

Ontario Labour Relations Board



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

Annual Report

2020-2021

ISSN 2562-8259

Table of Contents

Chair's Message	2
Overview	4
The Board's Principal Statutes	6
Overview of Board Processes.....	8
Overview of Board's Activities during the Pandemic.....	9
Organization.....	11
Key Activities.....	13
Caseload Processing.....	17
Total Applications Received, Disposed and Pending	18
Applications Received and Disposed of - 5 year Comparison.....	19
Cases Resolved Without a Hearing	21
Certification and Termination of Bargaining Rights Cases under the <i>Labour Relations Act</i>	22
Contravention of the <i>Labour Relations Act</i>	26
Construction Industry Grievances.....	27
Appeals under the <i>Employment Standards Act</i>	28
<i>Occupational Health and Safety Act</i>	29
Unlawful Reprisals	30
Other Applications	31
Time Required to Dispose of Applications, By Major Case Type	35
Percentage of Cases Closed within 3, 6 and 9 Months of Application Date	36
Key Decisions	39
Requests for Access to Documents in the Board's Adjudicative Files	42
Court Activity	42
Key Activities with Stakeholder Groups.....	43
Financial Position	44
Appendix A.....	45
Appendix B	47
Accountability Statement	48

Chair's Message

I suspect the year from April 1, 2020 to March 31, 2021, the first full year of the pandemic (coincidentally the Board's fiscal year to which this Annual Report relates) will be long, if not necessarily happily, remembered by most citizens of Ontario. It certainly will be by the Ontario Labour Relations Board and the people who work here.

During the course of this year, after the Province declared a state of emergency, the Board, almost instantaneously, transformed itself from an office-based agency at 505 University Avenue in downtown Toronto, where almost all of its in-person hearings took place and virtually all of its staff were based, to a tribunal with no employees working regularly at those offices. Yet, the Board continued to function almost seamlessly, without really missing a beat. The Board, remotely and electronically, continued to receive and process all applications whether they be, just by way of example, representation applications to acquire or terminate bargaining rights including conducting electronic representation votes, unfair labour practice complaints, grievances referred to arbitration in the construction industry, applications with respect to unlawful strikes or lockouts under the *Labour Relations Act*, appeals from inspectors orders or reprisal complaints under the *Occupational Health and Safety Act*, or applications under the *School Boards Collective Bargaining Act* during the ongoing educational sector bargaining. Again, without literally missing a beat, within approximately two weeks of the declaration of the pandemic state of emergency, the Board commenced conducting all of its hearings remotely (under all of the various different statutes under which it has jurisdiction), and continued rendering decisions in a timely fashion. It also pivoted to hold all votes electronically and all mediations remotely.

Perhaps self-servingly, I do not believe the breadth and scope of this achievement can be understated. This required the Board, in sometimes almost a mad scramble, to secure equipment for and train staff and adjudicators, who previously worked in a fully- equipped office, to now work from home, develop new systems and routines on how to conduct and preside over electronic hearings, all as rules and procedures for this new world were constantly being developed, announced, amended and re-announced, to deal with continuously evolving and changing circumstances.

The remarkable success of all these efforts, in a world where something that previously took one or two simple steps, either by or with the ready assistance of support staff or assistants within easy walking distance in the office, now took three, four or more, sometimes complicated, steps electronically between people miles apart, can be seen throughout the detailed statistics, charts and analyses contained in this report. Without going through them in minute detail (and which I commend to you at your leisure), simply put in these most trying of circumstances, the Board still received some 2875 applications, more than 80% of the cases it received in the immediately preceding pre-pandemic year, and was able to dispose of 3055, almost 80% of what had been disposed in the pre-pandemic period. In fact, in a pandemic period when one might have reasonably expected the applications the Board received would drop off (and even then they never dropped off as much as one might have reasonably expected), perhaps not surprisingly upon reflection, some types of applications have dramatically increased during the pandemic—appeals from an inspector's order under *OHS*A and applications for interim relief almost doubled during the last fiscal period.

Notwithstanding the pandemic, transition and renewal among the adjudicators of the Board continued with the departure of some long-time adjudicators and the appointment of new ones. In particular, with deep regret, the Board saw the resignation of Matthew Wilson, the Alternate Chair, from the Board to assume his new role of Chair of the Ontario Grievance Settlement Board. It is simply impossible to quantify the many contributions Matt made to the success of the Board, and in particular during the pandemic. As well, the Board saw the departure of Jesse Nyman, Paula Turtle and Michael Hancock. They will be missed. In my view, the Board and

the Province of Ontario are fortunate that people of this caliber are willing to serve at the Board. The last year also saw Maureen Doyle and Neil Keating, both highly regarded and veteran adjudicators or practitioners, with very significant labour relations expertise and experience, join the ranks of the Board's full time Vice-Chairs.

This is the eleventh annual report prepared while I have been fortunate enough to serve as Chair of the Board. In each one, I have both marveled and expressed my admiration for all the staff of the Board—knowledgeable and discerning adjudicators, perceptive and astute solicitors, talented and effective mediators, committed and agile administrators and an extremely hardworking and dedicated support staff. Never have those observations been more true. I have never been more proud and felt more privileged to work with all of these people. These words are simply inadequate to express my appreciation of and gratitude to all of them for their extraordinary efforts in the past year.

I end this message as I have ended each one that preceded this one. I encourage everyone to contact the Board (and me) with their comments, concerns or suggestions. I cannot promise that we will agree, but we will certainly listen.

Bernard Fishbein
Chair

Overview

The Ontario Labour Relations Board is an independent adjudicative agency of the Government of Ontario. As a tribunal operating at arm's length from the Ministry of Labour, the OLRB mediates and decides cases under more than 20 different workplace and employment-related laws. In addition to the primary responsibility that comes from its founding statute, the *Labour Relations Act, 1995*, a significant portion of the Board's work falls under the *Employment Standards Act, 2000* and the *Occupational Health and Safety Act*, as is described in more detail below.

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

- *Ambulance Services Collective Bargaining Act, 2001*, S.O. 2001, c.10
- *Colleges Collective Bargaining Act, 2008* S.O. 1990. c.5
- *Crown Employees Collective Bargaining Act, 1993*, S.O. 1993, c.38
- *Education Act*, R.S.O. 1990, c.E.2
- *Employment Protection for Foreign Nationals Act, 2009*, S.O. 2009, c.32
- *Employment Standards Act, 2000*, S.O. 2000, c.41
- *Environmental Bill of Rights, 1993*, S.O. 1993, c.28
- *Environmental Protection Act*, R.S.O. 1990, c.E.19, which gives the Board jurisdiction under the following legislation:
 - *Environmental Assessment Act*, R.S.O. 1990, c.E.18
 - *Environmental Protection Act*, R.S.O. 1990, c.E.19
 - *Fisheries Act*, R.S.C. 1985, c.F-14
 - *Nutrient Management Act, 2002*, S.O. 2002, c. 4
 - *Ontario Water Resources Act*, R.S.O. 1990, c.O.40
 - *Pesticides Act*, R.S.O. 1990, c.P.11
 - *Safe Drinking Water Act, 2002*, S.O. 2002, c.32
 - *Toxics Reduction Act, 2009*, S.O. 2009, c.19
- *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4
- *Government Contract Wages Act, 2018*, S.O., c.92
- *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c.H.14
- *Labour Relations Act, 1995*, S.O. 1995, c.1
- *Local Health System Integration Act, 2006*, S.O. 2006, c.4
- *Long Term Care Homes Act, 2007*, S.O. 2007, c.8
- *Occupational Health and Safety Act*, R.S.O. 1990, c.O.1
- *Ontario College of Trades and Apprenticeship Act, 2009*, S.O. 2009, c. 22
- *Ontario Provincial Police Collective Bargaining Act, 2006*, S.O. 2006, c.35, Sch. B
- *Protecting Child Performers Act, 2015*, S.O. 2015, c.2
- *Public Inquiries Act, 2009*, S.O. 2009, c. 33, Sch. 6
- *Public Sector Dispute Resolution Act, 1997*, S.O. 1997, c.21, Schedule A
- *Public Sector Labour Relations Transition Act, 1997*, S.O. 1997, c. 21, Schedule B
- *Public Service of Ontario Act, 2006*, S.O. 2006, c.35, Schedule A
- *Retirement Homes Act, 2010*, S.O. 2010, c.11
- *School Boards Collective Bargaining Act, 2014*, S.O. 2014, c.5
- *Smoke-Free Ontario Act*, S.O. 1994, c.10
- *Tribunal Adjudicative Records Act 2019*, S.O. 2019, c. 7, Sched. 60

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

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

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

The Board plays a fundamental role in the labour relations, employment standards, and health and safety regimes in Ontario. Board decisions are based on the evidence presented and submissions received, and on the adjudicator's interpretation of the facts in dispute, relevant legislation and jurisprudence. In keeping with the Ministry of Labour's overarching principles, the Board encourages harmonious relations among employers, employees and trade unions. It deals as expeditiously and fairly as reasonably possible in processing, settling or adjudicating all matters that come before it.

The Board's Principal Statutes

Labour Relations Act, 1995

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

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

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

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

Employment Standards Act, 2000

The *ESA* confers authority on the Board to hear applications for review of decisions made by Employment Standards Officers. Claims filed under the *ESA* with the Ministry of Labour (for wages, overtime, termination or severance pay, other violations of the Act) are investigated by Employment Standards Officers who direct payment of outstanding monies, issue orders for wages or compensation, or refuse to issue orders. Appeals of Employment Standards Officers' decisions or refusals to make orders are handled by the Board.

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

Occupational Health and Safety Act

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

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

School Boards Collective Bargaining Act, 2014

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

Crown Employees Collective Bargaining Act

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

Public Sector Labour Relations Transition Act

The *Public Sector Labour Relations Act* (PSLRTA) was passed in 1997 to cover mergers, amalgamations and other restructuring in three public sectors: municipalities and local boards, school boards and hospitals. In 2005, *PSLRTA* was expanded to include mergers of health services providers and health services integrations. Following this, the majority of applications before the OLRB involved the hospital sector and institutions that might fall under this expanded definition. A change in legislation in May 2019 then repealed the 2005 expansion, such that applications could no longer be made to the Board to request the application of *PSLRTA* where there is a health integration or where it is asserted that the facts give rise to a health integration.

The OLRB, upon application, holds a consultation with the affected unions and employers to determine if *PSLRTA* applies and what bargaining units and bargaining agents in the new workplace are appropriate. The Board occasionally directs representation votes to determine the successor bargaining agents.

Other Applications

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

Other Tribunals

The Board also has administrative responsibility for a number of other tribunals whose reporting structures and activities may be described in other Annual Reports. The Board administers the Education Relations Commission (“ERC”) which is an agency of the Ministry of Education. The Board’s Chair is the Chair of the ERC and several Board Vice-Chairs sit as ERC Members. A Vice-Chair of the Board is the Presiding Officer of the Pay Equity Hearings Tribunal. A number of the Board’s Vice-Chairs and one of its Members are also cross-appointed to the PEHT. Support services for all of these bodies are under the administration of the Director/Registrar.

Overview of Board Processes

Almost all applications that are filed with the Board are first assigned to a Mediator. The Mediator is given an opportunity to contact or meet with the parties to explore the possibility of settlement. Parties are encouraged to mediate matters. Practically speaking, mediation is a less formal and often less costly process than a hearing. The settlement of a workplace dispute, worked out by the parties with the assistance of a mediator, gives the parties an agreement they can both live with and more responsibility and ownership of the agreed-to conditions. In 2020/2021, just over 90% of all disputes coming before the Board were resolved, including by mediation, prior to litigating the matter at a final hearing.

If an application cannot be mediated successfully, the matter is forwarded to the Registrar to review and schedule a consultation or hearing, where one has not already been scheduled. Some cases are sent for preliminary review to consider whether there is a prima facie case objection or preliminary matter which needs to be decided before scheduling. This may also be done before mediation where appropriate for example, where it appears the application may have been filed in the wrong jurisdiction.

