0	0	0	0	0	10	269

Table 14

Occupational Groups in Bargaining Units Certified by Industry Fiscal Year 1994-95

	All Groups	Production & Related	Office Clerical & Technical	Professional	Sales	Other
Number Empls. Number Empls. Number Empls. Number Empls. Number Empls. Number Empls.						
=====						
All Industries	770 32,116	587 23,558	39 1,047	60 2,849	7 166	77 4,496
=====						
Manufacturing	118 8,654	103 8,041	5 107	0 0	1 4	9 502
CHEMICALS	3 224	2 149	0 0	0 0	0 0	1 75
CLOTHING	2 99	2 99	0 0	0 0	0 0	0 0
ELECTRICAL PRODUCTS	11 2,285	9 2,217	1 2	0 0	0 0	1 66
FABRICATED METALS	5 312	5 312	0 0	0 0	0 0	0 0
FOOD, BEVERAGES	13 360	11 314	1 27	0 0	0 0	1 19
FURNITURE, FIXTURES	8 487	8 487	0 0	0 0	0 0	0 0
KNITTING MILLS	1 123	1 123	0 0	0 0	0 0	0 0
MACHINERY	1 8	0 0	1 8	0 0	0 0	0 0
NON-METALLIC MINERALS	2 25	2 25	0 0	0 0	0 0	0 0
PAPER	10 563	8 481	0 0	0 0	0 0	2 82
PRIMARY METALS	5 338	4 275	0 0	0 0	0 0	1 63
PRINTING, PUBLISHING	15 635	10 388	2 70	0 0	1 4	2 173
RUBBER, PLASTICS	8 473	8 473	0 0	0 0	0 0	0 0
TEXTILES	3 30	3 30	0 0	0 0	0 0	0 0
TRANSPORTATION EQUIPMENT	11 1,602	11 1,602	0 0	0 0	0 0	0 0
WOOD	7 186	7 186	0 0	0 0	0 0	0 0
OTHER MANUFACTURING	13 904	12 880	0 0	0 0	0 0	1 24
=====						
Non-Manufacturing	652 23,462	484 15,517	34 940	60 2,849	6 162	68 3,994
ACCOMMODATION, FOOD SERVICES	35 1,808	32 1,546	1 3	0 0	0 0	2 259
CONSTRUCTION	132 1,116	132 1,116	0 0	0 0	0 0	0 0
EDUCATION, RELATED SERVICES	32 2,801	12 973	5 201	10 1,302	0 0	5 325
ELECTRIC, GAS, WATER	11 245	8 158	1 41	0 0	1 8	1 38
FINANCE, INSURANCE CARRIERS	2 31	1 25	1 6	0 0	0 0	0 0
HEALTH, WELFARE SERVICES	123 4,784	49 1,863	11 216	45 1,499	0 0	18 1,206
LOCAL GOVERNMENT	18 334	9 192	2 33	2 20	0 0	5 89
MINING, QUARRYING	3 267	3 267	0 0	0 0	0 0	0 0
PERSONAL SERVICES	9 254	9 254	0 0	0 0	0 0	0 0
REAL ESTATE, INSURANCE AGENCIES	9 96	8 93	0 0	0 0	0 0	1 3
RECREATIONAL SERVICES	16 4,582	15 4,508	0 0	0 0	0 0	1 74
RETAIL TRADE	57 2,622	22 616	1 8	0 0	4 148	30 1,850
STORAGE	2 33	1 27	0 0	0 0	1 6	0 0
TRANSPORTATION	10 835	10 835	0 0	0 0	0 0	0 0
WHOLESALE TRADE	8 208	7 190	0 0	0 0	0 0	1 18
OTHER SERVICES	185 3,446	166 2,854	12 432	3 28	0 0	4 132

Table 15

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 1994-95

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====	=====
All Unions	770	32,116	587	23,558	39	1,047	60	2,849	7	166	77	4,496
CLC	417	23,292	289	17,524	29	659	22	655	6	162	71	4,292
ALUMINUM BRICK AND GLASS WORKERS	2	108	2	108	0	0	0	0	0	0	0	0
AUTO WORKERS	5	168	4	163	1	5	0	0	0	0	0	0
BAKERY AND TOBACCO WORKERS	1	49	1	49	0	0	0	0	0	0	0	0
BREWERY AND SOFT DRINK WORKERS	4	41	1	12	0	0	2	24	0	0	1	5
CANADIAN AUTO WORKERS	49	9,158	44	8,936	2	120	0	0	0	0	3	102
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	59	2,181	33	901	9	156	7	439	0	0	10	685
CLOTHING AND TEXTILE WORKERS	5	134	5	134	0	0	0	0	0	0	0	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	16	675	9	437	0	0	0	0	1	8	6	230
ELEVATORS CONSTRUCTORS	1	2	1	2	0	0	0	0	0	0	0	0
FOOD AND COMMERCIAL WORKERS	74	2,633	51	1,325	0	0	3	16	4	143	16	1,149
GRAPHIC COMMUNICATION UNION	4	166	4	166	0	0	0	0	0	0	0	0
HOTEL EMPLOYEES	12	222	12	222	0	0	0	0	0	0	0	0
INTERNATIONAL WOODWORKERS OF AMERICA	2	15	1	4	0	0	0	0	0	0	1	11
IWA - CANADA	10	361	7	319	1	2	0	0	0	0	2	40
LADIES GARMENT WORKERS	6	83	3	49	0	0	0	0	1	11	2	23
MACHINISTS	2	23	2	23	0	0	0	0	0	0	0	0
NEWSPAPER GUILD	6	375	2	132	2	70	0	0	0	0	2	173
OFFICE AND PROFESSIONAL EMPLOYEES	2	8	1	3	0	0	1	5	0	0	0	0
ONTARIO PUBLIC SERVICE EMPLOYEES	26	1,030	11	422	3	120	5	106	0	0	7	382
POSTAL WORKERS	1	6	1	6	0	0	0	0	0	0	0	0
RAILWAY, TRANSPORT AND GENERAL WORKERS	1	12	1	12	0	0	0	0	0	0	0	0
RUBBER WORKERS	1	8	0	0	1	8	0	0	0	0	0	0
SERVICE EMPLOYEES INTERNATIONAL	38	1,678	23	999	5	82	4	65	0	0	6	532
THEATRICAL STAGE EMPLOYEES	9	131	9	131	0	0	0	0	0	0	0	0
TRANSIT UNION (INTL.)	1	277	1	277	0	0	0	0	0	0	0	0
TYPOGRAPHICAL UNION	1	9	0	0	1	9	0	0	0	0	0	0
UNITED STEELWORKERS	70	3,240	53	2,369	3	84	0	0	0	0	14	787
UNITED TEXTILE WORKERS	9	499	7	323	1	3	0	0	0	0	1	173

Table 15 (Cont'd)

Occupational Groups in Bargaining Units Certified by Union
Fiscal Year 1994-95

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====												
All Unions	770	32,116	587	23,558	39	1,047	60	2,849	7	166	77	4,496
=====												
Non-CLC	353	8,824	298	6,034	10	388	38	2,194	1	4	6	204
=====												
ALLIED HEALTH PROFESSIONALS	6	344	1	187	0	0	4	139	0	0	1	18
ASBESTOS WORKERS	2	13	2	13	0	0	0	0	0	0	0	0
BOILERMAKERS	1	19	1	19	0	0	0	0	0	0	0	0
BRICKLAYERS INTERNATIONAL	11	77	11	77	0	0	0	0	0	0	0	0
CANADIAN SECURITY UNION	11	281	11	281	0	0	0	0	0	0	0	0
CARPENTERS	13	625	13	625	0	0	0	0	0	0	0	0
CHRISTIAN LABOUR ASSOCIATION	16	335	12	241	0	0	3	65	0	0	1	29
ELECTRICAL WORKERS (IBEW)	22	768	19	677	2	41	0	0	0	0	1	50
FOOD AND SERVICE WORKERS	2	440	2	440	0	0	0	0	0	0	0	0
INDEPENDENT LOCAL UNION	3	24	1	7	2	17	0	0	0	0	0	0
INTERNATIONAL OPERATING ENGINEERS	30	345	29	339	0	0	0	0	0	0	1	6
LABOURERS	106	1,603	106	1,603	0	0	0	0	0	0	0	0
ONTARIO ENGLISH CATHOLIC TEACHERS	1	48	0	0	0	0	1	48	0	0	0	0
ONTARIO NURSES ASSOCIATION	13	786	1	6	0	0	12	780	0	0	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	9	1,193	3	242	2	135	4	816	0	0	0	0
PAINTERS	15	87	15	87	0	0	0	0	0	0	0	0
PLANT GUARD WORKERS	6	165	6	165	0	0	0	0	0	0	0	0
PLUMBERS	13	161	12	156	1	5	0	0	0	0	0	0
PRACTICAL NURSES FEDERATION OF ONTARIO	13	336	0	0	0	0	13	336	0	0	0	0
SHEET METAL WORKERS	4	12	4	12	0	0	0	0	0	0	0	0
STRUCTURAL IRON WORKERS	8	50	8	50	0	0	0	0	0	0	0	0
TEAMSTERS	36	826	32	571	2	154	0	0	0	0	2	101
TRANSIT UNION (CANADIAN)	2	17	2	17	0	0	0	0	0	0	0	0
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	10	269	7	219	1	36	1	10	1	4	0	0

Table 16

**Total Bill 40 Applications and Complaints Received, Disposed of and Pending
Fiscal Year 1994-95**

Type of Case	Caseload			Disposed of Fiscal Year 1994-95							Pending March 31, 1995
	Total 1994	Pending April 1, 1994	Received Fiscal Year 1994-95	Total 1994-95	Granted*	Dismissed	Terminated	Withdrawn	Settled	Sine Die	
	471	87	384	289	108	33	9	109	30	85	97
COMBINATION OF BARGAINING UNITS	132	17	115	70	51	2	-	14	3	30	32
COMPLAINTS DURING ORGANIZING ACTIVITIES	55	6	49	40	3	3	1	26	7	8	7
INTERIM ORDER	112	12	100	83	20	15	4	32	12	13	16
JURISDICTIONAL DISPUTE	57	21	36	26	13	6	-	5	2	14	17
MINISTERIAL REFERENCE	22	12	10	14	11	2	-	1	-	3	5
REPLACEMENT WORKERS	56	11	45	38	5	4	2	21	6	12	6
SALE OF BUSINESS CONTRACT SERVICE SECTOR	35	8	27	17	5	1	1	10	-	5	13
ACCESS TO THIRD PARTY PREMISES	2	-	2	1	-	-	1	-	-	-	1

X STAFF AND BUDGET 1995-96

At the end of the fiscal year 1995-96, the Board employed a total of 152 persons on a full-time basis. The Board has two types of employees. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council. The administrative, field, legal, and support staff are civil service appointees.

The total budget of the Ontario Labour Relations Board for the 1995-96 fiscal year was \$9.8 million.

XI CASELOAD 1995-96

In fiscal year 1995-96, the Board received a total of 4,231 applications and complaints, a decrease of 10.6 percent from the intake of 4,732 cases in 1994-95. 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 26.0 percent over last year, allegations of contraventions of the Act decreased by 8.6 percent and referrals of grievances under construction industry collective agreements decreased by 15.2 percent. The total of all other types of cases increased by 14.3 percent. (Tables 1 and 2)

In addition to the cases received, 1,098 were carried over from the previous year for a total caseload of 5,329 in 1995-96. Of the total caseload, 2,849 or 53.5 percent, were disposed of during the year; proceedings in 1,110 were adjourned sine die* (without a fixed date for further action) at the request of the parties; and 1,370 were pending in various stages of processing at March 31, 1996.

The total number of cases processed during the year produced an average workload of 242 cases for the Board's full-time chair, alternate chair, and vice-chairs, and the total disposition represented an average output of 129 cases.

Note: Except where indicated, the section numbers referred to below correspond to the Act that was in force at the end of the 1995-96 year -- the Labour Relations Act, 1995, S.O. 1995, c.1, Schedule A ("Bill 7").

Labour Relations Officer Activity

In 1995-96, the Board's labour relations officers were assigned a total of 2881 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 54.1 percent of the Board's total caseload, and included 589 certification applications, 22 cases concerning the status of individuals as employees under the Act, 858 complaints of alleged contravention of the Act, 1,315 grievances under construction industry collective agreements, 96 complaints under the *Occupational Health and Safety Act*, and one case under the *Environmental Protection Act*. (Table 3)

The labour relations officers completed activity in 1,509 of the assignments, obtaining settlements in 1265 or 83.8 percent. They referred 244 cases to the Board for decisions; proceedings were adjourned sine die in 815 cases; and settlement efforts were continuing in the remaining 557 cases at March 31, 1996. Labour relations officers were also successful in having hearings waived by the parties in 402 or 68.2 percent of 589 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 1995-96, the Board's returning officers conducted a total of 308 representation votes among employees in one or more bargaining units. Of the 308 votes conducted, 243 involved certification applications, 60 were held in applications for termination of existing bargaining rights, and five were taken in successor employer applications. (Table 5)

Of the certification votes, 193 involved a single union on the ballot, and 48 involved two unions.

A total of 19,439 employees were eligible to vote in the 308 elections that were conducted, of whom 14,160 or 72.8 percent cast ballots. Of those who participated, 58.3 percent voted in favour of union representation. In the 193 elections in certification applications that involved a single union, 71.1 percent of the eligible voters cast ballots, with 50.5 percent of the participants voting for union representation.

In the 60 votes in applications for termination of bargaining rights, 85.7 percent of the eligible voters cast ballots, with only 29.7 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 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 28 requests dealt with by the Board during the fiscal year, six cases were granted, 15 cases were dismissed, settlements were reached in six cases before a vote was taken, and one case was pending at March 31, 1996.

In the 20 votes held, employees accepted the employer's offer in six cases by 181 votes in favour to 82 against, and rejected the offer in 14 cases by 533 votes against to 177 in favour.