A consultation is a less formal type of adjudication and may take on different forms. Primarily, it is a quick and pointed hearing with the parties, with the Vice-Chair (adjudicator) taking greater control over how the proceeding is conducted. Often, there is no need for sworn testimony. The Vice-Chair may ask questions of the parties or may direct that the questioning be limited in scope. A hearing is a formal adjudication, with opening statements, the examination and cross-examination of witnesses, presentation of relevant documentary evidence, and submission of final arguments. As part of the Board's efficient management of files, case management or teleconference hearings may be scheduled prior to or during a hearing and, in some cases, the Board may determine that a matter can be decided based on written submissions.

To ensure an efficient and expeditious processing of cases, several types of cases are scheduled for a hearing or consultation when they are initially filed with the Board and the hearing date is sent out together with the Board's confirmation of filing, namely applications for certification/termination in the non-construction sector, unfair labour practices involving the discipline or discharge of alleged union supporters, construction industry grievances, reprisal complaints under OHSA, first contract direction applications and ministerial references. Case Management Hearings are scheduled upon application in all construction certification applications or in some other cases where the parties may request it or the Board deems it appropriate. Pre-hearing consultations and consultations for jurisdictional disputes in the construction industry are scheduled at the time the Board sends out its confirmation of filing.

During the construction open-period, hearings are set at the time of confirmation of the filing of each application ("expedited hearing"). However, this is not the only hearing which is scheduled on an expedited basis. Applications for strike/lockout are heard within a day or two, as circumstances require, and hearings into applications for interim orders may be held within four to six days. Cases involving the discharge of employees are given priority scheduling.

Consultations, case management hearings and hearings (but not mediations) are open to the public, save for exceptional circumstances. Hearings are not recorded and no transcripts are produced. The Board issues written decisions that are sent to the parties and become public documents available for searching on public databases.

Overview of Board's Activities during the Pandemic

As will be detailed more in later sections, the pandemic caused by COVID-19 necessitated a swift change in the operations of the Board in early April 2020 and continuing changes throughout 2020/2021. An overview of these many changes includes:

- All staff worked remotely for the entire duration of 2020/2021. As a result, the Board required all applications, responses and submissions to be filed electronically in order that they could be processed, uploaded and retained in electronic files. This required revisions to the Board's Rules of Procedure, Information Bulletins, confirmations of filing, notices and website on an ongoing basis to meet the new operational needs and situations as they arose.
- Changes were made to how the parties could deliver documents to each other to include delivery by email and a new form/declaration was prepared certifying that the email address was operational.
- All applications for certification and termination were permitted to be filed electronically and be accompanied by electronic membership evidence and electronic signatures of employees not wishing to be represented by the union. All representation votes were held electronically.
- Revisions were made with respect to how applications for review under the *Employment Standards Act* were processed, in particular with respect to timeliness.
- All mediations were held by video or by phone or email and different methods of executing settlements with electronic signatures were explored and implemented. All hearings were held by video hearing. This necessitated many changes which included creating a new electronic summons to hearing and revising the Board's notice on the summons, developing and implementing a new form for the payment for hearings and case management hearings in grievance referrals in the construction industry, developing new procedures to accept the filing of a large volume of documents through the use of a third party cloud tool (such as Drop Box, Google Drive or Microsoft OneDrive), developing new ways of interpreting for a video hearing (French language, American Sign Language), livestreaming hearings of particular public interest on YouTube, developing new internal processes resulting from the fact that there are no paper files (such as uploading the list of exhibits marked during the hearing).
- Front Desk staff were provided with cell phones to be able to take calls remotely and provide information to the public and stakeholders while the offices were closed.

Types of Applications Filed

COVID –19 and its deep impact on workplaces naturally resulted in a number of applications under the *Occupational Health and Safety Act*, by way of interim applications, applications for the suspension of an inspector's order, appeals of an inspector's order, and reprisal cases for employees exercising their rights under the *Act*, but additionally it was the root of many other types of cases. There were 234 applications at the Board in 2020/2021 in which COVID was identified as the main source of the litigation. The types of files are broken down as follows:

- Health and Safety appeals (including suspensions) - 90
- Reprisal applications – 78
- Employment Standards Appeals – 20
- Unfair Labour Practice complaints – 19
- Interim applications – 16
- Referrals of Construction Industry grievances – 9
- Jurisdictional dispute – 1
- Sale of business - 1

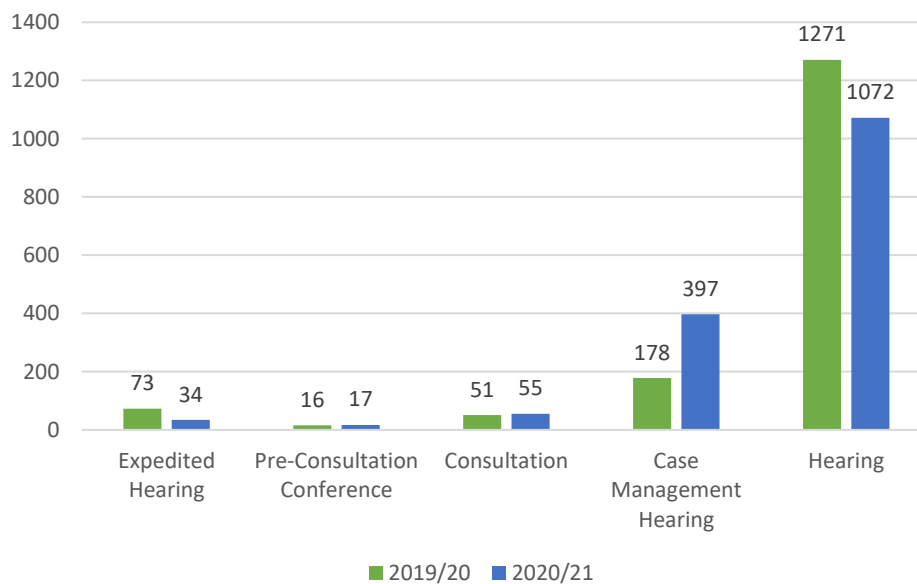
As of March 31, 2021, 73% or 171 of these 234 files had been disposed of as follows:

- Withdrawn - 68
- Settled - 52
- Abandoned - 15
- Dismissed - 14
- Adjourned Sine Die - 12
- Granted - 8
- Terminated - 2

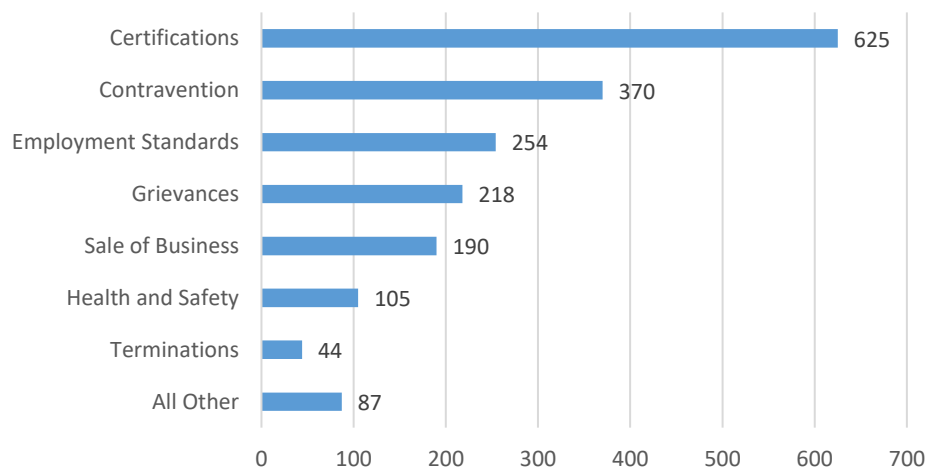
Hearings Scheduled and Held

The Board continued to schedule, mediate and adjudicate cases throughout the year, with very little impact on the number of hearings scheduled and held. As can be seen from the charts below, in 2020/2021 there were 1,575 hearing events scheduled and 1,893 hearings held. This can be compared with 1,589 hearing events scheduled in 2019/2020 and 1,964 hearings held.

2019/20 vs 2020/21 Hearings Scheduled



Hearings Held - By Major Case Type



Organization

Vice Chairs, Members and Staff

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

The Board's adjudicators (the Chair, Alternate Chair, Vice Chairs and Board Members) are all appointed by the Lieutenant Governor in Council as Order in Council appointments for a fixed term. A chart of the OICs working in 2020/2021 and their appointment terms is attached at Appendix A.

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

Office of the Director and Registrar

The Director/Registrar is the chief administrative officer of the Board. She, along with the Deputy Director / Registrar, is responsible for the overall administration of the Board's business operations, mediation and adjudication. The Director/Registrar, along with the Deputy Director/Registrar, oversees the effective processing and scheduling of each case and communicates with the parties in matters relating to the mediation of cases, scheduling of hearings or on particular issues in the processing of any given case. Every application received by the Board enters the system through the Director/Registrar's office.

Manager of Administration

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

Library Services

Comprised of the former Ontario Labour Relations Board Library, the Workplace Safety and Insurance Appeals Tribunal Library and the Pay Equity Commission Library, the Ontario Workplace Tribunals Library is situated at 505 University Avenue, Toronto on the 7th floor.

Library holdings related to the OLRB include all reported OLRB decisions from 1944 to date, all judicial reviews of OLRB decisions from 1947 to date, all bargaining unit certificates issued by the OLRB from 1962 forward. In addition, the Library has a collection of all Employment Standards review decisions from 1970 to date and all Occupational Health and Safety appeal decisions from 1980 to date. Textbooks, journals and case reports in the areas of labour, administrative and constitutional law are also held.

Mediation Services

The Board is a pioneer in the area of alternative dispute resolution. The Manager, Mediation Services and Senior Mediators/Mediators ("Mediators") are responsible for mediating settlements in almost all of the Board's cases. In addition to settling cases, Mediators assist parties in identifying issues and streamlining the cases that are adjudicated in order to avoid unnecessary litigation. They also, along with the Board's Vote Officers, carry out the Board's pre-and post-vote mediation program and conduct representation and final offer votes.

Information Technology Support

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

Legal Services

Legal services to the Board are provided by the Solicitors' Office, which consists of two Board Solicitors. The Solicitors provide legal research, advice, opinions and memoranda to the Chair, Vice-Chairs, Board Members, Mediators and administrative staff.

They are extensively involved in changes to the Board's Rules of Procedure and forms and contribute to the continuing education of staff. The Solicitors are the Board's media spokespersons and handle all inquiries, investigations and complaints under freedom of information or human rights legislation and from Ombudsman Ontario. The Board's Solicitors also represent the Board in court proceedings, including applications for judicial review.

Key Activities

The Board can be described as engaging in two key activities: Mediation and Adjudication, generally but not exclusively in the realm of Labour Relations, Employment Standards, and Occupational Health and Safety. These two core functions are the foundation for the Board's vision of maintaining a reputation for adjudicative and dispute resolution excellence.

The Board's goal is to provide efficient, fair, accessible and modernized services in all areas including, case processing, mediation, votes and adjudication, in a fiscally responsible manner. In addition to closely monitoring files and processes internally, it uses performance measures and targets to track and focus on outcomes. Performance measures and targets may be revised or developed in the event of legislative changes or a change to Board processes. This may require changes to the Board's electronic case management system to allow for a more refined analysis.