Processing Time

Table 7 provides statistics on the time taken by the Board to process the 2,849 cases disposed of in 1995-96. 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 38 days was taken to proceed from filing to disposition for the 2,849 cases that were completed in 1995-96, compared with 32 days in 1994-95; certification applications were processed in a median of 35 days, compared with 26 days in 1994-95; complaints of contravention of the Act took 39 days, compared with 35 days in 1994-95; and referrals of construction industry grievances required 20 days compared to 18 days in 1994-95. The median time for the total of all other cases decreased to 66 days from 91 in 1994-95.

Seventy-five percent (75.0) of all dispositions were accomplished in 84 days (3 months) or less, compared with 80.1 percent for certification applications, 77.0 percent for complaints of contravention of the Act, 81.0 percent for referrals of construction industry grievances, and 62.6 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 345 from 524 in 1994-95. (Table 7)

Certification of Bargaining Agents

In 1995-96, the Board received 797 applications for certification of trade unions as bargaining agents of employees, a decrease of 26.0 percent from 1994-95. (Tables 1 and 2)

Eleven unions, each with more than 25 applications, accounted for 66.0 percent of the total filings: Labourers (80 cases), Food and Commercial Workers (69 cases), Public Employees (CUPE) (63 cases), United Steelworkers (62 cases), Teamsters (46 cases), Carpenters (42 cases), Ontario Public Service Employees (38 cases), Canadian Auto Workers (37 cases), Intl. Operating Engineers (32 cases), Service Employees Intl. (30 cases), and Plumbers (27 cases). In contrast, 20 unions filed fewer than 5 applications each. These unions together accounted for 5.9 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 84.9 percent of the applications received, concentrated in construction (194 cases) and health and welfare services (137 cases). These two groups comprised 48.9 percent of the total non-manufacturing applications. Of the 120 applications involving establishments in manufacturing industries, 30.8 percent were in two groups: food and beverage (18 cases), and transportation equipment (19 cases).

In addition to the applications received, 218 cases were carried over from last year, making a total certification caseload of 1,015 in 1995-96. Of the total caseload, 759 were disposed of, proceedings were adjourned sine die in 58 cases, and 198 cases were pending at March 31, 1996. Of the 759 dispositions, certification was granted in 510 cases, including 26 in which interim certificates were issued under section 9(2) of the Act, and two that were certified as a result of employer unfair labour practices; 119 cases were dismissed; and 121 cases were settled or withdrawn. The certified cases represented 67.2 percent of the total dispositions. (Table 1).

Of the 629 applications that were either certified or dismissed, final decisions in 198 cases were based on the results of representation votes. Of the 198 votes conducted, 154 involved a single union on the ballot, and 42 were held between two unions. Applicants won in 111 of the votes and lost in the other 87. (Table 6)

A total of 13,568 employees were eligible to vote in the 198 elections, of whom 11,039 or 81.4 percent cast ballots. In the 111 votes that were won and resulted in certification, 5,726 or 71.9 percent of the 7,962 employees eligible to vote cast ballots, and of these voters 4,358 or 76.1 percent favoured union representation. In the 87 elections that were lost and resulted in dismissals, 5,313 employees participated, and, of these, 41.8 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 1995-96. The average size of the bargaining units in the 510 applications that were certified was 40 employees, compared with 42 employees in 1994-95. Units in construction certifications averaged seven employees, and in non-construction certifications they averaged 47. Seventy-three point five (73.5) percent of the total certification applications involved units of fewer than 40 employees, and 36.1 percent applied to units of fewer than 10 employees. The total number of employees covered by the certification applications granted decreased to 20,564 from 32,116 in 1994-95. (Table 10)

Of the employees covered by the certification applications granted, 1,346, or 6.5 percent, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 524 employees, found mostly in health and welfare services. Full-time and part-time employees were represented in units covering 18,694 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13)

Fifty-six point one percent (56.1) of the employees, or 11,538, were employed in production and related occupations; and 1,751 were in office, clerical and technical occupations - mainly in health and welfare services, and education and related services. Professional employees, found mostly in health and welfare services and education and related services, accounted for 3,324 employees; a small number, 49 employees, were in sales classifications; and 3,902 were in units that included employees in two or more classifications. (Tables 14 and 15)

Disposition Time

A median time of 34 calendar days was required to complete the 510 certification applications granted from receipt to disposition. For non-construction certifications, the median time was 32 days, and for construction certifications the median time was 43 days. (Table 11)

Eighty-four point one percent (84.1) of the 510 certification applications granted were disposed of in 84 days (3 months) or less, 71.0 percent took 56 days (2 months) or less, 42.4 percent required 28 days (one month) or less, and 18.2 percent were processed in 21 days (three weeks) or less. Forty-two cases required longer than 168 days (six months) to process, the same as in 1994-95. (Table 11).

Termination of Bargaining Rights

In 1995-96, the Board received 251 applications under sections 63, 65, 66, 67 and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 39 cases were carried over from 1994-95.

Of the 290 cases processed, bargaining rights were terminated in 78 cases, 39 cases were dismissed, 30 cases were settled, six were withdrawn, proceedings were adjourned sine die in 22 cases, and 114 cases were pending at March 31, 1996.

Of the 117 cases that were either granted or dismissed, dispositions in 52 were based on the results of representation votes. A total of 1,258 employees were eligible to vote in the 52 elections that were held, of whom 1,070 or 85.0 percent cast ballots. Of those who cast ballots, 324 voted for continued representation by unions and 746 voted against. (Table 6).

Declaration of Successor Trade Union

In 1995-96, the Board dealt with 66 applications for declarations under section 68 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction.

Affirmative declarations were issued by the Board in 45 cases, four cases were settled, two cases were dismissed, one case was adjourned sine die, and 14 were pending at March 31, 1996.

Declaration of Successor or Common Employer

In 1995-96, the Board dealt with 376 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 37 cases, 106 cases were settled, 18 were dismissed, one case was withdrawn by the parties, proceedings were adjourned sine die in 64 cases, and 150 cases were pending at March 31, 1996.

Declaration and Direction of Unlawful Strike

In 1995-96, the Board dealt with six applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. One application was granted, two cases were settled, proceedings were adjourned sine die in another two cases, and the remaining case was pending at March 31, 1996.

Five applications were dealt with seeking directions under section 100 regarding alleged unlawful strikes by employees in non-construction industries. One case was settled, three were adjourned sine die, and the remaining case was pending at March 31, 1996.

Twelve applications seeking directions under section 144 of the Act against alleged unlawful strikes by construction workers were dealt with by the Board. Three applications were granted, two cases were settled, proceedings were adjourned sine die in four cases and the remaining three cases were pending at March 31, 1996.

Declaration and Direction of Unlawful Lock-out

Three applications seeking a declaration under section 101 of the Act regarding an alleged unlawful lock-out by construction employers were processed in 1995-96. One case was settled, another was granted, and the remaining case was pending at March 31, 1996.

Two applications were processed seeking a direction under section 101 of the Act regarding an alleged unlawful lock-out by non-construction employers. One case was adjourned sine die, and the other was pending at March 31, 1996.

Consent to Prosecute

In 1995-96, the Board dealt with five applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act.

Of the five applications processed, one was dismissed, one was settled, one was withdrawn, and the remaining two cases were pending at March 31, 1996.

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1995-96, the Board received 1,111 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination

against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 340 cases were carried over from 1994-95. Of the 1,451 cases processed, 805 were disposed of, proceedings were adjourned sine die in 192 cases, and 454 cases were pending at March 31, 1996.

In 504, or 62.6 percent, of the 805 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4). Remedial orders were issued by the Board in 34 cases, 225 cases were dismissed, 514 cases were settled, 28 cases were withdrawn and four cases were terminated. (Table 1)

Construction Industry Grievances

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

In 1995-96, the Board received 1,334 cases under this section, a decrease of 15.2 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, 228 were carried over from 1994-95. Of the total 1,562 processed, 574 were disposed of; of these, 74 cases granted, seven cases dismissed, 489 cases settled, four cases were withdrawn, proceedings were adjourned sine die in 690 cases, and 298 were pending at March 31, 1996.

In 488 or 85.0 percent of the 574 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4), and awards were made by the Board in 74 cases.

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Right of Access

In 1995-96, two applications were dealt with under section 13 of the Act, in which the union sought access to the employer's property. One case was dismissed and the remaining case was adjourned sine die.

Religious Exemption

Sixteen applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Three applications were settled, five were dismissed, one was adjourned sine die, and the remaining seven applications were pending at March 31, 1996.

Early Termination of Collective Agreements

Twenty-six applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in 23 cases, one was dismissed, another was withdrawn, and the remaining case was adjourned sine die.

Union Financial Statements

Nine complaints were dealt with under section 92 of the Act, alleging failure by trade unions to furnish members with audited financial statements of the union's affairs. Settlements were reached in four cases, one case was dismissed, two were adjourned sine die, and the remaining two cases were pending at March 31, 1996.

Jurisdictional Disputes

Fifty-two complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in four cases, eleven cases were dismissed, five cases were withdrawn, 11 cases were adjourned sine die, and 21 cases were pending at March 31, 1996.

Determination of Employee Status

The Board dealt with 62 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Thirteen cases were settled by the parties in discussions with labour relations officers (Table 4). Determinations were made by the Board in seven cases, five cases were terminated or dismissed, three cases were

withdrawn, and proceedings were adjourned sine die in seven cases. The remaining 27 cases were pending at March 31, 1996.

Referrals by Minister of Labour

In 1995-96, the Board dealt with eight cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. Two cases were granted, one was dismissed, one was settled, two were terminated, another was withdrawn, and the proceeding was adjourned sine die in the remaining case.

The Board also dealt with four cases referred by the Minister under subsection 3(2) of the Hospital Labour Disputes Arbitration Act. Two cases were granted, one was dismissed, and the remaining case was pending at March 31, 1996.

Trusteeship Reports

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

First Agreement Arbitration

In 1995-96, the Board received 15 applications for directions to settle first agreements by arbitration. One direction was issued, three cases were dismissed, eight were settled or withdrawn, the proceeding was adjourned sine die in one case, and two cases were pending at March 31, 1996.

Determination of Sector in the Construction Industry

Three applications were dealt with by the Board under section 166 asking the Board to determine whether construction work in question was within the industrial-commercial-institutional sector. One case was granted, another was withdrawn, and the remaining case was pending at March 31, 1996.

Occupational Health and Safety Act and the Environmental Protection Act

In 1995-96, the Board received 110 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 1994-95.

Of the total 134 cases processed, 72 cases were disposed of. Of these, 54 cases were settled by the parties in discussions with labour relations officers. Four cases were granted, 14 cases were dismissed, proceedings were adjourned sine die in 11 cases, and the remaining 51 were pending at March 31, 1996.

Three applications under the *Environmental Protection Act* were dealt with by the Board in 1995-96; one case was granted, and the remaining two cases were dismissed.

Colleges Collective Bargaining Act

One complaint was received under section 77 of the *Colleges Collective Bargaining Act* in 1995-96. The case was still pending at March 31, 1996.

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

BILL 40 CASES

Combination of Bargaining Units

The Board dealt with 169 applications to combine bargaining units. Sixty-five (65) cases were granted, three cases were settled, 34 were withdrawn, five were dismissed, 8 were terminated, 38 were adjourned sine die and the remaining 16 were pending at year-end.

Complaints During Organizing Activities

The Board dealt with 17 complaints under section 92.2 of Bill 40, alleging wrongful discipline or discharge of employees during organizing activities. One case was granted, four were settled, two were dismissed, two were adjourned sine die, and seven were withdrawn. The remaining case was pending at March 31, 1996.

Interim Orders

The Board received 68 applications for interim orders under section 92.1 of Bill 40. Of the 84 cases processed, seven cases were granted, 12 were settled, five cases were terminated, 16 cases were dismissed, 24 cases were withdrawn, 7 were adjourned sine die, and the remaining 13 were pending at year-end.

Jurisdictional Disputes

The Board dealt with 49 consultations with respect to jurisdictional disputes. Of these, four were granted, 11 were dismissed, five were withdrawn, 11 were adjourned sine die, and the remaining 18 were pending at March 31, 1996.

Ministerial References

Five questions were referred to the Board by the Minister under section 109 of Bill 40, involving issues other than those related to the Minister's authority to appoint a conciliation officer or arbitrator. Three cases were carried over from 94-95. One case was settled, two were granted, one was dismissed, two were terminated, one was withdrawn, and the remaining case was adjourned sine die.

One question was referred to the Board by the Minister under the Hospital Labour Disputes Arbitration Act, and two applications were carried over from 94-95. Of these, one was granted, another dismissed, and the remaining case was pending at March 31, 1996.

Replacement Workers

Thirty-one applications regarding replacement workers under sections 73.1 or 73.2 of Bill 40 were dealt with by the Board. Three were granted, two cases were settled, four were dismissed, two were terminated, 14 were withdrawn, and six were adjourned sine die.

Sale of a Business - Building Services Contracts

Thirteen applications were filed under section 64.2 of Bill 40. Of the 26 cases processed, four were granted, one was terminated, three were withdrawn, two were settled, four were adjourned sine die, and the remaining 12 were pending at March 31, 1996.

Access to Third Party Premises

One application was processed under section 11.1 of Bill 40 regarding access to property to which the public normally has access for picketing or organizing purposes. The case was dismissed.

XII COURT ACTIVITY 1995-96

During the fiscal year 1995-96, the Ontario Court of Justice (General Division) (Divisional Court) dealt with fourteen applications for judicial review, twelve of which were dismissed and two of which were granted. Seven other applications were abandoned.

A motion to set aside the quashing of a subpoena had been dismissed during the 1992-93 year. Leave to appeal that decision was dismissed during the year under review.

Leave to appeal the granting of an application for judicial review in one case, and the dismissal of an application for judicial review in another case, was given. Both of those cases are still pending.

Twelve other applications for judicial review and one other appeal to the Court of Appeal were pending at year-end.

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

XIII STATISTICAL TABLES 1995-96

The following statistics reflect the activities of the Ontario Labour Relations Board during the fiscal year 1995-96.

- Table 1: Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1995-96.
- Table 2: Applications and Complaints Received and Disposed of, Fiscal Years 1991-92 to 1995-96.
- Table 3: Labour Relations Officer Activity in Cases Processed, Fiscal Year 1995-96.
- Table 4: Labour Relations Officer Settlements in Cases Disposed of, Fiscal Year 1995-96.
- Table 5: Results of Representation Votes Conducted, Fiscal Year 1995-96.
- Table 6: Results of Representation Votes in Cases Disposed of, Fiscal Year 1995-96.
- Table 7: Time Required to Process Applications and Complaints Disposed of, by Major type of Case, Fiscal Year 1995-96.
- Table 8: Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1995-96.
- Table 9: Industry Distribution of Certification Applications Granted, Fiscal Year 1995-96.
- Table 10: Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1995-96.
- Table 11: Time Required to Process Certification Applications Granted, Fiscal Year 1995-96.
- Table 12: Employment Status of Employees in Bargaining Units Certified, by Industry Fiscal Year 1995-96.
- Table 13: Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1995-96.
- Table 14: Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1995-96.

Table 15: Occupational Groups in Bargaining Units Certified, by Union, Fiscal Year 1995-96.

Table 16: Bill 40 Applications Received, Disposed of, and Pending, Fiscal Year 1995-96.

Table 1

Total Applications and Complaints Received, Disposed of and Pending Fiscal Year 1995-96

Type of Case	Caseload			Disposed of Fiscal Year 1995-96							Sine Die	Pending March 31, 1996
	Total	Pending April 1, 1995	Received Fiscal Year 1995-96	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled			
Total	5329	1098	4231	2849	899	474	18	70	1388	1110	1370	
CERTIFICATION OF BARGAINING AGENTS	1015	218	797	759	510	119	9	17	104	58	198	
COMBINATION OF BARGAINING UNITS	170	32	138	115	65	5	0	0	45	38	17	
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	290	39	251	154	78	39	1	6	30	22	114	
DECLARATION OF SUCCESSOR TRADE UNION	66	2	64	51	45	2	0	0	4	1	14	
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	376	142	234	162	37	18	0	1	106	64	150	
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	2	2	0	0	0	0	0	0	0	0	2	
ACCREDITATION	2	0	2	1	0	0	0	0	1	0	1	
DECLARATION OF UNLAWFUL STRIKE	6	1	5	3	1	0	0	0	2	2	1	
DECLARATION OF UNLAWFUL LOCKOUT	3	0	3	2	1	0	0	0	1	0	1	
DIRECTION RESPECTING UNLAWFUL STRIKE	17	1	16	6	3	0	0	0	3	7	4	
DIRECTION RESPECTING UNLAWFUL LOCKOUT	2	0	2	1	0	0	0	0	1	0	1	
CONSENT TO PROSECUTE	5	1	4	3	0	1	0	1	1	0	2	
CONTRAVENTION OF ACT	1451	340	1111	805	34	225	4	28	514	192	454	
RIGHT OF ACCESS	2	1	1	1	0	1	0	0	0	1	0	
EXEMPTION FROM UNION SECURITY	16	2	14	8	0	5	0	0	3	1	7	
PROVISION IN COLLECTIVE AGREEMENT												
EARLY TERMINATION OF COLLECTIVE AGREEMENT	26	2	24	25	23	1	0	1	0	1	0	
TRADE UNION FINANCIAL STATEMENT	9	3	6	5	0	1	0	0	4	2	2	
JURISDICTIONAL DISPUTE	52	20	32	20	4	11	0	5	0	11	21	
REFERRAL ON EMPLOYEE STATUS	62	27	35	28	7	3	2	3	13	7	27	
REFERRAL FROM MINISTER ON APPOINTMENT	12	6	6	10	4	2	2	1	1	1	1	
OF CONCILIATION OFFICER OR ARBITRATOR												
REFERRAL OF CONSTRUCTION INDUSTRY	1562	228	1334	574	74	7	0	4	489	690	298	
GRIEVANCE												
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	134	24	110	72	4	14	0	0	54	11	51	
ENVIRONMENTAL PROTECTION ACT	3	2	1	3	1	2	0	0	0	0	0	
FIRST AGREEMENT ARBITRATION DIRECTION	15	0	15	12	1	3	0	2	6	1	2	
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	3	3	0	2	1	0	0	1	0	0	1	
FINAL OFFER VOTE**	28	2	26	27	6	15	0	0	6	0	1	

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

**For Final Offer Votes, Granted indicates that offer was accepted and dismissed indicates a rejection.

Table 2

Applications and Complaints Received and Disposed of Fiscal Years 1991-92 to 1995-96

Type of Case	Number Received, Fiscal Year					Number Disposed of, Fiscal Year						
	Total	1991-92	1992-93	1993-94	1994-95	1995-96	Total	1991-92	1992-93	1993-94	1994-95	1995-96
Total	21495	4170	3837	4525	4732	4231	15553	3041	2906	3287	3470	2849
CERTIFICATION OF BARGAINING AGENTS	4,956	1,092	824	1,166	1,077	797	4,612	988	743	1,135	987	759
COMBINATION OF BARGAINING UNITS	359	0	33	73	115	138	259	0	11	62	71	115
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	761	133	122	110	145	251	631	121	134	107	115	154
DECLARATION OF SUCCESSOR TRADE UNION	310	3	17	211	15	64	295	3	17	8	216	51
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1,298	238	257	262	307	234	859	148	177	178	194	162
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	17	13	1	3	0	0	15	2	13	0	0	0
ACCREDITATION	2	0	0	0	0	2	2	1	0	0	0	1
DECLARATION OF UNLAWFUL STRIKE	15	0	3	0	7	5	13	0	5	0	5	3
DECLARATION OF UNLAWFUL LOCKOUT	8	0	3	0	2	3	5	0	1	0	2	2
DIRECTION RESPECTING UNLAWFUL STRIKE	106	27	26	25	12	16	56	9	15	17	9	6
DIRECTION RESPECTING UNLAWFUL LOCKOUT	22	6	9	4	1	2	17	3	9	4	0	1
CONSENT TO PROSECUTE	16	2	3	2	5	4	13	1	4	0	5	3
CONTRAVENTION OF ACT	5,155	888	873	1,067	1,216	1,111	4,109	752	762	857	933	805
RIGHT OF ACCESS	12	1	0	6	4	1	10	1	0	4	4	1
EXEMPTION FROM UNION SECURITY	38	8	4	4	8	14	26	5	2	5	6	8
PROVISION IN COLLECTIVE AGREEMENT EARLY TERMINATION OF COLLECTIVE AGREEMENT	99	18	21	20	16	24	102	20	20	23	14	25
TRADE UNION FINANCIAL STATEMENT	23	7	2	2	6	6	19	7	2	2	3	5
JURISDICTIONAL DISPUTE	189	51	32	38	36	32	140	19	39	33	29	20
REFERRAL ON EMPLOYEE STATUS	168	43	26	25	39	35	137	49	23	20	17	28
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	51	4	5	26	10	6	44	6	1	12	15	10
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	7,154	1,490	1,392	1,364	1,574	1,334	3,581	793	767	722	725	574
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	0	1	0	0	0	1	0	0	1	0	0
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	485	84	102	91	98	110	384	66	87	70	89	72
ENVIRONMENTAL PROTECTION ACT	4	0	0	1	2	1	5	1	0	1	0	3
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	2	1	0	1	0	0	2	1	0	0	1	0
FIRST AGREEMENT ARBITRATION DIRECTION	118	36	46	7	14	15	101	28	44	7	10	12
ARBITRATION PROVISION	8	5	3	0	0	0	6	3	3	0	0	0
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	11	3	6	1	1	0	7	2	2	1	0	2
FINAL OFFER VOTE	106	16	26	16	22	26	101	11	25	18	20	27
MISCELLANEOUS	1	1	0	0	0	0	1	1	0	0	0	0

Table 3

Labour Relations Officer Activity in Cases Processed * Fiscal Year 1995-96

Type of Case	Total Cases Assigned	Cases in Which Activity Completed					
		Total	Settled		Referred to Board	Sine Die Pending	
			Number	Percent			
Total	2,881	1,509	1,265	83.8	244	815	557
CERTIFICATION OF BARGAINING AGENTS	589	481	402	83.6	79	32	76
Interim certificate	27	23	21	91.3	2	2	2
Pre-hearing application	51	39	29	74.4	10	2	10
Other application	625	492	415	84.3	77	58	75
CONTRAVENTION OF ACT	858	480	387	80.6	93	129	249
REFERRAL ON EMPLOYEE STATUS	22	12	10	83.3	2	2	8
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,315	484	432	89.3	52	641	190
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	96	51	34	66.7	17	11	34
ENVIRONMENTAL PROTECTION ACT	1	1	0	0.0	1	0	0

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

* * * * *

Table 4

Labour Relations Officer Settlements in Cases Disposed of* Fiscal Year 1995-96

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1482	1058	71.4
CONTRAVENTION OF ACT	805	504	62.6
REFERRAL ON EMPLOYEE STATUS	28	13	46.4
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	574	488	85.0
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	72	53	73.6
ENVIRONMENTAL PROTECTION ACT	3	0	0.0

* 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.

82
Table 5

Results of Representation Votes Conducted* **Fiscal Year 1995-96**

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	308	19,439	14,160	8,257
Certification	243	17,069	12,474	7,439
Pre-hearing cases				
One union	22	3,715	3,057	1,401
Two unions	23	1,605	1,227	1,205
Three unions	1	-	225	221
Construction cases				
One union	30	333	293	146
Two unions	3	37	59	27
Regular cases				
One union	141	9,957	6,605	3,485
Two unions	22	1,395	981	927
Three unions	1	27	27	27
Termination of Bargaining Rights				
One union	60	1,611	1,381	410
Successor Employer				
One union	3	54	52	10
Two unions	2	705	253	398

* 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 1995-96**

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
	Total	Appl. Won	Appl. Lost	In Votes			In Votes			In Votes		
				Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	254	159	95	15982	10121	5861	12645	7112	5533	7792	5460	2332
Certification	198	111	87	13568	7962	5606	11039	5726	5313	6577	4358	2219
Pre-hearing cases												
One union	22	4	18	3,983	1,536	2,447	3,305	959	2,346	1,474	603	871
Two unions	21	15	6	1,935	1,570	365	1,471	1,192	279	1,448	1,185	263
Three unions	1	0	1	-	-	-	225	0	225	221	0	221
Construction cases												
One union	20	10	10	195	70	125	191	77	114	108	50	58
Two unions	2	1	1	23	9	14	45	33	12	20	10	10
Regular cases												
One union	112	65	47	6,396	4,011	2,385	5,057	2,974	2,083	2,613	2,027	586
Two unions	19	15	4	1,009	739	270	718	464	254	666	456	210
Three unions	1	1	0	27	27	0	27	27	0	27	27	0
Termination												
One union	52	46	6	1,258	1,050	208	1,070	895	175	324	221	103
Successor Employer												
One union	2	0	2	47	0	47	45	0	45	10	0	10
Two unions	2	2	0	1,109	1,109	0	491	491	0	881	881	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.

**Time Required to Process Applications and Complaints Disposed of,
by Major Type of Case, Fiscal Year 1995-96**

Time Taken (Calendar Days)	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievance 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	2849	100.0	759	100.0	805	100.0	574	100.0	711	100.0
Under 8 days	182	6.4	9	1.2	136	16.9	13	2.3	24	3.4
8-14 days	267	15.8	8	2.2	75	26.2	145	27.5	39	8.9
15-21 days	397	29.7	122	18.3	57	33.3	156	54.7	62	17.6
22-28 days	294	40.0	154	38.6	41	38.4	44	62.4	55	25.3
29-35 days	237	48.3	89	50.3	70	47.1	28	67.2	50	32.3
36-42 days	161	54.0	37	55.2	59	54.4	21	70.9	44	38.5
43-49 days	147	59.1	49	61.7	54	61.1	15	73.5	29	42.6
50-56 days	112	63.1	35	66.3	41	66.2	14	76.0	22	45.7
57-63 days	90	66.2	34	70.8	20	68.7	13	78.2	23	48.9
64-70 days	79	69.0	30	74.7	19	71.1	7	79.4	23	52.2
71-77 days	64	71.3	17	76.9	26	74.3	2	79.8	19	54.9
78-84 days	108	75.0	24	80.1	22	77.0	7	81.0	55	62.6
85-91 days	68	77.4	18	82.5	13	78.6	19	84.3	18	65.1
92-98 days	34	78.6	8	83.5	10	79.9	1	84.5	15	67.2
99-105 days	50	80.4	8	84.6	14	81.6	6	85.5	22	70.3
106-126 days	86	83.4	23	87.6	14	83.4	9	87.1	40	75.9
127-147 days	78	86.1	13	89.3	20	85.8	4	87.8	41	81.7
148-168 days	50	87.9	11	90.8	14	87.6	6	88.9	19	84.4
Over 168 days	345	100.0	70	100.0	100	100.0	64	100.0	111	100.0

Table 8

Union Distribution of Certification Applications Received and Disposed of Fiscal Year 1995-96