A. Achievement of Performance Measures

1. Program Effectiveness Measures

i. Meeting Legislated timelines

2020/2021 Commitment

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

2020/2021 Achievement

- 90.2% of industrial certification votes held within 5-7 days
- 97.1% held within 10 days
- 2.5% held within more than 10 days

ii. Efficient Case Processing

2020/2021 Commitment

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

2020/2021 Achievement

- 96% of new files opened within two days after an application is filed in accordance with the Board's Rules of Procedure
- 90.4% of confirmation of filings of applications sent to parties within four days of application filed in accordance with the Board's Rules of Procedure (except ESA appeals)

iii. Efficient Mediation and Results

Mediation Assignment

2020/2021 Commitment

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

2020/2021 Achievement

- 81.5% of mediator assignments made within three business days after an application is filed in accordance with the Board's Rules of Procedure

Mediation – Percentage of Cases Resolved without Final Hearing

2020/2021 Commitment

- 80-85% of cases settled without final litigation at the Board
- LRA cases: 85%
- ESA (appeals): 75%
- OHSa (appeals): 75%
- OHSa (reprisal complaints): 75%

2020/2021 Achievement

- 90.6% of all cases settled without final litigation
- LRA cases: 91.3%
- ESA (appeals) cases: 88.6%
- OHSa (appeals) cases: 92%
- OHSa (reprisal complaints) cases: 92.1

iv. Adjudication- Judicial Review

Percentage of decisions upheld:

- 2020/21 Commitment: 90-100%
- 2020/21 Achievement: 83% *

* Two judicial review applications of a Board decision were consolidated for hearing and granted by the Divisional Court. Leave to appeal the Divisional Court decision was filed subsequent to the period covered by this report and the ultimate disposition of the judicial review applications is pending at the Court of Appeal.

v. Fiscal Measures:

- 2020/21 Commitments: Less than 2% variance between year-end allocation and expenditure.
- 2020/21 Achievements: Actual variance: 0.7%
Approved budget: \$12,373.9M
Actual expenditure: \$12,282.2M

2. Time to Dispose of Cases

The Board continues to analyze and track the time to dispose of cases. 50.4% of cases were completed within approximately 90 calendar days of receipt of application and 65% were completed within five months (Figure 23). This compares with 52% and 68% respectively in 2019/2020 and 48.9% and 68% in 2018/2019. However, this is an overall average and an analysis of various different case types shows that the time to dispose of cases varies considerably depending on the type and complexity of the case. For example, 65% of reprisal cases under the *Occupational Health and Safety Act* were closed within three months and 78% within six months. The Board has undertaken further analysis of the data in this regard. (See also Figures 24-30)

3. Ombudsman Review

The Ontario Ombudsman has the authority to investigate complaints about the Ontario Government and its agencies, including the Board. There were no new or outstanding investigations in 2020/2021 although there was one inquiry resolved by a letter from the solicitors' office.

B. Information and Privacy Commissioner of Ontario

The Information and Privacy Commissioner of Ontario has the authority to investigate privacy complaints about the Ontario Government and its agencies, including the Board. There was one investigation by the IPC in 2020/2021, which remains outstanding, and which alleges a breach of privacy stemming from the Board's use of Zoom technology for its hearings during the pandemic.

C. Electronic Voting

The Board conducted its first electronic vote in November 2017, 14 electronic votes in 2018/2019 and 40 in 2019/2020. In those years, electronic votes were fairly limited and were ordered in cases where the parties requested it and/or where the workplace in question made electronic voting a more efficient and effective method of allowing employees to vote.

As a result of the COVID-19 pandemic, the Board's approach to representation votes changed of necessity. Beginning in mid-March 2020, as the pandemic hit, every representation vote was conducted electronically. The Board's community and affected stakeholders were notified of this change. As a result, the Board was able to continue its business and conduct representation votes without interruption. In 2020/2021, the Board conducted 237 electronic votes, including eight final offer votes and one vote under the *Public Sector Labour Relations Transition Act*. A total of 12,845 ballots were cast electronically, which includes online and telephone ballots. The average percentage of voter turnout across all votes was 89.5%. Overall, voter turnout was higher than in previous years, and significantly higher than when the Board conducted only in-person votes.

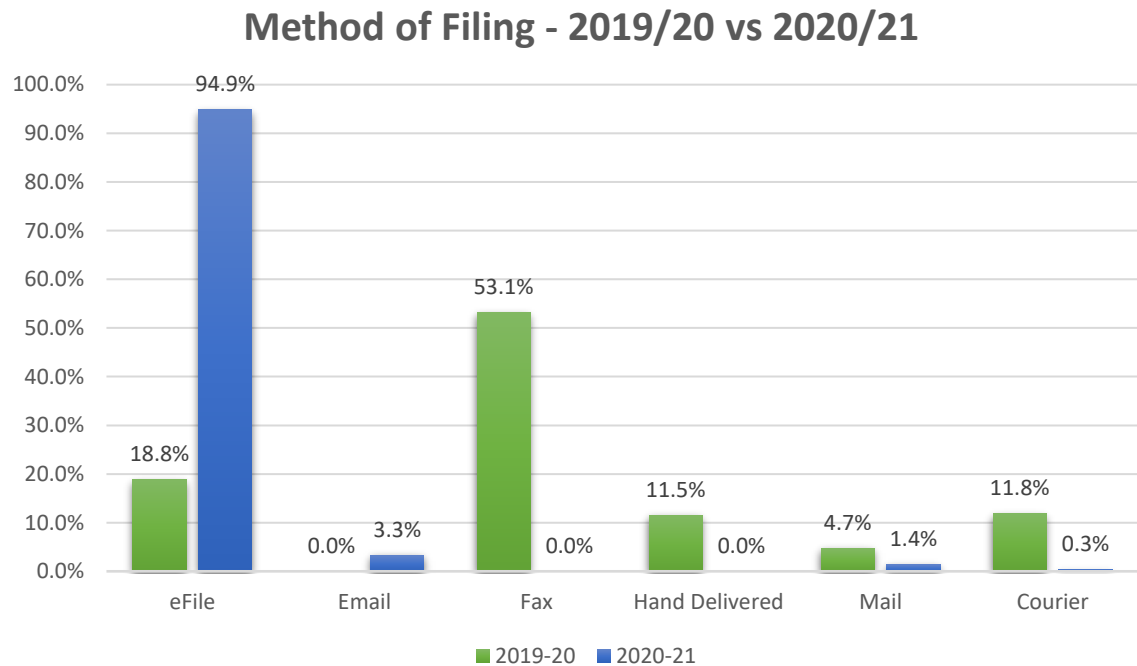
In 2020/2021 90.2% of votes in industrial certification files and 92.9% of votes in industrial termination applications were held within seven days. The arranging, establishing and conducting of electronic votes is more time consuming than in-person voting, because the arrangements are more complicated and additional information is required of the parties which was never required before. Board vote officers and mediators manage the electronic voting process and staff the Board's Help Desk, as needed. As a result, in the pandemic year 2020/2021 the Board frequently took longer to arrange and conduct a vote by a day or two, as compared with previous years in which the votes were overwhelmingly in person.

D. IT Initiatives and Electronic Filing System

For the entire duration of 2020/2021, the Board's staff and OICs were all required to work remotely. This required that each staff member and OIC be equipped with a laptop computer, and a VPN in order to be properly equipped to work.

In response to the pandemic, the Board changed its rules so that forms and submissions were only permitted to be filed electronically. The Board’s electronic forms are available in English and French on the Board’s website and are hosted by Ontario Shared Services on its electronic system.

While in 2019/2020 electronically filed forms and submissions represented almost 19% of the total number of forms and submissions filed with the Board, this increased to 94.5% of the total in 2020/2021. The Board received a total of 24,495 forms and submissions filed electronically, as compared a total of 4,729 the year previous.



As described earlier, the Board held its hearings in 2020/2021 by video hearing and in a few exceptional circumstances by telephone. (For years prior to the pandemic, the Board had made SKYPE hearings available when warranted but it was not widely used.) There were no in-person hearings at the Board during the year. In order to allow for these video hearings, documents were filed electronically, often using a third party cloud sharing tool. New processes needed to be developed to deal with this new method of hearing, including new Board hearing notices, information bulletins and revised Rules and internally, staff needed to be trained on how to deal with large electronic documents and upload them to an electronic file in a usable fashion. In addition, an electronic summons was developed to summons an individual to a video hearing and an electronic form was developed to allow for online payment for case management hearings and hearings of grievance referrals in the construction industry. Where circumstances dictated, the Board livestreamed a number of its hearings on YouTube. Notice of these broadcasts were posted on the Board's website for cases of significant public interest or when a significant number of observers was expected.

The Board’s staff developed a more modern, user-friendly and accessible website which was launched in December 2020. The entire content of the website was updated, reorganized and streamlined so that stakeholders would be able to use it easily. Staff members were trained on the website in order to assist and guide members of the public to find what they needed.

Caseload Processing

Case Numbers and Disposition

Overall, the Board received 2875 new applications this year, which in the pandemic year, was just over 80% of the total applications received in the previous year. 1516 additional cases remained open from previous years and 88 cases were re-opened*, for a total number of files processed before the Board this year of 4479. (Figures 1 and 2)

Of the 4479 files before the Board, 3055 were disposed of** (with/without a hearing), for example, by final decision, settlement, withdrawal or abandonment and closed. Consequently, 1424 cases were carried into 2021/2022. This number includes 270 cases which have been adjourned sine die, so there are 1154 active files pending. The number of cases carried over was 93 cases fewer from the number carried over in 2019/2020. The Board continues to work toward its goal to increase the number of cases disposed of in a year, and to that end, looks for more efficient ways to case manage, schedule, and deploy its resources.

Of disposed cases, 50.4% were completed within approximately 90 calendar days of application receipt (down slightly from the previous year by 1.6%) and 65% were completed within five months (Figure 23).

The following pages and charts deal with the processing of cases by individual category and in greater detail.

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

**In Figure 1, the Total Closed column reflects the activity on a file: a file may have been closed more than once. In Figure 3, the Total Closed column reflects the final disposition of an individual case before hearing. Each unique case is only recorded as closed once.