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn***
All Unions	797	759	510	128	121
CLC Affiliates *	420	412	284	75	53
ALUMINUM BRICK AND GLASS WORKERS	1	1	0	0	1
AUTO WORKERS	4	8	4	4	0
BAKERY AND TOBACCO WORKERS	5	3	3	0	0
BREWERY AND SOFT DRINK WORKERS	1	2	1	1	0
CANADIAN AUTO WORKERS	37	39	25	12	2
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	63	63	49	7	7
CLOTHING AND TEXTILE WORKERS	4	1	1	0	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	22	21	14	2	5
FOOD AND COMMERCIAL WORKERS	69	69	45	14	10
GRAPHIC COMMUNICATION UNION	3	4	3	0	1
HOTEL EMPLOYEES	18	16	8	6	2
INTERNATIONAL WOODWORKERS OF AMERICA	1	1	1	0	0
IWA - CANADA	13	11	8	1	2
LADIES GARMENT WORKERS	1	1	1	0	0
MACHINISTS	7	6	3	2	1
NEWSPAPER GUILD	2	2	2	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	3	1	1	0	0
ONTARIO PUBLIC SERVICE EMPLOYEES	38	38	35	3	0
POSTAL WORKERS	1	1	1	0	0
SEAFARERS	1	0	0	0	0
SERVICE EMPLOYEES INTERNATIONAL	30	35	29	5	1
THEATRICAL STAGE EMPLOYEES	17	15	6	5	4
TRANSIT UNION (INTL.)	2	1	0	0	1
TYPOGRAPHICAL UNION	1	0	0	0	0
UNITED STEELWORKERS	62	57	39	8	10
UNITED TEXTILE WORKERS	14	16	5	5	6
Non-CLC Affiliates	377	347	226	53	68
ALLIED HEALTH PROFESSIONALS	5	4	4	0	0
ASBESTOS WORKERS	4	4	4	0	0
BOILERMAKERS	3	2	2	0	0
BRICKLAYERS INTERNATIONAL	17	17	8	4	5
CANADIAN EDUCATIONAL WORKERS	0	1	1	0	0
CANADIAN SECURITY UNION	6	4	2	0	2
CARPENTERS	42	20	13	4	3
CHRISTIAN LABOUR ASSOCIATION	14	13	11	0	2
ELECTRICAL WORKERS (IBEW)	14	19	9	4	6
FOOD AND SERVICE WORKERS	2	2	1	0	1
INDEPENDENT LOCAL UNION	6	5	2	2	1
INTERNATIONAL OPERATING ENGINEERS	32	35	23	5	7
LABOURERS	80	58	36	9	13
ONTARIO ENGLISH CATHOLIC TEACHERS	3	3	2	0	1
ONTARIO NURSES ASSOCIATION	17	21	19	2	0
ONTARIO PUBLIC SCHOOL TEACHERS	7	10	10	0	0
PAINTERS	12	13	5	1	7
PLANT GUARD WORKERS	3	5	4	0	1
PLUMBERS	27	21	12	5	4
PRACTICAL NURSES FEDERATION OF ONTARIO	3	4	2	0	2
SHEET METAL WORKERS	10	12	10	2	0
STRUCTURAL IRON WORKERS	4	4	2	1	1
TEAMSTERS	46	49	31	10	8
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	20	21	13	4	4

* 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 1995-96

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed*	With- drawn**
All Industries	797	759	510	128	121
Manufacturing	120	127	73	37	17
CHEMICALS	1	2	1	1	0
ELECTRICAL PRODUCTS	8	11	4	3	4
FABRICATED METALS	9	8	6	2	0
FOOD, BEVERAGES	18	18	6	8	4
FURNITURE, FIXTURES	3	3	1	2	0
MACHINERY	5	2	2	0	0
NON-METALLIC MINERALS	6	6	5	0	1
PAPER	5	4	4	0	0
PETROLEUM, COAL	3	3	2	1	0
PRIMARY METALS	4	6	3	2	1
PRINTING, PUBLISHING	8	8	7	0	1
RUBBER, PLASTICS	3	3	1	1	1
TEXTILES	2	2	1	1	0
TRANSPORTATION EQUIPMENT	19	19	13	6	0
WOOD	7	10	8	2	0
OTHER MANUFACTURING	19	22	9	8	5
Non-Manufacturing	677	632	437	91	104
ACCOMODATION, FOOD SERVICES	40	45	26	9	10
CONSTRUCTION	194	141	85	20	36
EDUCATION, RELATED SERVICES	25	29	24	2	3
ELECTRIC, GAS, WATER	9	9	7	1	1
HEALTH, WELFARE SERVICES	137	141	119	12	10
LOCAL GOVERNMENT	24	21	12	5	4
MINING, QUARRYING	1	1	1	0	0
PERSONAL SERVICES	11	9	7	1	1
REAL ESTATE, INSURANCE AGENCIES	6	6	5	1	0
RECREATIONAL SERVICES	25	21	11	6	4
RETAIL TRADE	50	48	32	11	5
STORAGE	5	6	5	1	0
TRANSPORTATION	19	16	8	3	5
WHOLESALE TRADE	7	9	3	3	3
OTHER SERVICES	124	130	92	16	22

* Includes cases that were terminated.

** Includes cases that were settled.

Table 10

Size of Bargaining Units in Certification Applications Granted Fiscal Year 1995-96

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	510	20,564	85	570	425	19,994
2-9 employees	184	895	67	259	117	636
10-19 employees	107	1,497	13	180	94	1,317
20-39 employees	84	2,324	5	131	79	2,193
40-99 employees	96	6,083	0	0	96	6,083
100-199 employees	21	2,875	0	0	21	2,875
200-499 employees	14	4,206	0	0	14	4,206
500 employees or more	4	2,684	0	0	4	2,684

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 512 bargaining units were certified in the 510 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 1995-96

Calendar Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	510	100.0	425	100.0	85	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	1	0.2	0	0.0	1	1.2
15-21 days	92	18.2	86	20.2	6	8.2
22-28 days	123	42.4	107	45.4	16	27.1
29-35 days	65	55.1	52	57.6	13	42.4
36-42 days	28	60.6	23	63.1	5	48.2
43-49 days	31	66.7	22	68.2	9	58.8
50-56 days	22	71.0	16	72.0	6	65.9
57-63 days	21	75.1	19	76.5	2	68.2
64-70 days	18	78.6	13	79.5	5	74.1
71-77 days	11	80.8	11	82.1	0	74.1
78-84 days	17	84.1	16	85.9	1	75.3
85-91 days	12	86.5	9	88.0	3	78.8
92-98 days	6	87.6	4	88.9	2	81.2
99-105 days	5	88.6	4	89.9	1	82.4
106-126 days	8	90.2	7	91.5	1	83.5
127-147 days	4	91.0	3	92.2	1	84.7
148-168 days	4	91.8	3	92.9	1	85.9
Over 168 days	42	100.0	30	100.0	12	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.

Employment Status of Employees in Bargaining Units Certified by Industry Fiscal Year 1995-96

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	512	20,564	31	1,346	23	524	40	3,824	418	14,870
Manufacturing	73	5,432	7	559	1	5	5	347	60	4,521
CHEMICALS	1	78	1	78	0	0	0	0	0	0
ELECTRICAL PRODUCTS	4	347	1	289	0	0	0	0	3	58
FABRICATED METALS	6	318	0	0	0	0	0	0	6	318
FOOD, BEVERAGES	6	338	0	0	0	0	0	0	6	338
FURNITURE, FIXTURES	1	59	0	0	0	0	0	0	1	59
MACHINERY	2	142	0	0	0	0	0	0	2	142
NON-METALLIC MINERALS	5	80	1	43	0	0	0	0	4	37
PAPER	4	301	0	0	0	0	0	0	4	301
PETROLEUM, COAL	2	192	0	0	0	0	0	0	2	192
PRIMARY METALS	3	1,010	0	0	0	0	0	0	3	1,010
PRINTING, PUBLISHING	7	122	0	0	1	5	0	0	6	117
RUBBER, PLASTICS	1	138	0	0	0	0	0	0	1	138
TEXTILES	1	21	0	0	0	0	1	21	0	0
TRANSPORTATION EQUIPMENT	13	1,590	1	50	0	0	2	265	10	1,275
WOOD	8	490	2	96	0	0	0	0	6	394
OTHER MANUFACTURING	9	206	1	3	0	0	2	61	6	142
Non-Manufacturing	439	15,132	24	787	22	519	35	3,477	358	10,349
ACCOMODATION, FOOD SERVICES	26	1,581	1	40	2	91	2	245	21	1,205
CONSTRUCTION	85	628	1	7	0	0	0	0	84	621
EDUCATION, RELATED SERVICES	24	3,789	2	96	2	12	2	1,330	18	2,351
ELECTRIC, GAS, WATER	7	270	3	73	0	0	1	85	3	112
HEALTH, WELFARE SERVICES	119	4,331	3	41	9	231	13	948	94	3,111
LOCAL GOVERNMENT	12	237	2	28	2	35	2	80	6	94
MINING, QUARRYING	1	17	1	17	0	0	0	0	0	0
PERSONAL SERVICES	7	145	1	26	2	21	0	0	4	98
REAL ESTATE, INSURANCE AGENCIES	5	200	1	55	0	0	0	0	4	145
RECREATIONAL SERVICES	11	307	1	90	1	6	0	0	9	211
RETAIL TRADE	32	1,440	2	69	0	0	7	667	23	704
STORAGE	5	54	0	0	0	0	0	0	5	54
TRANSPORTATION	8	211	0	0	0	0	1	15	7	196
WHOLESALE TRADE	3	46	0	0	0	0	1	7	2	39
OTHER SERVICES	94	1,876	6	245	4	123	6	100	78	1,408

Table 13

Employment Status of Employees in Bargaining Units Certified by Union

Fiscal Year 1995-96

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	512	20,564	31	1,346	23	524	40	3,824	418	14,870
CLC	284	13,149	19	1,022	17	363	31	2,393	217	9,371
AUTO WORKERS	4	16	0	0	0	0	0	0	4	16
BAKERY AND TOBACCO WORKERS	3	84	0	0	0	0	0	0	3	84
BREWERY AND SOFT DRINK WORKERS	1	10	0	0	0	0	0	0	1	10
CANADIAN AUTO WORKERS	25	1,843	4	384	0	0	5	368	16	1,091
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	49	1,245	5	87	4	40	7	351	33	767
CLOTHING AND TEXTILE WORKERS	1	36	0	0	0	0	0	0	1	36
COMMUNICATIONS, ENERGY AND PAPERWORKERS	14	925	1	150	1	5	0	0	12	770
UNION OF CANADA										
FOOD AND COMMERCIAL WORKERS	45	2,043	1	15	1	25	8	679	35	1,324
GRAPHIC COMMUNICATION UNION	3	73	0	0	0	0	0	0	3	73
HOTEL EMPLOYEES	8	362	0	0	1	66	1	68	6	228
INTERNATIONAL WOODWORKERS OF AMERICA	1	2	1	2	0	0	0	0	0	0
IWA - CANADA	8	372	2	106	0	0	0	0	6	266
LADIES GARMENT WORKERS	1	10	0	0	0	0	0	0	1	10
MACHINISTS	3	40	0	0	0	0	0	0	3	40
NEWSPAPER GUILD	2	84	0	0	0	0	0	0	2	84
OFFICE AND PROFESSIONAL EMPLOYEES	1	47	0	0	0	0	0	0	1	47
ONTARIO PUBLIC SERVICE EMPLOYEES	35	1,815	0	0	2	17	5	575	28	1,223
POSTAL WORKERS	1	8	0	0	0	0	0	0	1	8
SERVICE EMPLOYEES INTERNATIONAL	29	1,330	3	208	7	190	4	331	15	601
THEATRICAL STAGE EMPLOYEES	6	88	0	0	0	0	0	0	6	88
UNITED STEELWORKERS	39	2,667	2	70	1	20	0	0	36	2,577
UNITED TEXTILE WORKERS	5	49	0	0	0	0	1	21	4	28

Table 13 (Cont'd)

Employment Status of Employees in Bargaining Units Certified by Union

Fiscal Year 1995-96

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	512	20,564	31	1,346	23	524	40	3,824	418	14,870
Non-CLC	228	7,415	12	324	6	161	9	1,431	201	5,499
ALLIED HEALTH PROFESSIONALS	4	196	0	0	1	47	1	64	2	85
ASBESTOS WORKERS	4	26	0	0	0	0	0	0	4	26
BOILERMAKERS	2	27	0	0	0	0	0	0	2	27
BRICKLAYERS INTERNATIONAL	8	62	0	0	0	0	0	0	8	62
CANADIAN EDUCATIONAL WORKERS	1	480	0	0	0	0	1	480	0	0
CANADIAN SECURITY UNION	2	20	0	0	0	0	0	0	2	20
CARPENTERS	13	90	1	3	0	0	0	0	12	87
CHRISTIAN LABOUR ASSOCIATION	11	252	0	0	0	0	0	0	11	252
ELECTRICAL WORKERS (IBEW)	9	132	1	21	1	6	0	0	7	105
FOOD AND SERVICE WORKERS	1	261	0	0	0	0	0	0	1	261
INDEPENDENT LOCAL UNION	2	717	0	0	0	0	0	0	2	717
INTERNATIONAL OPERATING ENGINEERS	23	455	5	109	1	61	0	0	17	285
LABOURERS	38	427	1	41	1	29	4	15	32	342
ONTARIO ENGLISH CATHOLIC TEACHERS	2	592	0	0	0	0	0	0	2	592
ONTARIO NURSES ASSOCIATION	19	336	1	30	1	10	0	0	17	296
ONTARIO PUBLIC SCHOOL TEACHERS	10	626	1	90	1	8	0	0	8	528
PAINTERS	5	41	0	0	0	0	0	0	5	41
PLANT GUARD WORKERS	4	19	0	0	0	0	0	0	4	19
PLUMBERS	12	66	0	0	0	0	0	0	12	66
PRACTICAL NURSES FEDERATION OF ONTARIO	2	53	0	0	0	0	0	0	2	53
SHEET METAL WORKERS	10	73	0	0	0	0	0	0	10	73
STRUCTURAL IRON WORKERS	2	15	0	0	0	0	0	0	2	15
TEAMSTERS	31	556	1	26	0	0	1	7	29	523
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	13	1,893	1	4	0	0	2	865	10	1,024

Table 14

Occupational Groups in Bargaining Units Certified by Industry Fiscal Year 1995-96

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
=====												
All Industries	512	20,564	348	11,538	35	1,751	57	3,324	4	49	68	3,902
=====												
Manufacturing	73	5,432	64	4,876	5	320	2	19	0	0	2	217
=====												
CHEMICALS	1	78	1	78	0	0	0	0	0	0	0	0
ELECTRICAL PRODUCTS	4	347	3	329	0	0	0	0	0	0	1	18
FABRICATED METALS	6	318	6	318	0	0	0	0	0	0	0	0
FOOD, BEVERAGES	6	338	5	328	0	0	1	10	0	0	0	0
FURNITURE, FIXTURES	1	59	1	59	0	0	0	0	0	0	0	0
MACHINERY	2	142	2	142	0	0	0	0	0	0	0	0
NON-METALLIC MINERALS	5	80	5	80	0	0	0	0	0	0	0	0
PAPER	4	301	4	301	0	0	0	0	0	0	0	0
PETROLEUM, COAL	2	192	1	20	1	172	0	0	0	0	0	0
PRIMARY METALS	3	1,010	3	1,010	0	0	0	0	0	0	0	0
PRINTING, PUBLISHING	7	122	4	57	2	56	1	9	0	0	0	0
RUBBER, PLASTICS	1	138	1	138	0	0	0	0	0	0	0	0
TEXTILES	1	21	1	21	0	0	0	0	0	0	0	0
TRANSPORTATION EQUIPMENT	13	1,590	11	1,364	1	27	0	0	0	0	1	199
WOOD	8	490	8	490	0	0	0	0	0	0	0	0
OTHER MANUFACTURING	9	206	8	141	1	65	0	0	0	0	0	0
=====												
Non-Manufacturing	439	15,132	284	6,662	30	1,431	55	3,305	4	49	66	3,685
=====												
ACCOMMODATION, FOOD SERVICES	26	1,581	19	925	0	0	0	0	0	0	7	656
CONSTRUCTION	85	628	85	628	0	0	0	0	0	0	0	0
EDUCATION, RELATED SERVICES	24	3,789	9	786	5	914	8	2,006	0	0	2	83
ELECTRIC, GAS, WATER	7	270	4	122	2	124	0	0	0	0	1	24
HEALTH, WELFARE SERVICES	119	4,331	35	1,196	17	296	41	1,222	0	0	26	1,617
LOCAL GOVERNMENT	12	237	11	190	0	0	1	47	0	0	0	0
MINING, QUARRYING	1	17	0	0	0	0	0	0	0	0	1	17
PERSONAL SERVICES	7	145	6	136	0	0	0	0	0	0	1	9
REAL ESTATE, INSURANCE AGENCIES	5	200	5	200	0	0	0	0	0	0	0	0
RECREATIONAL SERVICES	11	307	8	264	1	8	0	0	0	0	2	35
RETAIL TRADE	32	1,440	13	472	0	0	0	0	0	4	15	919
STORAGE	5	54	4	51	1	3	0	0	0	0	0	0
TRANSPORTATION	8	211	5	85	0	0	0	0	0	0	3	126
WHOLESALE TRADE	3	46	3	46	0	0	0	0	0	0	0	0
OTHER SERVICES	94	1,876	77	1,561	4	86	5	30	0	0	8	199

Table 15

Occupational Groups in Bargaining Units Certified by Union Fiscal Year 1995-96

	Office					
	All Groups	Production & Related	Clerical & Technical	Professional	Sales	Other
	Number	Empls.	Number	Empls.	Number	Empls.
	Empls.		Empls.		Empls.	
All Unions	512	20,564	348	11,538	35	1,751
					57	3,324
					4	49
					68	3,902
CLC	284	13,149	172	8,156	29	765
					22	819
					4	49
					57	3,360
AUTO WORKERS	4	16	4	16	0	0
BAKERY AND TOBACCO WORKERS	3	84	2	75	0	0
BREWERY AND SOFT DRINK WORKERS	1	10	0	0	0	0
CANADIAN AUTO WORKERS	25	1,843	19	1,476	2	30
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	49	1,245	21	661	12	244
CLOTHING AND TEXTILE WORKERS	1	36	1	36	0	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	14	925	10	646	2	250
FOOD AND COMMERCIAL WORKERS	45	2,043	27	912	1	3
GRAPHIC COMMUNICATION UNION	3	73	2	41	1	32
HOTEL EMPLOYEES	8	362	7	355	0	0
INTERNATIONAL WOODWORKERS OF AMERICA	1	2	1	2	0	0
IWA - CANADA	8	372	8	372	0	0
LADIES GARMENT WORKERS	1	10	0	0	0	0
MACHINISTS	3	40	1	18	2	22
NEWSPAPER GUILD	2	84	1	60	1	24
OFFICE AND PROFESSIONAL EMPLOYEES	1	47	0	0	0	0
ONTARIO PUBLIC SERVICE EMPLOYEES	35	1,815	10	177	5	59
POSTAL WORKERS	1	8	1	8	0	0
SERVICE EMPLOYEES INTERNATIONAL	29	1,330	18	849	2	36
THEATRICAL STAGE EMPLOYEES	6	88	4	48	0	0
UNITED STEELWORKERS	39	2,667	30	2,355	1	65
UNITED TEXTILE WORKERS	5	49	5	49	0	0

Fiscal Year 1995-96

	Office					
	All Groups	Production & Related	Clerical & Technical	Professional	Sales	Other
Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.	Number Empls.
=====	=====	=====	=====	=====	=====	=====
All Unions	512 20,564	348 11,538	35 1,751	57 3,324	4 49	68 3,902
Non-CLC	228 7,415	176 3,382	6 986	35 2,505	0 0	11 542
ALLIED HEALTH PROFESSIONALS	4 196	0 0	0 0	4 196	0 0	0 0
ASBESTOS WORKERS	4 26	4 26	0 0	0 0	0 0	0 0
BOILERMAKERS	2 27	2 27	0 0	0 0	0 0	0 0
BRICKLAYERS INTERNATIONAL	8 62	8 62	0 0	0 0	0 0	0 0
EDUCATIONAL WORKERS	1 480	0 0	1 480	0 0	0 0	0 0
CANADIAN SECURITY UNION	2 20	2 20	0 0	0 0	0 0	0 0
CARPENTERS	13 90	13 90	0 0	0 0	0 0	0 0
CHRISTIAN LABOUR ASSOCIATION	11 252	11 252	0 0	0 0	0 0	0 0
ELECTRICAL WORKERS (IBEW)	9 132	9 132	0 0	0 0	0 0	0 0
FOOD AND SERVICE WORKERS	1 261	0 0	0 0	0 0	0 0	1 261
INDEPENDENT LOCAL UNION	2 717	1 500	0 0	1 217	0 0	0 0
INTERNATIONAL OPERATING ENGINEERS	23 455	20 428	2 10	0 0	0 0	1 17
LABOURERS	38 427	35 409	0 0	0 0	0 0	18
ONTARIO ENGLISH CATHOLIC TEACHERS	2 592	0 0	0 0	2 592	0 0	0 0
ONTARIO NURSES ASSOCIATION	19 336	1 36	1 74	17 226	0 0	0 0
ONTARIO PUBLIC SCHOOL TEACHERS	10 626	5 219	1 128	3 214	0 0	1 65
PAINTERS	5 41	5 41	0 0	0 0	0 0	0 0
PLANT GUARD WORKERS	4 19	4 19	0 0	0 0	0 0	0 0
PLUMBERS	12 66	12 66	0 0	0 0	0 0	0 0
PRACTICAL NURSES FEDERATION OF ONTARIO	2 53	0 0	0 0	2 53	0 0	0 0
SHEET METAL WORKERS	10 73	10 73	0 0	0 0	0 0	0 0
STRUCTURAL IRON WORKERS	2 15	2 15	0 0	0 0	0 0	0 0
TEAMSTERS	31 556	27 407	0 0	1 5	0 0	3 144
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	13 1,893	5 560	1 294	5 1,002	0 0	2 37

Table 16

Total Bill 40 Applications and Complaints Received, Disposed of and Pending

Fiscal Year 1995-96

Type of Case	Caseload			Disposed of Fiscal Year 1995-96									
	Total	Pending April 1, 1995	Received Fiscal Year 1995-96	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled	Sine Die	Pending March 31, 1996		
	388	97	291	258	87	41	18	88	24	69	61		
COMBINATION OF BARGAINING UNITS	169	32	137	115	65	5	8	34	3	38	16		
COMPLAINTS DURING ORGANIZING ACTIVITIES	17	7	10	14	1	2	-	7	4	2	1		
INTERIM ORDER	84	16	68	64	7	16	5	24	12	7	13		
JURISDICTIONAL DISPUTE	49	17	32	20	4	11	-	5	-	11	18		
MINISTERIAL REFERENCE	11	5	6	9	3	2	2	1	1	1	1		
REPLACEMENT WORKERS	31	6	25	25	3	4	2	14	2	6	-		
SALE OF BUSINESS CONTRACT SERVICE SECTOR	26	13	13	10	4	-	1	3	2	4	12		
ACCESS TO THIRD PARTY PREMISES	1	1	-	1	-	1	-	-	-	-	-		

XIV STAFF AND BUDGET 1996-97

At the end of the fiscal year 1996-97, the Board employed a total of 117 persons on a full-time basis. The Board has two types of employees. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council. The administrative, field, legal, and support staff are civil service appointees.

The total budget of the Ontario Labour Relations Board for the 1996-97 fiscal year was \$9.6 million.

XV CASELOAD 1996-97

In fiscal year 1996-97, the Board received a total of 4,360 applications and complaints, an increase of 3.0 percent from the intake of 4,231 cases in 1995-96. 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 14.3 percent over last year, allegations of contraventions of the Act decreased by 13.0 percent and referrals of grievances under construction industry collective agreements decreased by 11.6 percent. The total of all other types of cases, which for the first time includes *Employment Standards Act* and *Occupational Health & Safety Act* appeals, increased by 54.8 percent. (Tables 1 and 2)

In addition to the cases received, 1,370 were carried over from the previous year for a total caseload of 5,730 in 1996-97. Of the total caseload, 2,900 or 50.6 percent, were disposed of during the year; proceedings in 1,039 were adjourned sine die* (without a fixed date for further action) at the request of the parties; and 1,791 were pending in various stages of processing at March 31, 1997.

The total number of cases processed during the year produced an average workload of 302 cases for the Board's full-time chair, alternate chair, and vice-chairs, and the total disposition represented an average output of 153 cases.

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

Labour Relations Officer Activity

In 1996-97, the Board's labour relations officers were assigned a total of 2,762 cases to help the parties settle differences between them without the necessity of formal litigation before the Board. The assignments comprised 48.2 percent of the Board's total caseload, and included 533 certification applications, 22 cases concerning the status of individuals as employees under the Act, 866 complaints of alleged contravention of the Act, 1,201 grievances under construction industry collective agreements, 139 complaints under the *Occupational Health and Safety Act*, and one complaint under the *Smoking in the Workplace Act*. (Table 3)

The labour relations officers completed activity in 1,450 of the assignments, obtaining settlements in 1,202 or 82.9 percent. They referred 248 cases to the Board for decisions; proceedings were adjourned sine die in 725 cases; and settlement efforts were continuing in the remaining 587 cases at March 31, 1997. Labour relations officers were also successful in having hearings waived by the parties in 381 or 71.5 percent of 533 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 1996-97, the Board's returning officers conducted a total of 722 representation votes among employees in one or more bargaining units. Of the 722 votes conducted, 596 involved certification applications, 117 were held in applications for termination of existing bargaining rights, and nine were taken in successor employer applications. (Table 5)

Of the certification votes, 551 involved a single union on the ballot, and 43 involved two unions.

A total of 42,386 employees were eligible to vote in the 722 elections that were conducted, of whom 32,585 or 76.9 percent cast ballots. Of those who participated, 54.2 percent voted in favour of union representation. In the 551 elections in certification applications that involved a single union, 79.5 percent of the eligible voters cast ballots, with 48.5 percent of the participants voting for union representation.

In the 117 votes in applications for termination of bargaining rights, 85.2 percent of the eligible voters cast ballots, with only 39.1 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 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are used to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 27 requests dealt with by the Board during the fiscal year, five cases were granted, 14 cases were dismissed, one case was withdrawn, settlements were reached in four cases before a vote was taken, and the remaining three cases were pending at March 31, 1997.

In the 21 votes held, employees accepted the employer's offer in five cases by 501 votes in favour to 380 against, and rejected the offer in 14 cases by 710 votes against to 189 in favour. The remaining two cases were pending at March 31, 1997.

Processing Time

Table 7 provides statistics on the time taken by the Board to process the 2,900 cases disposed of in 1996-97. Information is shown separately for the three major categories of cases handled by the Board - certification applications, complaints of contravention of the Act, and referrals of grievances under construction industry collective agreements - and for the other categories combined.

A median of 45 days was taken to proceed from filing to disposition for the 2,900 cases that were completed in 1996-97, compared with 38 days in 1995-96; certification applications were processed in a median of 29 days, compared with 35 days in 1995-96; complaints of contravention of the Act took 63 days, compared with 39 days in 1995-96; and referrals of construction industry grievances required 25 days compared to 20 days in 1995-96. The median time for the total of all other cases increased to 84 days from 66 in 1995-96. Some of the increase in median time can be attributed to transitional issues surrounding the administrative merger between the Board and the Office of Adjudication.

Sixty-five point six percent (65.6) of all dispositions were accomplished in 84 days (3 months) or less, compared with 80.8 percent for certification applications, 59.7 percent for complaints of contravention of the Act, 78.6 percent for referrals of construction industry grievances, and 50.5 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 555 from 345 in 1995-96. (Table 7)

Certification of Bargaining Agents

In 1996-97, the Board received 683 applications for certification of trade unions as bargaining agents of employees, a decrease of 14.3 percent from 1995-96. (Tables 1 and 2)

Nine unions, each with more than 25 applications, accounted for 57.7 percent of the total filings: Food and Commercial Workers (61 cases), Carpenters (58 cases), United Steelworkers (54 cases), Electrical Workers (IBEW) (43 cases), Public Employees (CUPE) (41 cases), Service Employees International (36 cases), Labourers (34 cases), Teamsters (34 cases), and Canadian Auto Workers (33 cases). In contrast, 17 unions filed fewer than 5 applications each. These unions together accounted for 6.4 percent of the total certification filings. (Table 8)

Table 9 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 81.4 percent of the applications received, concentrated in construction (199 cases) and health and welfare services (120 cases). These two groups comprised 57.4 percent of the total non-manufacturing applications. Of the 127 applications involving establishments in manufacturing industries, 27.5 percent were in two groups: transportation equipment (18 cases), and food and beverage (17 cases).