Total Applications Received, Disposed and Pending

		Total Received	Re-Opened	Pending April 1, 2020	Total Caseload	Total Closed	Granted / Partially	Dismissed	Terminated	Settled, Withdrawn	Abandoned	Advice provided	Work Assignment Altered	Not Processed	Pending	Sine Die	Pending March 31, 2021	Total Pending +Sine Die
Totals:		2,875	88	1,516	4,479	3,055	618	320	180	1,809	5	4	6	113	270	1,154	1,424	
Accreditation (Construction)		0	0	2	2	2	2	0	0	0	0	0	0	0	0	0	0	
Certification		498	15	230	743	537	343	53	9	129	0	0	0	3	18	188	206	
Certification (Construction - Card Based)		266	5	122	393	249	171	7	2	66	0	0	0	3	15	129	144	
Certification (Construction - Open Period)		0	1	12	13	12	3	3	1	5	0	0	0	0	0	1	1	
Certification (Construction)		16	1	28	45	22	6	5	0	11	0	0	0	0	1	22	23	
Certification (Industrial)		216	8	68	292	254	163	38	6	47	0	0	0	0	2	36	38	
College Collective Bargaining Act		1	0	3	4	1	0	0	0	1	0	0	0	0	0	3	3	
Certification		0	0	1	1	0	0	0	0	0	0	0	0	0	0	1	1	
Violation of Colleges Collective Bargaining Act		1	0	2	3	1	0	0	0	1	0	0	0	0	0	2	2	
Construction Grievance		642	31	315	988	696	113	12	3	478	0	0	0	90	132	160	292	
Employment Protection for Foreign Nationals		7	0	0	7	1	0	0	0	1	0	0	0	0	0	6	6	
Employment Standards		706	16	334	1,056	789	62	70	98	551	1	0	6	1	13	254	267	
Appeal (Director)		59	3	24	86	65	9	9	21	24	1	0	1	0	0	21	21	
Appeal (Employee)		252	6	109	367	262	26	24	24	187	0	0	0	1	8	97	105	
Appeal (Employer)		393	7	201	601	461	27	36	53	340	0	0	5	0	5	135	140	
Referral under Employment Standards Act		1	0	0	1	0	0	0	0	0	0	0	0	0	0	1	1	
Void Settlement made by ESO		1	0	0	1	1	0	1	0	0	0	0	0	0	0	0	0	
Essential Services		2	0	1	3	2	0	0	0	2	0	0	0	0	0	1	1	
Essential Services Agreement - Ambulance		2	0	1	3	2	0	0	0	2	0	0	0	0	0	1	1	
Health & Safety Appeals		130	5	65	200	113	3	16	2	88	0	4	0	0	32	55	87	
Appeal of Inspector's Order		120	5	64	189	102	3	11	0	84	0	4	0	0	32	55	87	
Suspension of Order		10	0	1	11	11	0	5	2	4	0	0	0	0	0	0	0	
Interim Order		27	1	2	30	26	3	6	3	14	0	0	0	0	2	2	4	
Jurisdictional Dispute		46	0	42	88	40	6	1	3	29	0	0	0	1	15	33	48	
Jurisdictional Dispute (Construction)		44	0	40	84	37	6	1	3	26	0	0	0	1	15	32	47	
Jurisdictional Dispute (Industrial)		2	0	2	4	3	0	0	0	3	0	0	0	0	0	1	1	
Ministerial Referrals		10	0	4	14	8	1	0	0	4	1	0	0	2	0	6	6	
Ministerial Referral (General)		7	0	2	9	5	1	0	0	3	1	0	0	0	0	4	4	
Ministerial Referral (HLDAA)		3	0	2	5	3	0	0	0	1	0	0	0	2	0	2	2	
Public Sector Labour Relations Transition Act		4	0	3	7	4	2	0	0	2	0	0	0	0	0	3	3	
PSLRTA (Bargaining Units/Bargaining Agents)		4	0	3	7	4	2	0	0	2	0	0	0	0	0	3	3	
Sale of Business/Related Employer		115	3	108	226	115	21	7	1	78	1	0	0	7	5	106	111	
School Boards Collective Bargaining Act		2	0	0	2	1	0	1	0	0	0	0	0	0	1	1	1	
Termination		67	0	27	94	74	29	28	12	4	0	0	0	1	1	19	20	
Termination (Construction)		5	0	4	9	8	1	5	1	1	0	0	0	0	0	1	1	
Termination (Construction - Open Period)		0	0	12	12	4	1	2	0	1	0	0	0	0	0	8	8	
Termination (Industrial)		54	0	7	61	58	25	20	10	2	0	0	0	1	0	3	3	
Non-Construction Employer - Termination		2	0	0	2	1	0	0	1	0	0	0	0	0	0	1	1	
Termination - Other (Non Vote-Based)		6	0	4	10	3	2	1	0	0	0	0	0	0	1	6	7	
Unfair Labour Practices		355	9	288	652	379	19	85	31	237	1	0	0	6	37	236	273	
Duty of Fair Referral		2	0	2	4	2	0	2	0	0	0	0	0	0	0	2	2	
Duty of Fair Representation		130	5	92	227	164	1	63	25	73	1	0	0	1	7	56	63	
Failure to Comply with Settlement		10	1	8	19	9	1	1	2	5	0	0	0	0	0	10	10	
Unfair Labour Practice		189	3	174	366	182	14	15	4	144	0	0	0	5	26	158	184	
Unfair Labour Practice (Bad Faith)		18	0	10	28	14	0	1	0	13	0	0	0	0	4	10	14	
Unlawful Lockout		1	0	0	1	1	0	1	0	0	0	0	0	0	0	0	0	
Unlawful Strike		5	0	2	7	7	3	2	0	2	0	0	0	0	0	0	0	
Unlawful Reprisals		222	7	74	303	230	5	30	16	176	1	0	0	2	14	59	73	
Health and Safety - Inspector Referral		3	0	3	6	5	0	0	0	5	0	0	0	0	0	1	1	
Health and Safety Reprisal		214	7	71	292	222	5	28	16	170	1	0	0	2	14	56	70	
Reprisal – Long Term-Care Homes Act		2	0	0	2	1	0	0	0	1	0	0	0	0	0	1	1	
Reprisal – Public Service of Ontario Act		3	0	0	3	2	0	2	0	0	0	0	0	0	0	1	1	
Votes		8	0	3	11	7	2	5	0	0	0	0	0	0	0	4	4	
Last Offer Vote		8	0	3	11	7	2	5	0	0	0	0	0	0	0	4	4	
Misc.		33	1	15	49	30	7	6	2	15	0	0	0	0	1	18	19	
Consent to Institute Prosecution		0	0	1	1	1	0	0	0	1	0	0	0	0	0	0	0	
Early Termination of Collective Agreement		5	0	0	5	5	3	1	1	0	0	0	0	0	0	0	0	
Employee Status		3	0	2	5	2	1	1	0	0	0	0	0	0	0	3	3	
Failure to Furnish Financial Statement		2	0	3	5	3	0	2	0	1	0	0	0	0	0	2	2	
First Agreement Direction		16	0	4	20	12	3	1	0	8	0	0	0	0	1	7	8	
Inadequate Financial Statement		2	0	0	2	1	0	1	0	0	0	0	0	0	0	1	1	
Project Agreement		0	0	2	2	1	0	0	1	0	0	0	0	0	0	1	1	
Religious Exemption		1	0	0	1	0	0	0	0	0	0	0	0	0	0	1	1	
Right of Access		1	1	0	2	2	0	0	0	2	0	0	0	0	0	0	0	
Sector Dispute (Construction)		2	0	3	5	3	0	0	0	3	0	0	0	0	0	2	2	
Successor Trade Union		1	0	0	1	0	0	0	0	0	0	0	0	0	0	1	1	

Figure 1

Applications Received and Disposed of - 5 Year Comparison (Figure 2)

The majority of cases filed in 2020/2021 fall under five main categories:

1. Under the *Labour Relations Act*, Certification and Termination of bargaining rights - 498 applications for certification and 67 applications for termination of bargaining rights;
2. Contraventions of the LRA (355), the *Colleges Collective Bargaining Act* (1);
3. Under the LRA, Referrals of Construction Industry Grievances – 642;
4. Under the ESA, Appeals of decisions of Employment Standards Officers – 706;
5. Under the OHSA, Complaints under s. 50 (217) and Appeals of Inspector's orders/suspension applications (130) - 347.

The total number of applications for certification and termination of bargaining rights was 565, a decrease from last year by 163 applications (note: in 2019/2020, 67 applications were filed in April 2019 in the second month of the triennial construction industry Open Period). There were 216 industrial certification applications filed as compared to 310 in 2019/2020 (a 30% decrease), and 280 in 2018/2019. (Figures 2 and 5)

Complaints of the contravention of the *Labour Relations Act* (section 96) decreased by 145 applications.

The number of construction grievances filed (642) was down from last year by 37 and is again the lowest number in the last 5 years. (Figures 2 and 11)

The number of Employment Standards Act appeals received in 2020/2021 was 706, a decrease of 361 from 2019/2020. The total number of ESA files received decreased to roughly the number it was 5 years ago (after a significant increase in 2018/2019). (Figures 2 and 14)

Complaints under the *Occupational Health and Safety Act* with respect to reprisals in the workplace decreased by 75 from 292 in 2019/2020 to 217 in 2020/2021 (Figures 2 and 17). Of the 217 applications filed this year, three were referred by inspectors (Figure 1). However, appeals (including suspension applications) of health and safety inspectors' orders increased over 80% from 72 in 2019/2020 to 130 in 2020/2021. (Figure 16) Further analysis of these and other individual case types may be found in sections of this Report which follow.

Fiscal Years 2016-17 to 2020-21	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	2016-17	2017-18	2018-19	2019-20	2020-21	Total	2016-17	2017-18	2018-19	2019-20	2020-21
Type of Case	17,156	3,273	3,507	3,930	3,571	2,875	19,974	4,336	4,681	4,098	3,804	3,055
Accreditation (Construction)	24	8	7	7	2	-	30	7	8	8	5	2
Breach of Settlement under section 105 or 141 of PSOA	1	-	-	1	-	-	1	-	-	1	-	-
Certification	3,048	643	649	641	617	498	4,251	1,044	1,228	768	674	537
College Vote	3	-	2	1	-	-	3	-	2	-	1	-
Consent to Institute Prosecution	5	1	2	1	1	-	5	1	1	1	1	1
Construction Grievance	3,730	797	843	769	679	642	4,388	970	1,191	827	704	696
Duty of Fair Referral	23	8	2	6	5	2	32	12	8	3	7	2
Duty of Fair Representation	936	183	201	197	225	130	1,060	220	223	220	233	164
Early Termination of Collective Agreement	32	3	7	5	12	5	34	2	10	5	12	5
Employee Status	21	4	5	6	3	3	24	6	6	3	7	2
Employment Standards (Appeal)	4,513	722	829	1,189	1,067	706	4,812	919	766	1,170	1,168	789
Essential Services - Crown Employees	0	-	-	-	-	-	5	1	-	4	-	-
Essential Services Agreement - Ambulance	17	3	4	4	4	2	13	3	4	-	4	2
Failure to Comply with Settlement	80	18	18	17	17	10	87	19	24	15	20	9
Failure to Furnish Financial Statement	12	4	1	2	3	2	11	2	3	1	2	3
First Agreement Direction	55	10	6	18	5	16	57	13	11	18	3	12
Foreign Nationals - Appeal	15	3	-	2	3	7	9	2	1	1	4	1
Health and Safety - Appeals	383	53	63	65	72	130	377	80	64	64	56	113
Health and Safety - Inspector Referrals	97	37	25	18	14	3	106	40	29	18	14	5
Health and Safety - Reprisals	1,158	182	206	278	278	214	1,200	191	247	259	281	222
Inadequate Financial Statement	3	-	-	1	-	2	2	-	-	-	1	1
Interim Order	134	30	27	34	16	27	148	45	27	34	16	26
Jurisdictional Dispute	218	38	53	40	41	46	337	123	82	48	44	40
Last Offer Vote	61	16	14	15	8	8	62	14	17	19	5	7
List of Employees	69	-	16	53	-	-	73	-	10	63	-	-
Ministerial Referrals	37	2	5	8	12	10	38	6	6	8	10	8
Ontario College of Trades	2	-	1	1	-	-	2	-	-	2	-	-
Project Agreement	10	3	3	1	3	-	11	2	3	3	2	1
Public Sector Labour Relations Transition Act	41	10	12	7	8	4	54	10	14	13	13	4
Religious Exemption	3	-	-	-	2	1	2	-	-	-	2	-
Reprisal - Environmental Bill of Rights Act	2	-	-	1	1	-	3	1	-	1	1	-
Reprisal - Environmental Protection Act	1	1	-	-	-	-	2	1	1	-	-	-
Reprisal - Long Term-Care Homes Act	4	-	-	1	1	2	3	-	-	1	1	1
Reprisal - Public Inquiries Act	3	2	-	-	1	-	3	2	-	-	1	-
Reprisal - Public Service of Ontario Act	6	2	-	-	1	3	5	2	-	-	1	2
Reprisal - Retirement Homes Act	1	-	-	1	-	-	1	-	-	1	-	-
Reprisal - Smoke-Free Ontario Act	1	1	-	-	-	-	3	3	-	-	-	-
Review of Structure of Bargaining Units	15	-	2	13	-	-	15	-	1	11	3	-
Right of Access	2	-	-	-	1	1	3	-	-	-	1	2
Sale of Business/Related Employer	591	95	155	130	96	115	675	142	177	130	111	115
School Boards Collective Bargaining Act	6	1	-	-	3	2	5	1	-	-	3	1
Sector Dispute (Construction)	13	2	1	6	2	2	12	1	2	3	3	3
Successor Trade Union	9	4	1	2	1	1	8	3	1	3	1	-
Termination	407	89	52	88	111	67	453	98	88	79	114	74
Unfair Labour Practice	1,296	279	281	286	243	207	1,477	339	401	279	262	196
Unlawful Lockout	7	3	2	1	-	1	11	5	3	1	1	1
Unlawful Strike	44	5	11	13	10	5	45	5	11	12	10	7
Violation of Colleges Collective Bargaining Act	17	11	1	1	3	1	16	1	11	1	2	1

Figure 2

Cases Resolved Without a Final Hearing

Mediators are assigned to most applications filed with the Board and the majority of all files disposed of are resolved without the need for litigation at a final hearing before the Board. This past year, 90.6% of all individual files closed were resolved without a final hearing, including those settled or withdrawn through mediation.

Case Type Description	Total Closed	Settled	% of Cases Settled	To Final Hearing / Consultation
	3,046	2,761	90.6%	285
Certification	537	484	90.1%	53
Certification (Construction - Card Based)	249	222	89.2%	27
Certification (Construction - Open Period)	12	10	83.3%	2
Certification (Construction)	22	17	77.3%	5
Certification (Industrial)	254	235	92.5%	19
College Collective Bargaining Act	1	1	100.0%	0
Violation of Colleges Collective Bargaining Act	1	1	100.0%	0
Construction Grievance	696	668	96.0%	28
Employment Protection for Foreign Nationals	1	1	100.0%	0
Employment Standards	789	699	88.6%	90
Appeal (Director)	65	53	81.5%	12
Appeal (Employee)	262	225	85.9%	37
Appeal (Employer)	461	420	91.1%	41
Void Settlement made by ESO	1	1	100.0%	0
Essential Services	2	2	100.0%	0
Essential Services Agreement - Ambulance	2	2	100.0%	0
Health & Safety Appeals & Suspension Requests	113	104	92.0%	9
Interim Order	26	19	73.1%	7
Jurisdictional Dispute	40	28	70.0%	12
Jurisdictional Dispute (Construction)	37	25	67.6%	12
Jurisdictional Dispute (Industrial)	3	3	100.0%	0
Ministerial Referrals	8	6	75.0%	2
Ministerial Referral (General)	5	3	60.0%	2
Ministerial Referral (HLDAA)	3	3	100.0%	0
Public Sector Labour Relations Transition Act	4	3	75.0%	1
PSLRTA (Bargaining Units/Bargaining Agents)	4	3	75.0%	1
Sale of Business/Related Employer	115	102	88.7%	13
School Boards Collective Bargaining Act	1	0	0.0%	1
Termination	74	72	97.3%	2
Termination (Construction)	8	7	87.5%	1
Termination (Construction - Open Period)	4	4	100.0%	0
Termination (Industrial)	58	57	98.3%	1
Non-Construction Employer - Termination	1	1	100.0%	0
Termination - Other (Non Vote-Based)	3	3	100.0%	0
Unfair Labour Practices	379	335	88.4%	44
Duty of Fair Referral	2	1	50.0%	1
Duty of Fair Representation	164	146	89.0%	18
Failure to Comply with Settlement	9	9	100.0%	0
Unfair Labour Practice	182	163	89.6%	19
Unfair Labour Practice (Bad Faith)	14	14	100.0%	0
Unlawful Lockout	1	0	0.0%	1
Unlawful Strike	7	2	28.6%	5
Unlawful Reprisals	230	212	92.2%	18
Health and Safety - Inspector Referral	5	5	100.0%	0
Health and Safety Reprisal	222	204	91.9%	18
Reprisal – Long Term-Care Homes Act	1	1	100.0%	0
Reprisal – Public Service of Ontario Act	2	2	100.0%	0
Misc.	30	25	83.3%	5
Consent to Institute Prosecution	1	1	100.0%	0
Early Termination of Collective Agreement	5	5	100.0%	0
Employee Status	2	1	50.0%	1
Failure to Furnish Financial Statement	3	2	66.7%	1
First Agreement Direction	12	9	75.0%	3
Inadequate Financial Statement	1	1	100.0%	0
Project Agreement	1	1	100.0%	0
Right of Access	2	2	100.0%	0
Sector Dispute (Construction)	3	3	100.0%	0

Figure 3

Certification and Termination of Bargaining Rights Cases under the *Labour Relations Act*

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

The Board received a total of 498 applications for certification. The number of applications in the construction industry (not including applications filed in the open period in April 2019) in 2019/2020 was 280 and in 2020/2021 it remained constant at 282. Of the construction certification applications 266 were card-based, which was up from 251 card-based applications in 2019/2020. (Figures 1 and 4) The number of non-construction applications received was 216, which is 94 fewer than the previous year – a decrease of 30%. (Figure 5)

In 2020/2021, by decisions of the Board, two requests for remedial certification were granted and two were denied.

The Board received a total of 67 applications for termination of bargaining rights. In 2020/2021, there were 54 applications in industrial settings, which was the same number as the previous year. There were 53 in the construction industry in 2019/2020 and only 5 in 2020/2021 but this difference is because the 2019/2020 number included 40 termination applications made in the triennial construction Open Period.

The Board held a total of 228 votes in 2020/2021 in applications for certification and termination/displacement, which was 157 fewer than in 2019/2020. All votes were held electronically as a result of the pandemic. Board mediators and Vote Officers were trained to staff the Help Desk required for electronic votes. There were 10,860 ballots cast and counted in these certification/termination votes. There were no votes under the successor employer/related employer provisions of the *Labour Relations Act* and only one vote under *PSLRTA*.

Of cases disposed of during 2020/2021, the majority of certification applications were successful, as were the majority of termination applications (Figure 6).

	Total Received			Total Caseload	Total Closed							Total Pending		
	Re-Opened	Pending April 1, 2020			Granted / Partially	Dismissed	Terminated	Settled, Withdrawn, Abandoned	Pending	Sine Die	Pending March 31, 2021	Total Pending + Sine Die		
Totals:	565	15	257	837	611	372	81	21	133	4	19	207	226	
Certification	498	15	230	743	537	343	53	9	129	3	18	188	206	
Certification (Construction - Card Based)	266	5	122	393	249	171	7	2	66	3	15	129	144	
Certification (Construction - Open Period)	0	1	12	13	12	3	3	1	5	0	0	1	1	
Certification (Construction)	16	1	28	45	22	6	5	0	11	0	1	22	23	
Certification (Industrial)	216	8	68	292	254	163	38	6	47	0	2	36	38	
Termination	67	0	27	94	74	29	28	12	4	1	1	19	20	
Termination (Construction)	5	0	4	9	8	1	5	1	1	0	0	1	1	
Termination (Construction - Open Period)	0	0	12	12	4	1	2	0	1	0	0	8	8	
Termination (Industrial)	54	0	7	61	58	25	20	10	2	1	0	3	3	
Non-Construction Employer - Termination	2	0	0	2	1	0	0	1	0	0	0	1	1	
Termination - Other (Non Vote-Based)	6	0	4	10	3	2	1	0	0	0	1	6	7	

Figure 4

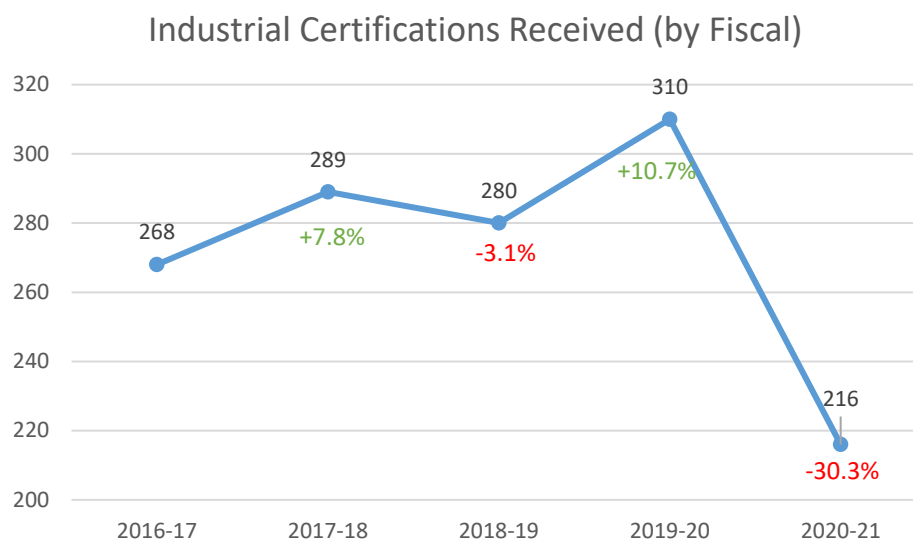


Figure 5

Case Type	Votes Held	Employees on Employer's List	Votes Cast	Voter Turnout (%)	In Favour of Union (%)	Against the Union (%)
Total Certification Votes	179	9483	7938	83.7%	69.4%	30.6%
Construction	9	250	182	72.8%	60.3%	39.7%
Industrial	170	9233	7756	84.0%	69.5%	30.5%
Case Type	Votes Held	Employees on Employer's List	Votes Cast	Voter Turnout (%)	In Favour of Union (%)	Against the Union (%)
Total Termination Votes	33	1547	1335	86.3%	31.4%	68.6%
Construction	2	35	33	94.3%	25.0%	75.0%
Industrial	31	1512	1302	86.1%	31.6%	68.4%
Case Type	Votes Held	Employees on Employer's List	Votes Cast	Voter Turnout (%)	In Favour of Incumbent (%)	In Favour of Applicant (%)
Total Displacement Votes	16	2089	1587	76.0%	50.7%	49.3%
Construction	5	377	364	96.6%	53.7%	46.3%
Industrial	11	1712	1223	71.4%	49.8%	50.2%

Figure 6

Of the 406 cases in which certificates were issued, 274 bargaining units were composed of 2 - 9 employees (233 of those were in the construction industry), and at the other extreme 7 were bargaining units of over 200 employees (only in the industrial setting) (Figure 7). The total number of certificates issued in the construction industry increased by 11 from 253 in 2019/2020 to 264 in 2020/2021. The number of certificates issued in the industrial setting decreased by 55 from the previous year - from 197 to 142.

Employees	Total		Construction		Industrial	
	Cases	Employees	Cases	Employees	Cases	Employees
Total:	406	10,007	264	1,522	142	8,485
2-9	274	1,013	233	857	41	156
10-19	36	455	19	225	17	230
20-39	40	1,121	8	243	32	878
40-99	36	2,191	4	197	32	1,994
100-199	13	2,055	-	-	13	2,055
200-499	4	1,142	-	-	4	1,142
500 +	3	2,030	-	-	3	2,030

Figure 7

Of the non-construction certification applications, the majority related to the broader public sector, service and non-manufacturing industries (Figure 8).

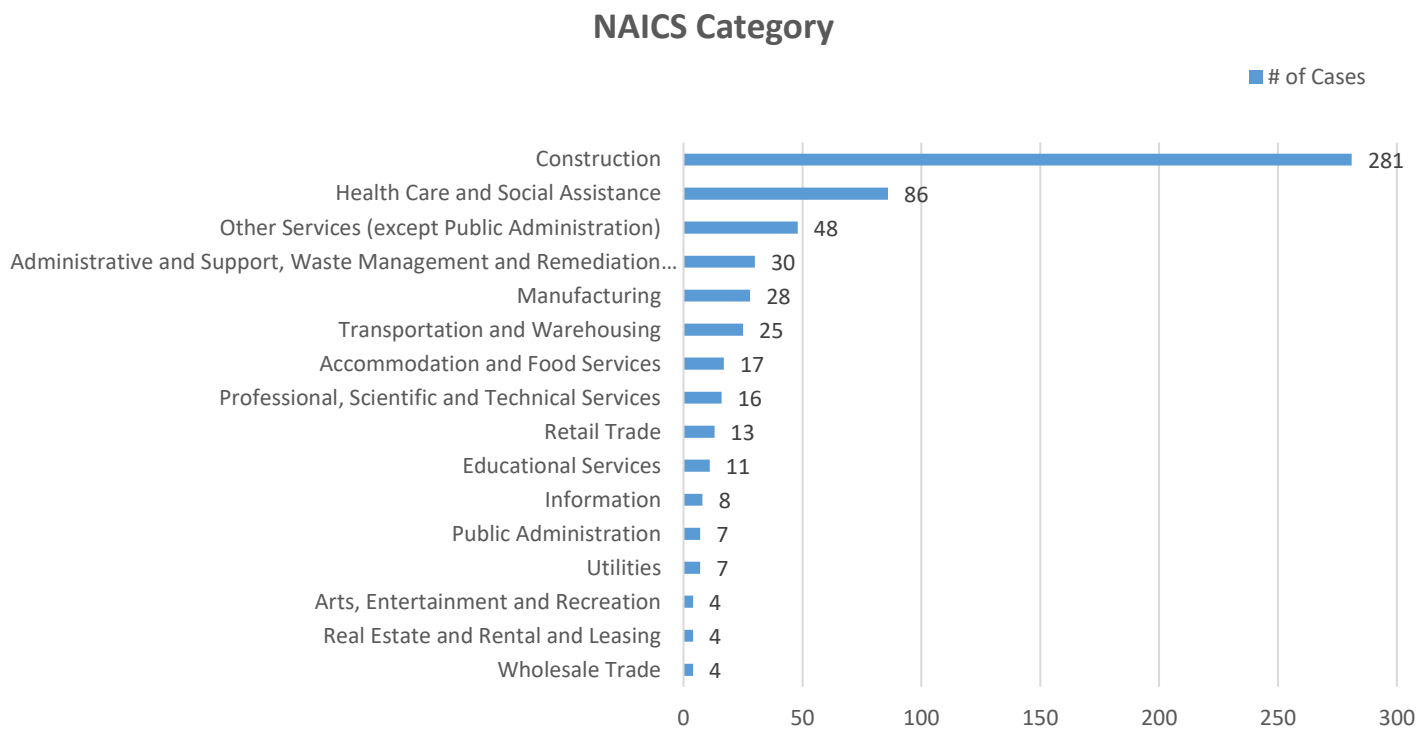


Figure 8

Over 90% of all non-construction certification votes were held within seven days and almost 93% of non-construction- termination applications were held within seven days of application. (Figure 9)**