In addition to the applications received, 198 cases were carried over from last year, making a total certification caseload of 881 in 1996-97. Of the total caseload, 656 were disposed of, proceedings were adjourned sine die in 28 cases, and 197 cases were pending at March 31, 1997. Of the 656 dispositions, certification was granted in 387 cases, including 6 in which interim certificates were issued under section 9(2) of the Act, and seven that were certified under section 11(1); 201 cases were dismissed; and 60 cases were settled or withdrawn. The certified cases represented 59.0 percent of the total dispositions. (Table 1)

Of the 588 applications that were either certified or dismissed, final decisions in 541 cases were based on the results of representation votes. Of the 541 votes conducted, 499 involved a single union on the ballot, and 41 were held between two unions. Applicants won in 368 of the votes and lost in the other 173. (Table 6)

A total of 32,792 employees were eligible to vote in the 541 elections, of whom 24,395 or 74.4 percent cast ballots. In the 368 votes that were won and resulted in certification, 12,248 or 68.2 percent of the 17,946 employees eligible to vote cast ballots, and of these voters 8,733 or 71.3 percent favoured union representation. In the 173 elections that were lost and resulted in dismissals, 12,147 employees participated, and, of these, 4,443 or 36.6 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 1996-97. The average size of the 396 bargaining units in the 387 applications that were certified was 54 employees, compared with 40 employees in 1995-96. The 91 units in construction certifications averaged 10 employees, and the 305 units in non-construction certifications averaged 68 employees. Seventy-three point four (73.4) percent of the total certification applications involved units of fewer than 40 employees, and 33.6 percent applied to units of fewer than 10 employees. The total number of employees covered by the certification applications granted increased to 21,496 from 20,564 in 1995-96. (Table 10)

Of the employees covered by the certification applications granted, 2,315, or 10.8 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 4,401 employees. Full-time and part-time employees were represented in units covering 14,780 employees, including units that did not specifically exclude employees working 24 hours or less a week. (Tables 12 and 13)

Seventy (70.0) percent of the employees, or 15,042 were employed in production and related occupations; and 756 were in office, clerical and technical occupations - mainly in printing, publishing, and health and welfare services. Professional employees, found mostly in health and welfare services, accounted for 3,583 employees; a small number, 34 employees, were in sales classifications; and 2,081 were in units that included employees in two or more classifications. (Tables 14 and 15)

Disposition Time

A median time of 29 calendar days was required to complete the 387 certification applications granted from receipt to disposition. The median time was also 29 days for both non-construction and construction certifications. (Table 11)

Declaration and Direction of Unlawful Strike

In 1996-97, the Board dealt with 17 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. Four applications were granted, five cases were settled, one case was dismissed, proceedings were adjourned sine die in another four cases, and the remaining three cases were pending at March 31, 1997.

One application was dealt with seeking directions under section 100 regarding alleged unlawful strikes by employees in non-construction industries. The application was granted.

The Board dealt with 20 applications seeking directions under section 144 of the Act against alleged unlawful strikes by construction worker - 17 were new applications, and three cases were carried over from 1995-96. Of these, three applications were granted, eight cases were settled, three cases were withdrawn, proceedings were adjourned sine die in four cases and the remaining two were pending at March 31, 1997.

Declaration and Direction of Unlawful Lock-out

Twelve applications seeking a declaration under section 101 of the Act regarding an alleged unlawful lock-out by construction employers were processed in 1996-97. Four cases were settled, two were dismissed, proceedings were adjourned sine die in four cases, and the remaining two cases were pending at March 31, 1997.

One application was processed seeking a direction under section 101 of the Act regarding an alleged unlawful lock-out by non-construction employers. The case was pending at March 31, 1997.

Consent to Prosecute

In 1996-97, the Board dealt with seven applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act.

Of the seven applications processed, two cases were adjourned sine die, and the remaining five cases were pending at March 31, 1997.

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes voluntary settlements by the parties involved, with the assistance of a labour relations officer.

In 1996-97, the Board received 967 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 454 cases were carried over from 1995-96. Of the 1,421 cases processed, 807 were disposed of, proceedings were adjourned sine die in 174 cases, and 440 cases were pending at March 31, 1997.

In 477, or 59.1 percent, of the 807 dispositions, voluntary settlements and withdrawals of the complaint were secured by labour relations officers (Table 4). Remedial orders were issued by the Board in 30 cases, 270 cases were dismissed, 480 cases were settled, 21 cases were withdrawn and six cases were terminated. (Table 1)

Construction Industry Grievances

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

In 1996-97, the Board received 1,179 cases under this section, a decrease of 11.6 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, 298 were carried over from 1995-96. Of the total 1,477 processed, 589 were disposed of; of these, 200 cases were granted, seven cases were dismissed, 380 cases settled, two cases were withdrawn, proceedings were adjourned sine die in 616 cases, and 272 were pending at March 31, 1997.

In 380 or 64.5 percent of the 589 dispositions, voluntary settlements and withdrawal of the grievance were obtained by labour relations officers (Table 4), and awards were made by the Board in 200 cases.

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Religious Exemption

Nineteen applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Eleven applications were settled, two were dismissed, and the remaining six applications were pending at March 31, 1997.

Early Termination of Collective Agreements

Twelve applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in all 12 cases.

Union Financial Statements

Nine complaints were dealt with under section 92 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, three cases were dismissed, and the remaining five cases were pending at March 31, 1997.

Jurisdictional Disputes

Fifty-three complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in ten cases, two cases were settled, five cases were dismissed, five cases were withdrawn, seven cases were adjourned sine die, and 24 cases were pending at March 31, 1997.

Determination of Employee Status

The Board dealt with 54 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Eleven cases were settled by the parties in discussions with labour relations officers. Determinations were made by the Board in five cases, five cases were dismissed, two cases were withdrawn, and proceedings were adjourned sine die in seven cases. The remaining 24 cases were pending at March 31, 1997.

Referrals by Minister of Labour

In 1996-97, the Board dealt with seven cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. One case was granted, one was settled, another was withdrawn, and four cases were pending at March 31, 1997.

The Board also dealt with eight cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act*. Five cases were granted and the remaining three were pending at March 31, 1997.

Trusteeship Reports

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

First Agreement Arbitration

In 1996-97, the Board received 20 applications for directions to settle first agreements by arbitration. Five directions were issued, one case was dismissed, three were settled, proceedings were adjourned sine die in five cases, and six cases were pending at March 31, 1997.

Determination of Sector in the Construction Industry

One application was dealt with by the Board under section 166 asking the Board to determine whether construction work in question was within the industrial-commercial-institutional sector. The case was granted.

Occupational Health and Safety Act and the Smoking in the Workplace Act

In 1996-97, the Board received 141 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Fifty-one cases were carried over from 1995-96.

Of the total 192 cases processed, 110 cases were disposed of. Of these, 78 cases were settled by the parties in discussions with labour relations officers (Table 4). Two cases were granted, 29 cases were dismissed, one was withdrawn, proceedings were adjourned sine die in 29 cases, and the remaining 53 were pending at March 31, 1997.

One application under the *Smoking in the Workplace Act* was dealt with by the Board in 1996-97. The case was settled.

Colleges Collective Bargaining Act

Six complaints were received under section 77 of the *Colleges Collective Bargaining Act* in 1996-97, and one was carried over from 1995-96. Of the seven complaints dealt with by the Board, two cases were withdrawn, proceedings were adjourned sine die in another two, and the remaining three cases were pending at March 31, 1997.

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

Appeals under The Employment Standard Act and The Occupational Health and Safety Act

On October 2, 1996, as a result of an administrative merger, the Ontario Labour Relations Board assumed responsibility for dealing with matters that were formerly handled by the Office of Adjudication. Adjudicators and referees at the Board began presiding over *Employment Standards Act* matters in mid-December 1996. Appeals under the *Occupational Health and Safety Act* were assimilated into the Board's work in the spring of 1997.

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, termination issues, and severance pay. Adjudicators and referees at the Board hear appeals of employment standards officers' decisions relating to any of these kinds of matters. The Board dealt with 514 appeals during 1996-97: of the 188 cases that were disposed of, 24 were granted, 76 were dismissed, 27 were terminated, 56 were withdrawn, five were settled and 74 were adjourned sine die. The remaining 252 cases were pending at March 31, 1997. (Table 1)

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the occupational health and safety adjudicator. Two hundred and forty-three (243) appeals were dealt with by the Board. Of the 13 cases that were disposed of, one appeal was granted, two were dismissed, one was withdrawn, nine were settled and three were adjourned sine die. Two hundred and twenty seven (227) cases were pending at March 31, 1997. (Table 1)

XVI COURT ACTIVITY 1996-97

During the fiscal year 1996-97, the Ontario Court of Justice (General Division) (Divisional Court) dealt with nine applications for judicial review, all of which were dismissed. Two other applications for judicial review and one application for leave to appeal to the Court of Appeal were abandoned.

Two applications for leave to have a matter heard before a single judge on the grounds of urgency were dismissed. In one of those cases, an application to stay the Board's decision pending the determination of a judicial review application was also dismissed, and a motion to strike an affidavit was granted.

The Court of Appeal dismissed a motion to quash an appeal of the Divisional Court's decision that granted an application for judicial review. The appeal is still pending.

Eighteen other applications for judicial review and two other applications for leave to appeal to the Court of Appeal were pending at year-end.

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

XVII STATISTICAL TABLES 1996-97

The following statistics reflect the activities of the Ontario Labour Relations Board during the fiscal year 1996-97.

- Table 1: Total Applications and Complaints Received, Disposed of and Pending, Fiscal Year 1996-97.
- Table 2: Applications and Complaints Received and Disposed of, Fiscal Years 1992-93 to 1996-97.
- Table 3: Labour Relations Officer Activity in Cases Processed, Fiscal Year 1996-97.
- Table 4: Labour Relations Officer Settlements in Cases Disposed of, Fiscal Year 1996-97.
- Table 5: Results of Representation Votes Conducted, Fiscal Year 1996-97.
- Table 6: Results of Representation Votes in Cases Disposed of, Fiscal Year 1996-97.
- Table 7: Time Required to Process Applications and Complaints Disposed of, by Major type of Case, Fiscal Year 1996-97.
- Table 8: Union Distribution of Certification Applications Received and Disposed of, Fiscal Year 1996-97.
- Table 9: Industry Distribution of Certification Applications Granted, Fiscal Year 1996-97.
- Table 10: Size of Bargaining Units in Certification Applications Granted, Fiscal Year 1996-97.
- Table 11: Time Required to Process Certification Applications Granted, Fiscal Year 1996-97.
- Table 12: Employment Status of Employees in Bargaining Units Certified, by Industry Fiscal Year 1996-97.
- Table 13: Employment Status of Employees in Bargaining Units Certified, by Union, Fiscal Year 1996-97.
- Table 14: Occupational Groups in Bargaining Units Certified, by Industry, Fiscal Year 1996-97.

Table 15: Occupational Groups in Bargaining Units Certified, by Union, Fiscal Year 1996-97.

Table 1

Total Applications and Complaints Received, Disposed of and Pending Fiscal Year 1996-97

Type of Case	Caseload			Disposed of Fiscal Year 1996-97								Sine Die	Pending March 31, 1997
	Total	Pending April 1, 1996	Received Fiscal Year 1996-97	Total	Granted*	Dismissed	Terminated	Withdrawn	Settled				
Total	5730	1370	4360	2900	866	700	18	103	1213	1039	1791		
CERTIFICATION OF BARGAINING AGENTS	881	198	683	656	387	201	8	5	55	28	197		
COMBINATION OF BARGAINING UNITS	17	17	0	10	1	1	0	0	8	0	7		
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	307	114	193	228	112	70	4	4	38	25	54		
DECLARATION OF SUCCESSOR TRADE UNION	14	14	0	12	12	0	0	0	0	1	1		
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	391	150	241	138	44	11	0	1	82	56	197		
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	2	2	0	0	0	0	0	0	0	0	2		
ACCREDITATION	2	1	1	1	1	0	0	0	0	0	1		
DECLARATION OF UNLAWFUL STRIKE	17	1	16	10	4	1	0	0	5	4	3		
DECLARATION OF UNLAWFUL LOCKOUT	12	1	11	6	0	2	0	0	4	4	2		
DIRECTION RESPECTING UNLAWFUL STRIKE	21	4	17	15	4	0	0	3	8	4	2		
DIRECTION RESPECTING UNLAWFUL LOCKOUT	1	1	0	0	0	0	0	0	0	0	1		
CONSENT TO PROSECUTE	7	2	5	0	0	0	0	0	0	0	5		
CONTRAVENTION OF ACT	1421	454	967	807	30	270	6	21	480	174	440		
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	19	7	12	13	0	2	0	0	11	0	6		
EARLY TERMINATION OF COLLECTIVE AGREEMENT	12	0	12	12	12	0	0	0	0	0	0		
TRADE UNION FINANCIAL STATEMENT	9	2	7	4	0	3	0	0	1	0	5		
JURISDICTIONAL DISPUTE	53	21	32	22	10	5	0	5	2	7	24		
REFERRAL ON EMPLOYEE STATUS	54	27	27	23	5	5	0	2	11	7	24		
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	15	1	14	8	6	0	0	1	1	0	7		
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1477	298	1179	589	200	7	0	2	380	616	272		
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	192	51	141	110	2	29	0	1	78	29	53		
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	0	1	1	0	0	0	0	1	0	0		
FIRST AGREEMENT ARBITRATION DIRECTION	20	2	18	9	5	1	0	0	3	5	6		
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	1	1	0	1	1	0	0	0	0	0	0		
FINAL OFFER VOTE**	27	1	26	24	5	14	0	1	4	0	3		
EMPLOYMENT STANDARDS ACT (APPEALS)	514	0	514	188	24	76	0	57	31	74	252		
OCCUPATIONAL HEALTH & SAFETY ACT (APPEALS)	243	0	243	13	1	2	0	1	9	3	227		