Number of Days	Certification						Termination					
	Total		Industrial		Construction		Total		Industrial		Construction	
	Cases	% of	Cases	% of	Cases	% of	Cases	% of	Cases	% of	Cases	% of
	220		204		16		47		42		5	
< 5	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
5	30	13.6%	30	14.7%	0	0.0%	11	23.4%	9	21.4%	2	40.0%
6	137	75.9%	136	81.4%	1	6.3%	23	72.3%	22	73.8%	1	60.0%
7	23	86.4%	18	90.2%	5	37.5%	10	93.6%	8	92.9%	2	100.0%
8	8	90.0%	6	93.1%	2	50.0%	0	93.6%	0	92.9%	0	100.0%
9	6	92.7%	3	94.6%	3	68.8%	1	95.7%	1	95.2%	0	100.0%
10	7	95.9%	5	97.1%	2	81.3%	0	95.7%	0	95.2%	0	100.0%
11-15	1	96.4%	1	97.5%	0	81.3%	2	100.0%	2	100.0%	0	100.0%
16-20	0	96.4%	0	97.5%	0	81.3%	0	100.0%	0	100.0%	0	100.0%
21+	8	100.0%	5	100.0%	3	100.0%	0	100.0%	0	100.0%	0	100.0%

Figure 9

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

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

Contravention of the *Labour Relations Act*

Complaints alleging contravention of the *Labour Relations Act* may be filed with the Board under section 96 of the Act.

In 2020/2021, the Board received 355 unfair practice complaints under the *LRA*. In complaints against employers, the principal charges included 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 is often alleged failure to represent employees fairly in grievances against their employer.

Of 379 files closed on a final basis, 88% were resolved without a final hearing (Figure 3).

Duty of Fair Representation / Referral

Complaints against trade unions for a breach of the duty to provide fair representation or referral (ss. 74 and 75 *LRA*) numbered 132, which is 98 fewer than the previous year. Of the duty of fair representation cases closed, one was granted, 63 were dismissed and 25 were terminated. Of 164 individual duty of fair representation files closed, 89% were resolved without a final hearing (Figure 3). Only 19 of both case types proceeded to a final consultation/hearing (Figure 3).

Declaration/Direction of Unlawful Strike/Lock-out

In 2020/2021, the Board received five applications and two files were carried over seeking a declaration under section 100 regarding an alleged unlawful strike by employees. Two cases settled without a final hearing. Of the five which went to hearing, three were granted and two were dismissed. (Figure 10)

The Board received one application for a declaration under section 101 regarding an alleged unlawful lock-out by an employer in 2020/2021 which was dismissed (Figure 10).

	Total Received	Re-Opened	Pending April 1, 2020	Total Caseload	Total Closed	Granted / Partially	Dismissed	Terminated	Settled, Withdrawn, Abandoned	Advice Provided	Pending	Sine Die	Pending March 31, 2021	Total Pending + Sine Die
Unfair Labour Practices	355	9	288	652	379	19	85	31	237	1	6	37	236	273
Duty of Fair Referral	2	0	2	4	2	0	2	0	0	0	0	0	2	2
Duty of Fair Representation	130	5	92	227	164	1	63	25	73	1	1	7	56	63
Failure to Comply with Settlement	10	1	8	19	9	1	1	2	5	0	0	0	10	10
Unfair Labour Practice	189	3	174	366	182	14	15	4	144	0	5	26	158	184
Unfair Labour Practice (Bad Faith)	18	0	10	28	14	0	1	0	13	0	0	4	10	14
Unlawful Lockout	1	0	0	1	1	0	1	0	0	0	0	0	0	0
Unlawful Strike	5	0	2	7	7	3	2	0	2	0	0	0	0	0

Figure 10

Construction Industry Grievances

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

In 2020/2021 the Board received 642 cases under this section (Figure 1), which is again lower than the previous year. (Figure 11). The principal issues in these grievances are alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In November 2018, the Board finalized its e-filing project and permitted grievance referrals to be filed and responded to electronically with online payment. In order for payment to be made for video hearings in the pandemic, which would normally have been made at the Board in person, the Board developed a new form for online payment for case management hearings and hearings of grievance referrals. This form went live in July 2020 and was filed 445 times in 2020/2021. Of the 696 grievance referrals closed, 96% were resolved without a final hearing. (Figure 3).

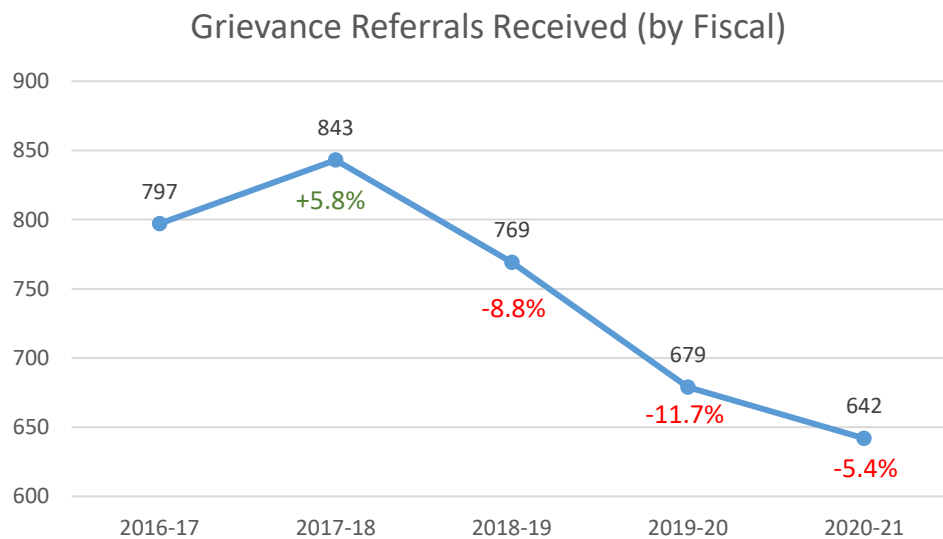


Figure 11

Appeals under the *Employment Standards Act*

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, violations of pregnancy or reprisal provisions, termination issues, and severance pay. During the pandemic, the Board was frequently asked by both employees and employers to exercise its discretion to extend timelines for filing applications for review of Employment Standards Officers' decisions under the *Employment Standards Act*. The Board considered the requests and the circumstances giving rise to them, and exercised its discretion to extend the time limits when there was a specific and compelling reason to do so. An extension of the time limits was often requested by employers who needed extra time to put money in trust in order to initiate an application for review, because of financial issues resulting from the pandemic, and by unrepresented employees who encountered a variety of difficulties resulting from the pandemic which led them to file outside the time limits. This had the effect of a corresponding delay in the time to close a file under the *Employment Standards Act* from previous pre-pandemic years. (Figure 25)

The Board received 706 cases in 2020/2021 which is 33.8% fewer than in 2019/2020. The Board dealt with 1056 cases during 2020/2021, which includes the 706 new cases filed, 334 cases from the previous year and 16 re-opened files. Of the 789 individual cases closed, 62 were granted, 70 were dismissed, and 98 were terminated (Figure 1 and 12). 88.6% were resolved without a hearing and 90 cases went to a final hearing (Figure 3). Of the appeals received, 53% were filed by the employer which is down from 62% in 2019/2020 and 70% the year before that. (Figure 13)

	Total Received	Re-Opened	Pending April 1, 2020	Total Caseload	Total Closed	Granted / Partially	Dismissed	Terminated	Settled, Withdrawn, Abandoned	Advice Provided	Not Processed	Pending	Sine Die	Pending March 31, 2021	Total Pending + Sine Die
Employment Standards	706	16	334	1,056	789	62	70	98	551	1	6	1	13	254	267
Appeal (Director)	59	3	24	86	65	9	9	21	24	1	1	0	0	21	21
Appeal (Employee)	252	6	109	367	262	26	24	24	187	0	0	1	8	97	105
Appeal (Employer)	393	7	201	601	461	27	36	53	340	0	5	0	5	135	140
Referral under Employment Standards Act	1	0	0	1	0	0	0	0	0	0	0	0	0	1	1
Void Settlement made by ESO	1	0	0	1	1	0	1	0	0	0	0	0	0	0	0

Figure 12

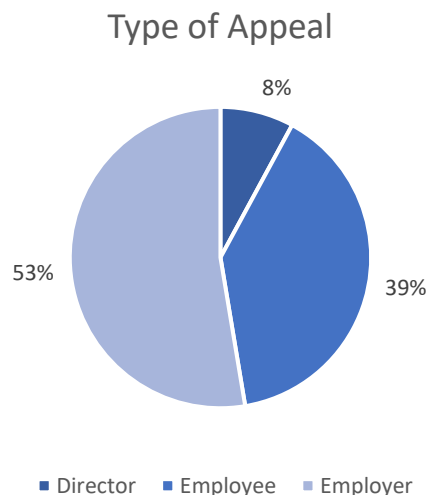


Figure 13

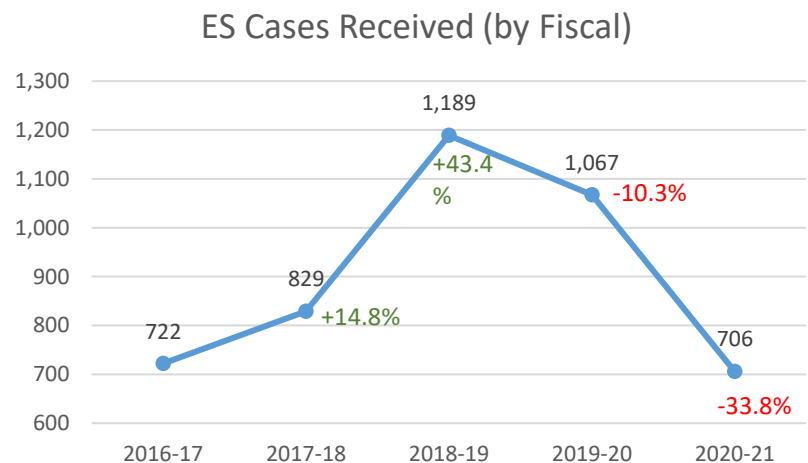


Figure 14

Occupational Health and Safety Act

Appeals under the Occupational Health and Safety Act

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the *OHS Act* are investigated by health and safety inspectors from the Ministry of Labour, Training and Skills Development; orders or decisions of inspectors are the subject of appeals to the Ontario Labour Relations Board.

There was an 80.6% increase in appeals filed, including applications for suspension, from 72 in 2019/2020 to 130 in 2020/2021.

Two hundred appeals, including applications for suspensions, were dealt with by the Board in 2020/2021. Of 113 individual files closed, 92% were resolved prior to a final hearing (Figure 3).

	Total Received	Re-Opened	Pending April 1, 2020	Total Caseload	Total Closed	Granted / Partially	Dismissed	Terminated	Settled, Withdrawn, Abandoned	Work Assignment Altered	Sine Die	Pending March 31, 2021	Total Pending + Sine Die
Health & Safety Appeals	130	5	65	200	113	3	16	2	88	4	32	55	87
Appeal of Inspector's Order	120	5	64	189	102	3	11	0	84	4	32	55	87
Suspension of Order	10	0	1	11	11	0	5	2	4	0	0	0	0

Figure 15

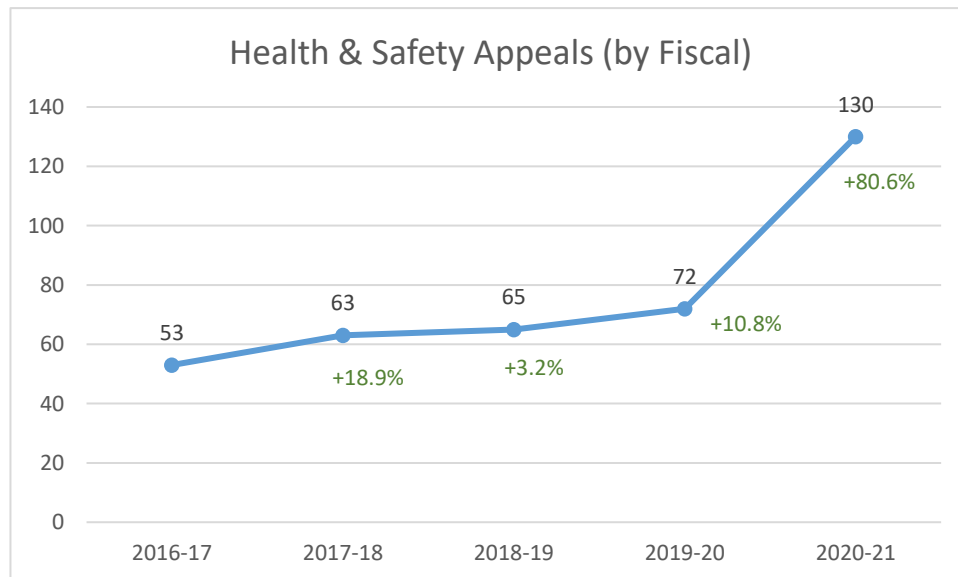


Figure 16

Unlawful Reprisals

Health and Safety Reprisals

In 2020/2021, the Board received 217 complaints under Section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Three of the applications filed in 2020/2021 were referred by health and safety inspectors (Figure 17).

Of the total 230 individual cases closed, 212 cases (92.2%) were resolved by the parties prior to a final hearing (Figure 3).

	Total Received			Total Caseload			Total Closed			Total Pending			Total Pending + Sine Die		
	Re-Opened	Pending April 1, 2020		Total Closed	Granted / Partially	Dismissed	Terminated	Settled, Withdrawn, Abandoned	Advice Provided	Pending	Sine Die	Pending March 31, 2021	Total Pending + Sine Die		
Unlawful Reprisals	222	7	74	303	230	5	30	16	176	1	2	14	59	73	
Health and Safety - Inspector Referral	3	0	3	6	5	0	0	0	5	0	0	0	1	1	
Health and Safety Reprisal	214	7	71	292	222	5	28	16	170	1	2	14	56	70	
Reprisal – Long Term-Care Homes Act	2	0	0	2	1	0	0	0	1	0	0	0	1	1	
Reprisal – Public Service of Ontario Act	3	0	0	3	2	0	2	0	0	0	0	0	1	1	

Figure 17

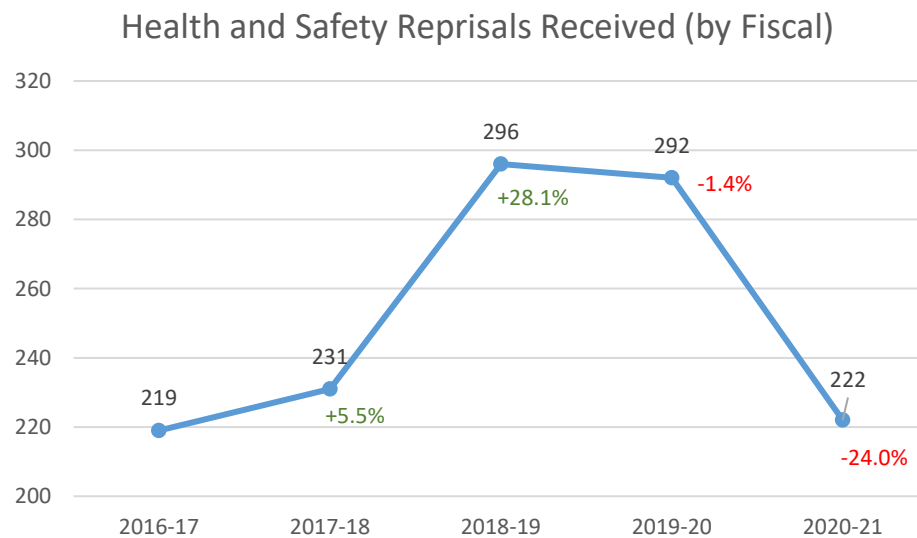


Figure 18

Other Applications

Applications for Interim Order

Where a proceeding is pending, the Board, on application under the *Labour Relations Act* and the *Occupational Health and Safety Act*, may make interim orders.

In 2020/2021 the Board received 27 applications for interim orders, and two were pending from the previous year and one was re-opened. Sixteen of these related to the appeal of a health and safety inspector's order. During the year, three interim orders were granted, six were dismissed and three were terminated. Nineteen files were resolved without a final hearing (Figure 3). Two are pending on March 31, 2021 (Figure 1).

Jurisdictional Disputes

There were 88 applications before the Board under section 99 of the Act involving union work jurisdiction. Forty individual cases closed were resolved prior to a final hearing date (Figure 3).

	Total Received	Re-Opened	Pending April 1, 2020	Total Caseload	Total Closed	Granted / Partially	Dismissed	Terminated	Settled, Withdrawn, Abandoned	Pending	Sine Die	Pending March 31, 2021	Total Pending + Sine Die
Jurisdictional Dispute	46	0	42	88	40	6	1	3	29	1	15	33	48
Jurisdictional Dispute (Construction)	44	0	40	84	37	6	1	3	26	1	15	32	47
Jurisdictional Dispute (Industrial)	2	0	2	4	3	0	0	0	3	0	0	1	1

Figure 19

Sale of Business/Related Employer Applications

The Board received 115 applications alleging that two or more businesses were related and therefore should be treated as one employer under section 1(4) of the *Labour Relations Act* or that there had been a sale of a business or part of a business which has affected the representation rights of the employees (section 69 of the *Labour Relations Act*). This number was up 19 applications from 96 in the previous year (Figure 20)

The Board re-opened 3 applications and had 108 pending from the previous year for a total caseload of 226 cases. In 2020/2021, of the 115 cases closed, 21 were granted, 7 were dismissed, 1 was terminated and 102 were resolved without a final hearing or 88.7% (Figure 3). 111 applications were pending as of March 31, 2021.

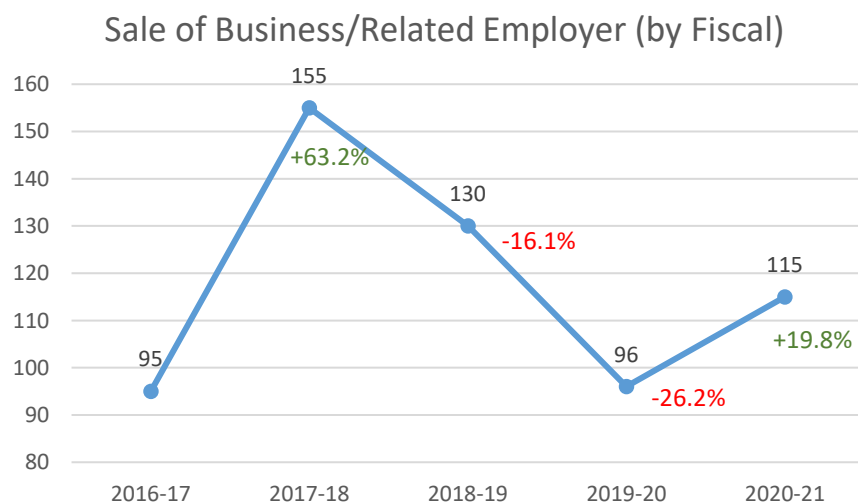


Figure 20

Essential Services

No applications were received under the *Crown Employees Collective Bargaining Act* in 2020/2021.

Two cases were received under the *Ambulance Services Collective Bargaining Act* and one was pending from the previous year. Of the two cases closed, both were resolved without a final hearing (Figure 22).

School Boards Collective Bargaining Act

The *School Boards Collective Bargaining Act* sets out the structure for collective bargaining in the education sector. The parties bargain their collective agreement on two tiers: central issues at a “central table”, where the Crown is a party, and local issues at a “local table” where it is not. In the event the parties are unable to agree to the central/local split, disputes are decision by the Board upon the application of either party or the Crown, as well as any issue arising from the parties’ agreement or Board order.

The Board received two applications under *SBCBA* in 2020/2021. It dismissed one application and one remains pending on March 31, 2021. It is of note that an additional 15 applications requiring the statutory interpretation of *SBCBA* were before the Board in 2020/2021, which were filed as unfair labour practice complaints under the *Labour Relations Act*.

Colleges Collective Bargaining Act

The *Colleges Collective Bargaining Act, 2008* extended collective bargaining to part-time and sessional employees of Colleges of Applied Arts and Technology. The *CCBA, 2008* addresses certifications and terminations of bargaining rights, unfair labour practice complaints and provides for collective negotiation, conciliation and mediation processes that are similar to those set out in the *Labour Relations Act, 1995*.

The Board received no applications for certification in 2020/2021. One is pending as of March 31, 2021.

Pursuant to the *Colleges Collective Bargaining Act*, votes to ratify a proposed collective agreement or memorandum of settlement (section 16) and strike votes (section 17(1)) are to be conducted under the supervision of the Board. The Board supervised no such ratification vote under the *Colleges Collective Bargaining Act* in 2020/2021. (Figure 22).

Pursuant to section 17(2) of the *Colleges Collective Bargaining Act*, the College Employer Council may request the Board to conduct a vote of employees to accept or reject the last offer of the Council. The Board did not receive such a request under the *CCBA* in 2020/2021.

In 2020/2021, one unfair labour practice complaint was filed under the *CCBA*. One case was closed without a final hearing, and two remained pending as of March 31, 2021 (Figure 22).

Last Offer Votes

The Minister of Labour requests the Board to conduct votes among employees on employers’ last offers 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 Mediators and Vote Officers are assigned by the Registrar to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

The Board received eight requests during the fiscal year, and eight votes were held, all of which were conducted electronically. Over the eight votes there was an 80.5% voter turnout. Of the seven files closed, the employees voted to reject the collective agreement in five cases, and voted in favour of the collective agreement in two cases. (Figure 21)

Case Type	Votes Held	Employees on Employer's List	Votes Cast	Voter Turnout (%)	In Favour of Final Offer (%)	Against Final Offer (%)
Total Last Offer Votes	8	2167	1744	80.5%	23.0%	77.0%

Figure 21

Declaration of Successor Trade Union

One application for declaration of successor trade union was received and was pending on March 31, 2021. (Figure 22).

Early Termination of Collective Agreement

Five applications were received under section 58(3) of the *Labour Relations Act*, seeking early termination of collective agreements in 2020/2021. These are joint applications by employers and trade unions and are made on consent. (Figure 22).

Referral on Employee Status

The Board had five applications before it under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Two cases closed and three cases were pending on March 31, 2021 (Figure 22).

Referrals by Minister of Labour, Training and Skills Development

In 2020/2021, the Board dealt with 14 cases including 10 new cases referred by the Minister under section 115 of the *LRA* for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the *LRA*, under sections 48 or 49 of the *LRA* for authority to appoint an arbitrator, or under s.3 (2) of the *Hospital Labour Disputes Arbitration Act*. Eight of the applications were closed. Six applications were resolved without a hearing, and six remained pending on March 31, 2021 (Figure 22).

First Agreement Arbitration

In 2020/2021, the Board received 16 applications for directions to settle first agreements by arbitration, which was an increase from seven the previous year. Of the 12 closed, nine were resolved without a final hearing. Eight remained pending on March 31, 2021.