* 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 1992-93 to 1996-97

Type of Case	Number Received, Fiscal Year					Number Disposed of, Fiscal Year						
	Total	1992-93	1993-94	1994-95	1995-96	96/97	Total	1992-93	1993-94	1994-95	1995-96	1996/97
Total	21,685	3,837	4,525	4,732	4,231	4,360	15,412	2,906	3,287	3,470	2,849	2,900
CERTIFICATION OF BARGAINING AGENTS	4,547	824	1,166	1,077	797	683	4,280	743	1,135	987	759	656
COMBINATION OF BARGAINING UNITS	359	33	73	115	138	0	269	11	62	71	115	10
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	821	122	110	145	251	193	738	134	107	115	154	228
DECLARATION OF SUCCESSOR TRADE UNION	307	17	211	15	64	0	304	17	8	216	51	12
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	1,301	257	262	307	234	241	849	177	178	194	162	138
APPLICATION UNDER SUCCESSOR RIGHTS (CROWN TRANSFERS)	4	1	3	0	0	0	13	13	0	0	0	0
ACCREDITATION	3	0	0	0	2	1	2	0	0	0	1	1
DECLARATION OF UNLAWFUL STRIKE	31	3	0	7	5	16	23	5	0	5	3	10
DECLARATION OF UNLAWFUL LOCKOUT	19	3	0	2	3	11	11	1	0	2	2	6
DIRECTION RESPECTING UNLAWFUL STRIKE	96	26	25	12	16	17	62	15	17	9	6	15
DIRECTION RESPECTING UNLAWFUL LOCKOUT	16	9	4	1	2	0	14	9	4	0	1	0
CONSENT TO PROSECUTE	19	3	2	5	4	5	12	4	0	5	3	0
CONTRAVENTION OF ACT	5,234	873	1,067	1,216	1,111	967	4,164	762	857	933	805	807
RIGHT OF ACCESS	11	0	6	4	1	0	9	0	4	4	1	0
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	42	4	4	8	14	12	34	2	5	6	8	13
EARLY TERMINATION OF COLLECTIVE AGREEMENT	93	21	20	16	24	12	94	20	23	14	25	12
TRADE UNION FINANCIAL STATEMENT	23	2	2	6	6	7	16	2	2	3	5	4
JURISDICTIONAL DISPUTE	170	32	38	36	32	32	143	39	33	29	20	22
REFERRAL ON EMPLOYEE STATUS	152	26	25	39	35	27	111	23	20	17	28	23
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR	61	5	26	10	6	14	46	1	12	15	10	8
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	6,843	1,392	1,364	1,574	1,334	1,179	3,377	767	722	725	574	589
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	1	1	0	0	0	0	1	0	1	0	0	0
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	542	102	91	98	110	141	428	87	70	89	72	110
ENVIRONMENTAL PROTECTION ACT	4	0	1	2	1	0	4	0	1	0	3	0
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	2	0	1	0	0	1	2	0	0	1	0	1
FIRST AGREEMENT ARBITRATION DIRECTION	100	46	7	14	15	18	82	44	7	10	12	9
ARBITRATION PROVISION	3	3	0	0	0	0	3	3	0	0	0	0
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	8	6	1	1	0	0	6	2	1	0	2	1
FINAL OFFER VOTE	116	26	16	22	26	26	114	25	18	20	27	24
EMPLOYMENT STANDARDS ACT (APPEALS)	514	0	0	0	0	514	188	0	0	0	0	188
OCCUPATIONAL HEALTH & SAFETY ACT (APPEALS)	243	0	0	0	0	243	13	0	0	0	0	13

Table 3

Labour Relations Officer Activity in Cases Processed *

Fiscal Year 1996-97

Type of Case	Total Cases Assigned	Cases in Which Activity Completed					
		Total	Settled		Referred to Board	Sine Die Pending	
			Number	Percent			
Total	2,762	1,450	1,202	82.9	248	725	587
CERTIFICATION OF BARGAINING AGENTS	533	395	334	84.6	61	17	121
Interim certificate	4	4	2	50.0	2	0	0
Other application	530	391	332	84.9	59	17	122
CONTRAVENTION OF ACT	866	466	387	83.0	79	125	275
REFERRAL ON EMPLOYEE STATUS	22	12	12	100.0	0	1	9
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,201	500	402	80.4	98	556	145
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	139	76	66	86.8	10	26	37
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	1	1	100.0	0	0	0

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

* * * * *

Table 4

Labour Relations Officer Settlements in Cases Disposed of*

Fiscal Year 1996-97

Type of Case	Total Disposed of	Officer Settlements	
		Number	Percent of Dispositions
Total	1530	947	61.9
CONTRAVENTION OF ACT	807	477	59.1
REFERRAL ON EMPLOYEE STATUS	23	11	47.8
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	589	380	64.5
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	110	78	70.9
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	1	100.0

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

Results of Representation Votes Conducted*

Fiscal Year 1996-97

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	722	42386	32585	17660
Certification	596	36811	27830	15330
Construction cases				
One union	148	1,455	1,338	885
Two unions	1	12	12	11
Regular cases				
One union	403	28,753	22,674	10,760
Two unions	42	3,993	2,782	2,694
Three unions	2	2,598	1,024	980
Termination of Bargaining Rights				
One union	117	4,370	3,724	1,455
Successor Employer				
One union	4	301	281	150
Two unions	5	904	750	725

* 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 1996-97

Type of Case	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
	Total	Appl. Won	Appl. Lost	In Votes			In Votes			In Votes		
				Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	666	458	208	38362	21891	16471	29146	15579	13567	15489	10149	5340
Certification	541	368	173	32792	17946	14846	24395	12248	12147	13176	8733	4443
Pre-hearing cases												
One union	2	0	2	25	0	25	27	0	27	19	0	19
Two unions	1	1	0	22	22	0	14	14	0	13	13	0
Construction cases												
One union	121	82	39	996	651	345	924	637	287	511	440	71
Two unions	2	2	0	26	26	0	26	26	0	18	18	0
Regular cases												
One union	376	253	123	27,377	14,924	12,453	20,473	9,728	10,745	9,751	6,453	3,298
Two unions	38	30	8	3,047	2,323	724	2,419	1,843	576	2,374	1,809	565
Three unions	1	0	1	1,299	0	1,299	512	0	512	490	0	490
Termination												
One union	117	86	31	4,415	2,969	1,446	3,755	2,475	1,280	1,459	652	807
Successor Employer												
One union	4	1	3	301	235	66	281	222	59	150	139	11
Two unions	4	3	1	854	741	113	715	634	81	704	625	79

* 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.

**Time Required to Process Applications and Complaints Disposed of,
by Major Type of Case, Fiscal Year 1996-97**

Time Taken (Calendar Days)	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievance 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	2900	100.0	656	100.0	807	100.0	589	100.0	848	100.0
Under 8 days	153	5.3	21	3.2	66	8.2	7	1.2	59	7.0
8-14 days	232	13.3	16	5.6	44	13.6	131	23.4	41	11.8
15-21 days	343	25.1	130	25.5	40	18.6	141	47.4	32	15.6
22-28 days	317	36.0	158	49.5	48	24.5	44	54.8	67	23.5
29-35 days	202	43.0	61	58.8	54	31.2	35	60.8	52	29.6
36-42 days	152	48.2	27	63.0	54	37.9	31	66.0	40	34.3
43-49 days	140	53.1	43	69.5	37	42.5	26	70.5	34	38.3
50-56 days	81	55.9	24	73.2	28	46.0	7	71.6	22	40.9
57-63 days	82	58.7	17	75.8	36	50.4	10	73.3	19	43.2
64-70 days	85	61.6	19	78.7	29	54.0	18	76.4	19	45.4
71-77 days	59	63.7	6	79.6	23	56.9	7	77.6	23	48.1
78-84 days	57	65.6	8	80.8	23	59.7	6	78.6	20	50.5
85-91 days	52	67.4	5	81.6	20	62.2	5	79.5	22	53.1
92-98 days	36	68.7	5	82.3	16	64.2	5	80.3	10	54.2
99-105 days	43	70.1	8	83.5	16	66.2	2	80.6	17	56.3
106-126 days	126	74.5	9	84.9	39	71.0	22	84.4	56	62.9
127-147 days	110	78.3	10	86.4	33	75.1	15	86.9	52	69.0
148-168 days	75	80.9	10	88.0	32	79.1	5	87.8	28	72.3
Over 168 days	555	100.0	79	100.0	169	100.0	72	100.0	235	100.0

Union Distribution of Certification Applications Received and Disposed of Fiscal Year 1996-97

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed**	With- drawn***
All Unions	683	656	387	209	60
CLC Affiliates *	343	345	220	109	16
AUTO WORKERS	5	4	2	2	0
BAKERY AND TOBACCO WORKERS	4	6	3	1	2
BREWERY AND SOFT DRINK WORKERS	19	17	12	4	1
CANADIAN AUTO WORKERS	33	31	15	15	1
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	41	40	30	8	2
CLOTHING AND TEXTILE WORKERS	2	4	1	3	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	18	20	19	1	0
ELEVATORS CONSTRUCTORS	2	2	1	0	1
FOOD AND COMMERCIAL WORKERS	61	59	36	18	5
GRAPHIC COMMUNICATION UNION	5	4	2	2	0
HOTEL EMPLOYEES	16	14	10	4	0
IWA - CANADA	11	10	3	7	0
LADIES GARMENT WORKERS	1	2	2	0	0
MACHINISTS	4	5	3	2	0
NEWSPAPER GUILD	3	4	3	1	0
OFFICE AND PROFESSIONAL EMPLOYEES	3	4	1	2	1
ONTARIO PUBLIC SERVICE EMPLOYEES	11	13	11	2	0
SEAFARERS	0	1	1	0	0
SERVICE EMPLOYEES INTERNATIONAL	36	36	30	6	0
THEATRICAL STAGE EMPLOYEES	3	3	0	2	1
TRANSIT UNION (INTL.)	1	2	0	1	1
TYPOGRAPHICAL UNION	0	1	1	0	0
UNITED STEELWORKERS	54	52	30	22	0
UNITED TEXTILE WORKERS	10	11	4	6	1
Non-CLC Affiliates	340	311	167	100	44
ALLIED HEALTH PROFESSIONALS	6	8	5	1	2
ASBESTOS WORKERS	2	1	1	0	0
BOILERMAKERS	4	3	1	2	0
BRICKLAYERS INTERNATIONAL	22	15	7	7	1
CANADIAN SECURITY UNION	1	8	2	5	1
CARPENTERS	58	45	22	11	12
CHRISTIAN LABOUR ASSOCIATION	13	15	9	5	1
ELECTRICAL WORKERS (IBEW)	43	36	28	6	2
INDEPENDENT LOCAL UNION	10	8	4	3	1
INTERNATIONAL OPERATING ENGINEERS	18	24	11	7	6
LABOURERS	34	37	13	18	6
ONTARIO ENGLISH CATHOLIC TEACHERS	2	2	1	1	0
ONTARIO NURSES ASSOCIATION	21	15	11	2	2
ONTARIO PUBLIC SCHOOL TEACHERS	4	4	2	1	1
PAINTERS	17	11	5	4	2
PLANT GUARD WORKERS	3	2	1	1	0
PLUMBERS	23	22	13	7	2
PRACTICAL NURSES FEDERATION OF ONTARIO	1	1	1	0	0
SHEET METAL WORKERS	5	6	4	2	0
STRUCTURAL IRON WORKERS	4	4	2	1	1
TEAMSTERS	34	30	19	10	1
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	15	14	5	6	3

* 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 1996-97

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certi- fied	Dismis- sed*	With- drawn**
All Industries	683	656	387	209	60
Manufacturing	127	114	68	42	4
CHEMICALS	8	7	7	0	0
CLOTHING	1	1	1	0	0
ELECTRICAL PRODUCTS	3	3	2	1	0
FABRICATED METALS	8	5	5	0	0
FOOD, BEVERAGES	17	19	9	8	2
FURNITURE, FIXTURES	10	8	4	4	0
LEATHER	1	1	1	0	0
MACHINERY	2	2	2	0	0
NON-METALLIC MINERALS	1	1	0	1	0
PAPER	5	3	3	0	0
PRIMARY METALS	3	3	2	1	0
PRINTING, PUBLISHING	15	16	11	5	0
RUBBER, PLASTICS	5	5	4	1	0
TEXTILES	1	0	0	0	0
TRANSPORTATION EQUIPMENT	18	16	9	6	1
WOOD	7	5	2	3	0
OTHER MANUFACTURING	22	19	6	12	1
Non-Manufacturing	556	542	319	167	56
ACCOMODATION, FOOD SERVICES	34	30	17	13	0
CONSTRUCTION	199	185	90	63	32
EDUCATION, RELATED SERVICES	26	23	16	6	1
ELECTRIC, GAS, WATER	9	12	10	2	0
FINANCE, INSURANCE CARRIERS	2	2	2	0	0
HEALTH, WELFARE SERVICES	120	111	85	16	10
LOCAL GOVERNMENT	10	11	10	1	0
MANAGEMENT SERVICES	1	0	0	0	0
MINING, QUARRYING	3	3	0	3	0
PERSONAL SERVICES	6	7	5	1	1
REAL ESTATE, INSURANCE AGENCIES	2	2	1	1	0
RECREATIONAL SERVICES	7	10	5	5	0
RETAIL TRADE	33	43	20	23	0
STORAGE	4	4	2	2	0
TRANSPORTATION	9	9	3	4	2
WHOLESALE TRADE	6	5	2	2	1
OTHER SERVICES	77	79	47	24	8
OTHER NON-MANUFACTURING	8	6	4	1	1

* Includes cases that were terminated.

** Includes cases that were settled.

Size of Bargaining Units in Certification Applications Granted Fiscal Year 1996-97

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	387	21,496	90	878	297	20,618
1-9 employees	130	663	63	289	67	374
10-19 employees	82	1,145	15	204	67	941
20-39 employees	72	2,027	10	281	62	1,746
40-99 employees	72	4,506	2	104	70	4,402
100-199 employees	17	2,299	0	0	17	2,299
200-499 employees	7	2,224	0	0	7	2,224
500 employees or more	7	8,632	0	0	7	8,632

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 396 bargaining units were certified in the 387 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 1996-97

Calendar Days (including adjournments requested by the parties)	Total Certified		Non-Construction		Construction	
	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	387	100.0	297	100.0	90	100.0
Under 8 days	0	0.0	0	0.0	0	0.0
8-14 days	0	0.0	0	0.0	0	0.0
15-21 days	80	20.7	63	21.2	17	18.9
22-28 days	109	48.8	82	48.8	27	48.9
29-35 days	43	59.9	35	60.6	8	57.8
36-42 days	20	65.1	17	66.3	3	61.1
43-49 days	29	72.6	22	73.7	7	68.9
50-56 days	14	76.2	12	77.8	2	71.1
57-63 days	14	79.8	14	82.5	0	71.1
64-70 days	8	81.9	8	85.2	0	71.1
71-77 days	5	83.2	2	85.9	3	74.4
78-84 days	3	84.0	3	86.9	0	74.4
85-91 days	3	84.8	3	87.9	0	74.4
92-98 days	2	85.3	2	88.6	0	74.4
99-105 days	6	86.8	4	89.9	2	76.7
106-126 days	8	88.9	4	91.2	4	81.1
127-147 days	7	90.7	4	92.6	3	84.4
148-168 days	5	92.0	1	92.9	4	88.9
Over 168 days	31	100.0	21	100.0	10	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.

Employment Status of Employees in Bargaining Units Certified by Industry Fiscal Year 1996-97

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	396	21,496	31	2,315	15	4,401	15	361	335	14,419
Manufacturing	68	2,540	12	612	2	27	2	150	52	1,751
CHEMICALS	7	344	1	16	0	0	0	0	6	328
CLOTHING	1	83	1	83	0	0	0	0	0	0
ELECTRICAL PRODUCTS	2	102	0	0	0	0	0	0	2	102
FABRICATED METALS	5	251	0	0	0	0	0	0	5	251
FOOD, BEVERAGES	9	236	0	0	1	11	1	73	7	152
FURNITURE, FIXTURES	4	133	2	4	0	0	0	0	2	129
LEATHER	1	75	0	0	0	0	0	0	1	75
MACHINERY	2	8	0	0	0	0	0	0	2	8
PAPER	3	64	0	0	0	0	0	0	3	64
PRIMARY METALS	2	100	1	40	0	0	0	0	1	60
PRINTING, PUBLISHING	11	329	2	36	1	16	1	77	7	200
RUBBER, PLASTICS	4	175	0	0	0	0	0	0	4	175
TRANSPORTATION EQUIPMENT	9	396	4	332	0	0	0	0	5	64
WOOD	2	50	0	0	0	0	0	0	2	50
OTHER MANUFACTURING	6	194	1	101	0	0	0	0	5	93
Non-Manufacturing	328	18,956	19	1,703	13	4,374	13	211	283	12,668
ACCOMODATION, FOOD SERVICES	17	726	0	0	1	6	3	30	13	690
CONSTRUCTION	91	878	0	0	0	0	0	0	91	878
EDUCATION, RELATED SERVICES	16	1,753	1	9	2	1,041	0	0	13	703
ELECTRIC, GAS, WATER	10	122	2	46	0	0	1	25	7	51
FINANCE, INSURANCE CARRIERS	2	45	0	0	0	0	0	0	2	45
HEALTH, WELFARE SERVICES	91	8,392	6	374	8	885	5	68	72	7,065
LOCAL GOVERNMENT	10	2,785	1	114	2	2,442	0	0	7	229
PERSONAL SERVICES	5	127	2	107	0	0	0	0	3	20
REAL ESTATE, INSURANCE AGENCIES	1	59	0	0	0	0	0	0	1	59
RECREATIONAL SERVICES	7	275	0	0	0	0	0	0	7	275
RETAIL TRADE	20	1,458	2	702	0	0	2	51	16	705
STORAGE	2	29	0	0	0	0	0	0	2	29
TRANSPORTATION	3	492	0	0	0	0	0	0	3	492
WHOLESALE TRADE	2	88	1	78	0	0	0	0	1	10
OTHER SERVICES	47	1,608	4	273	0	0	2	37	41	1,298
OTHER NON-MANUFACTURING	4	119	0	0	0	0	0	0	4	119

Table 13

Employment Status of Employees in Bargaining Units Certified by Union

Fiscal Year 1996-97

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	396 21,496	31 2,315	15 4,401	15 361	335 14,419
=====	=====	=====	=====	=====	=====
CLC	226 17,554	21 2,070	13 4,340	13 331	179 10,813
=====	=====	=====	=====	=====	=====
AUTO WORKERS	2 56	0 0	0 0	0 0	2 56
BAKERY AND TOBACCO WORKERS	3 44	0 0	0 0	0 0	3 44
BREWERY AND SOFT DRINK WORKERS	12 1,129	1 18	1 27	1 26	9 1,058
CANADIAN AUTO WORKERS	15 958	6 526	0 0	0 0	9 432
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	31 5,282	2 211	7 4,212	1 5	21 854
CLOTHING AND TEXTILE WORKERS	1 5	0 0	0 0	0 0	1 5
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	19 285	3 50	0 0	1 25	15 210
=====	=====	=====	=====	=====	=====
ELEVATORS CONSTRUCTORS	1 9	0 0	0 0	0 0	1 9
FOOD AND COMMERCIAL WORKERS	36 1,131	3 317	0 0	2 107	31 707
GRAPHIC COMMUNICATION UNION	2 25	0 0	0 0	0 0	2 25
HOTEL EMPLOYEES	11 357	0 0	1 6	0 0	10 351
IWA - CANADA	3 132	0 0	0 0	0 0	3 132
LADIES GARMENT WORKERS	2 46	0 0	0 0	0 0	2 46
MACHINISTS	3 91	0 0	0 0	0 0	3 91
NEWSPAPER GUILD	3 112	0 0	0 0	1 77	2 35
OFFICE AND PROFESSIONAL EMPLOYEES	1 16	0 0	0 0	0 0	1 16
ONTARIO PUBLIC SERVICE EMPLOYEES	13 1,051	2 91	0 0	3 37	8 923
SEAFARERS	1 31	0 0	0 0	0 0	1 31
SERVICE EMPLOYEES INTERNATIONAL	32 4,285	2 227	2 51	1 19	27 3,988
TYPOGRAPHICAL UNION	1 16	0 0	1 16	0 0	0 0
UNITED STEELWORKERS	30 2,238	2 630	1 28	1 24	26 1,556
UNITED TEXTILE WORKERS	4 255	0 0	0 0	2 11	2 244

Table 13 (Cont'd)

Employment Status of Employees in Bargaining Units Certified by Union

Fiscal Year 1996-97

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.
Non-CLC	170	3,942	10	245	2	61	2	30	156	3,606
ALLIED HEALTH PROFESSIONALS	6	298	0	0	0	0	0	0	6	298
ASBESTOS WORKERS	1	8	0	0	0	0	0	0	1	8
BOILERMAKERS	1	24	0	0	0	0	0	0	1	24
BRICKLAYERS INTERNATIONAL	7	26	0	0	0	0	0	0	7	26
CANADIAN SECURITY UNION	2	22	0	0	0	0	1	13	1	9
CARPENTERS	23	155	0	0	0	0	0	0	23	155
CHRISTIAN LABOUR ASSOCIATION	9	387	0	0	0	0	0	0	9	387
ELECTRICAL WORKERS (IBEW)	28	395	0	0	0	0	0	0	28	395
INDEPENDENT LOCAL UNION	4	208	0	0	0	0	1	17	3	191
INTERNATIONAL OPERATING ENGINEERS	11	293	2	41	0	0	0	0	9	252
LABOURERS	13	249	1	10	0	0	0	0	12	239
ONTARIO ENGLISH CATHOLIC TEACHERS	1	152	0	0	0	0	0	0	1	152
ONTARIO NURSES ASSOCIATION	12	405	0	0	0	0	0	0	12	405
ONTARIO PUBLIC SCHOOL TEACHERS	2	92	0	0	1	50	0	0	1	42
PAINTERS	5	78	0	0	0	0	0	0	5	78
PLANT GUARD WORKERS	1	7	0	0	0	0	0	0	1	7
PLUMBERS	13	98	0	0	0	0	0	0	13	98
PRACTICAL NURSES FEDERATION OF ONTARIO	1	17	0	0	0	0	0	0	1	17
SHEET METAL WORKERS	4	35	0	0	0	0	0	0	4	35
STRUCTURAL IRON WORKERS	2	22	0	0	0	0	0	0	2	22
TEAMSTERS	19	591	6	185	1	11	0	0	12	395
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	5	380	1	9	0	0	0	0	4	371

Table 15

Occupational Groups in Bargaining Units Certified by Union Fiscal Year 1996-97

	All Groups	Production & Related	Office Clerical & Technical	Professional	Sales	Other
Number Empls. Number Empls. Number Empls. Number Empls. Number Empls. Number Empls.						
=====						
All Unions	396 21,496	293 15,042	30 756	25 3,583	2 34	46 2,081
CLC	226 17,554	152 12,108	25 540	13 2,989	1 3	35 1,914
AUTO WORKERS	2 56	2 56	0 0	0 0	0 0	0 0
BAKERY AND TOBACCO WORKERS	3 44	3 44	0 0	0 0	0 0	0 0
BREWERY AND SOFT DRINK WORKERS	12 1,129	8 199	1 11	0 0	0 0	3 919
CANADIAN AUTO WORKERS	15 958	11 716	0 0	1 28	0 0	3 214
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	31 5,282	19 5,051	4 46	4 120	0 0	4 65
CLOTHING AND TEXTILE WORKERS	1 5	0 0	0 0	0 0	0 0	1 5
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	19 285	10 137	8 145	0 0	1 3	0 0
ELEVATORS CONSTRUCTORS	1 9	1 9	0 0	0 0	0 0	0 0
FOOD AND COMMERCIAL WORKERS	36 1,131	28 1,023	1 27	3 21	0 0	4 60
GRAPHIC COMMUNICATION UNION	2 25	1 2	1 23	0 0	0 0	0 0
HOTEL EMPLOYEES	11 357	7 205	0 0	0 0	0 0	4 152
IWA - CANADA	3 132	2 50	0 0	0 0	0 0	1 82
LADIES GARMENT WORKERS	2 46	2 46	0 0	0 0	0 0	0 0
MACHINISTS	3 91	1 12	1 14	0 0	0 0	1 65
NEWSPAPER GUILD	3 112	0 0	3 112	0 0	0 0	0 0
OFFICE AND PROFESSIONAL EMPLOYEES	1 16	1 16	0 0	0 0	0 0	0 0
ONTARIO PUBLIC SERVICE EMPLOYEES	13 1,051	9 949	2 62	1 9	0 0	1 31
SEAFARERS	1 31	1 31	0 0	0 0	0 0	0 0
SERVICE EMPLOYEES INTERNATIONAL	32 4,285	23 1,364	3 84	3 2,804	0 0	3 33
TYPOGRAPHICAL UNION	1 16	0 0	1 16	0 0	0 0	0 0
UNITED STEELWORKERS	30 2,238	19 1,943	0 0	1 7	0 0	10 288
UNITED TEXTILE WORKERS	4 255	4 255	0 0	0 0	0 0	0 0

Table 15 (Cont'd)

Occupational Groups in Bargaining Units Certified by Union Fiscal Year 1996-97

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	396	21,496	293	15,042	30	756	25	3,583	2	34	46	2,081
Non-CLC	170	3,942	141	2,934	5	216	12	594	1	31	11	167
ALLIED HEALTH PROFESSIONALS	6	298	2	48	0	0	4	250	0	0	0	0
ASBESTOS WORKERS	1	8	1	8	0	0	0	0	0	0	0	0
BOILERMAKERS	1	24	1	24	0	0	0	0	0	0	0	0
BRICKLAYERS INTERNATIONAL	7	26	7	26	0	0	0	0	0	0	0	0
CANADIAN SECURITY UNION	2	22	2	22	0	0	0	0	0	0	0	0
CARPENTERS	23	155	23	155	0	0	0	0	0	0	0	0
CHRISTIAN LABOUR ASSOCIATION	9	387	6	336	0	0	1	7	1	31	1	13
ELECTRICAL WORKERS (IBEW)	28	395	25	382	2	7	0	0	0	0	1	6
INDEPENDENT LOCAL UNION	4	208	2	50	1	141	0	0	0	0	1	17
INTERNATIONAL OPERATING ENGINEERS	11	293	8	233	0	0	0	0	0	0	3	60
LABOURERS	13	249	13	249	0	0	0	0	0	0	0	0
ONTARIO ENGLISH CATHOLIC TEACHERS	1	152	0	0	0	0	1	152	0	0	0	0
ONTARIO NURSES ASSOCIATION	12	405	7	261	1	18	4	126	0	0	0	0
ONTARIO PUBLIC SCHOOL TEACHERS	2	92	0	0	1	50	1	42	0	0	0	0
PAINTERS	5	78	5	78	0	0	0	0	0	0	0	0
PLANT GUARD WORKERS	1	7	0	0	0	0	0	0	0	0	1	7
PLUMBERS	13	98	13	98	0	0	0	0	0	0	0	0
PRACTICAL NURSES FEDERATION OF ONTARIO	1	17	0	0	0	0	1	17	0	0	0	0
SHEET METAL WORKERS	4	35	4	35	0	0	0	0	0	0	0	0
STRUCTURAL IRON WORKERS	2	22	2	22	0	0	0	0	0	0	0	0
TEAMSTERS	19	591	16	541	0	0	0	0	0	0	3	50
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	5	366	2	36	0	0	0	0	0	0	1	14

Ontario Labour Relations Board
400 University Avenue
Toronto, Ontario
M7A 1V4

ISSN 0711-849X