Applications under the *Public Sector Labour Relations Transition Act*

In 2020/2021, the Board had seven applications under the *Public Sector Labour Relations Transition Act, 1997* before it, including 4 new applications. Two were granted, three were disposed of without a final hearing and three cases were pending on March 31, 2021 (Figures 22 and 3).

	Total Received			Total Case Load	Total Closed							Sine Die		
	Re-Opened	Pending, April 1, 2020			Granted/ Partially	Dismissed	Terminated	Settled, Withdrawn, Abandoned	Advice Provided	Pending		Sine Die	Pending, March 31, 2021	Total Pending + Sine Die
Totals:	851	36	456	1,343	893	151	37	9	595	2	99	140	310	450
Accreditation (Construction)	0	0	2	2	2	2	0	0	0	0	0	0	0	0
College Collective Bargaining Act	1	0	3	4	1	0	0	0	1	0	0	0	3	3
Certification	0	0	1	1	0	0	0	0	0	0	0	0	1	1
Violation of Colleges Collective Bargaining Act	1	0	2	3	1	0	0	0	1	0	0	0	2	2
Construction Grievance	642	31	315	988	696	113	12	3	478	0	90	132	160	292
Employment Protection for Foreign Nationals	7	0	0	7	1	0	0	0	1	0	0	0	6	6
Essential Services	2	0	1	3	2	0	0	0	2	0	0	0	1	1
Essential Services Agreement - Ambulance	2	0	1	3	2	0	0	0	2	0	0	0	1	1
Interim Order	27	1	2	30	26	3	6	3	14	0	0	2	2	4
Ministerial Referrals	10	0	4	14	8	1	0	0	4	1	2	0	6	6
Ministerial Referral (General)	7	0	2	9	5	1	0	0	3	1	0	0	4	4
Ministerial Referral (HLDAA)	3	0	2	5	3	0	0	0	1	0	2	0	2	2
Public Sector Labour Relations Transition Act	4	0	3	7	4	2	0	0	2	0	0	0	3	3
PSLRTA (Bargaining Units/Bargaining Agents)	4	0	3	7	4	2	0	0	2	0	0	0	3	3
Sale of Business/Related Employer	115	3	108	226	115	21	7	1	78	1	7	5	106	111
School Boards Collective Bargaining Act	2	0	0	2	1	0	1	0	0	0	0	0	1	1
Votes	8	0	3	11	7	2	5	0	0	0	0	0	4	4
Last Offer Vote	8	0	3	11	7	2	5	0	0	0	0	0	4	4
Misc.	33	1	15	49	30	7	6	2	15	0	0	1	18	19
Consent to Institute Prosecution	0	0	1	1	1	0	0	0	1	0	0	0	0	0
Early Termination of Collective Agreement	5	0	0	5	5	3	1	1	0	0	0	0	0	0
Employee Status	3	0	2	5	2	1	1	0	0	0	0	0	3	3
Failure to Furnish Financial Statement	2	0	3	5	3	0	2	0	1	0	0	0	2	2
First Agreement Direction	16	0	4	20	12	3	1	0	8	0	0	1	7	8
Inadequate Financial Statement	2	0	0	2	1	0	1	0	0	0	0	0	1	1
Project Agreement	0	0	2	2	1	0	0	1	0	0	0	0	1	1
Religious Exemption	1	0	0	1	0	0	0	0	0	0	0	0	1	1
Right of Access	1	1	0	2	2	0	0	0	2	0	0	0	0	0
Sector Dispute (Construction)	2	0	3	5	3	0	0	0	3	0	0	0	2	2
Successor Trade Union	1	0	0	1	0	0	0	0	0	0	0	0	1	1

Figure 22

Time Required to Dispose of Applications, by Major Case Type

Time Taken (Calendar Days)	All Cases		Certification		Contravention		Health & Safety		Employment Standards		Construction Industry Grievances		Sale of Business		Termination		All Other Cases	
	Cumulative %		Cumulative %		Cumulative %		Cumulative %		Cumulative %		Cumulative %		Cumulative %		Cumulative %		Cumulative %	
	Dispositions		Dispositions		Dispositions		Dispositions		Dispositions		Dispositions		Dispositions		Dispositions		Dispositions	
Total	3017		538		375		331		773		688		115		72		125	
0-7	140	4.6	42	7.8	10	2.7	9	2.7	4	0.5	40	5.8	2	1.7	23	31.9	10	8.0
8-14	217	11.8	90	24.5	9	5.1	8	5.1	1	0.6	94	19.5	5	6.1	2	34.7	8	14.4
15-21	205	18.6	83	40.0	6	6.7	19	10.9	9	1.8	53	27.2	7	12.2	18	59.7	10	22.4
22-28	168	24.2	54	50.0	14	10.4	18	16.3	7	2.7	56	35.3	4	15.7	10	73.6	5	26.4
29-35	156	29.4	34	56.3	21	16.0	30	25.4	25	6.0	31	39.8	5	20.0	4	79.2	6	31.2
36-42	113	33.1	12	58.6	10	18.7	32	35.0	20	8.5	28	43.9	6	25.2	2	81.9	3	33.6
43-49	110	36.8	16	61.5	7	20.5	26	42.9	30	12.4	21	46.9	7	31.3	1	83.3	2	35.2
50-56	78	39.3	11	63.6	11	23.5	8	45.3	29	16.2	14	49.0	4	34.8	0	83.3	1	36.0
57-63	93	42.4	10	65.4	9	25.9	12	48.9	47	22.3	12	50.7	3	37.4	0	83.3	0	36.0
64-70	54	44.2	2	65.8	7	27.7	6	50.8	28	25.9	10	52.2	1	38.3	0	83.3	0	36.0
71-77	54	46.0	4	66.5	4	28.8	12	54.4	24	29.0	6	53.1	1	39.1	0	83.3	3	38.4
78-84	64	48.1	4	67.3	5	30.1	9	57.1	33	33.2	11	54.7	2	40.9	0	83.3	0	38.4
85-91	69	50.4	7	68.6	7	32.0	10	60.1	29	37.0	9	56.0	3	43.5	2	86.1	2	40.0
92-98	58	52.3	7	69.9	11	34.9	7	62.2	26	40.4	4	56.5	0	43.5	1	87.5	2	41.6
99-105	44	53.8	5	70.8	4	36.0	5	63.7	22	43.2	7	57.6	0	43.5	0	87.5	1	42.4
106-126	117	57.7	9	72.5	19	41.1	12	67.4	54	50.2	10	59.0	4	47.0	0	87.5	9	49.6
127-147	127	61.9	13	74.9	22	46.9	9	70.1	59	57.8	14	61.0	3	49.6	2	90.3	5	53.6
148-168	93	65.0	9	76.6	16	51.2	11	73.4	45	63.6	6	61.9	2	51.3	0	90.3	4	56.8
168+	1057	100.0	126	100.0	183	100.0	88	100.0	281	100.0	262	100.0	56	100.0	7	100.0	54	100.0

Figure 23

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

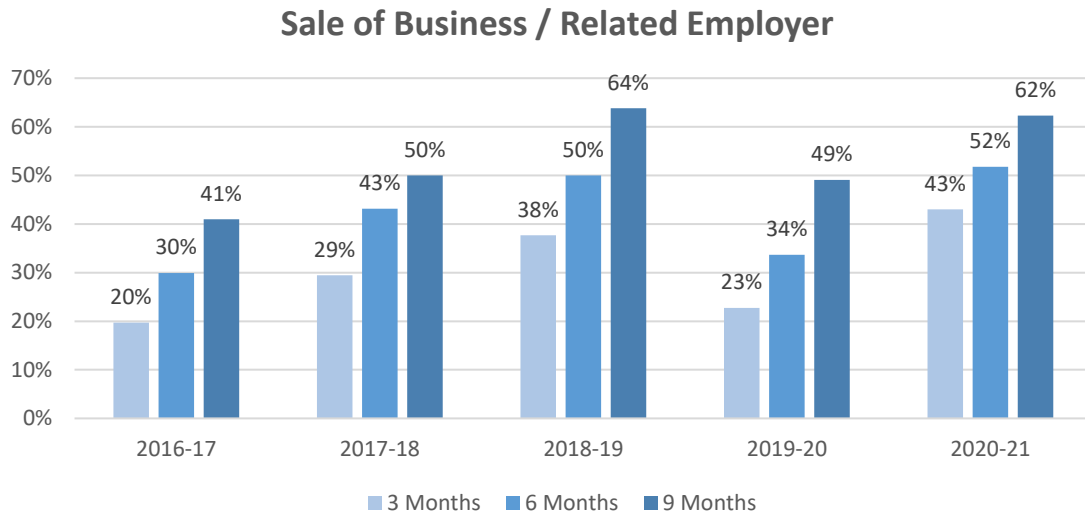


Figure 24

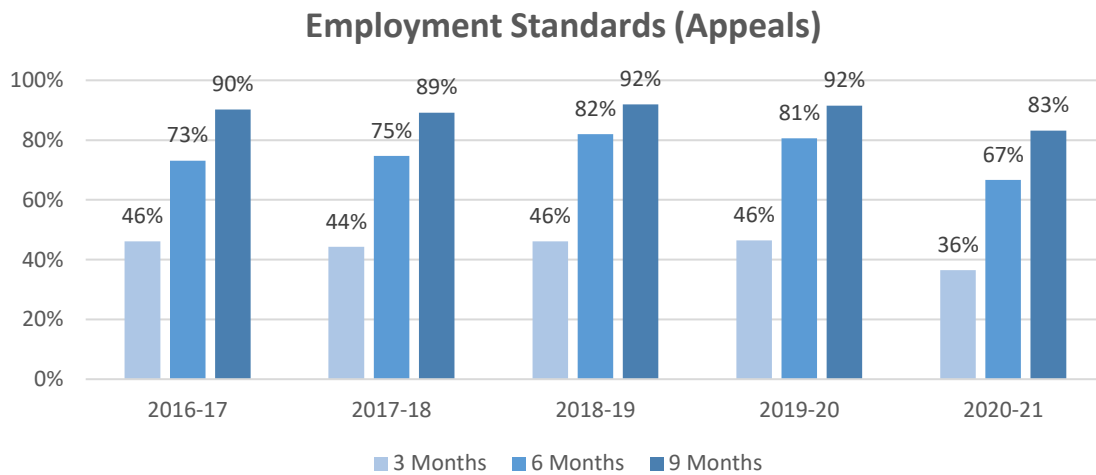


Figure 25

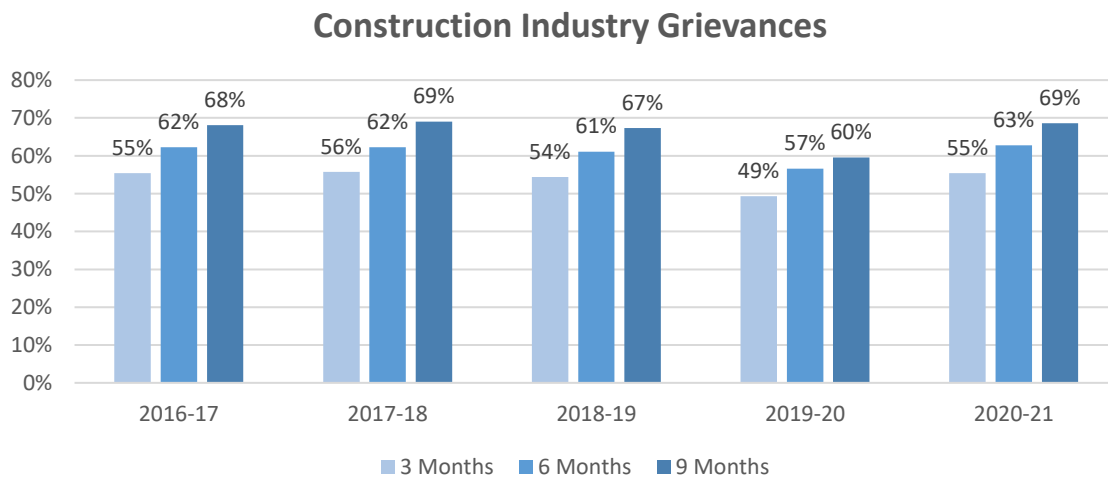


Figure 26

OHSA Reprisals

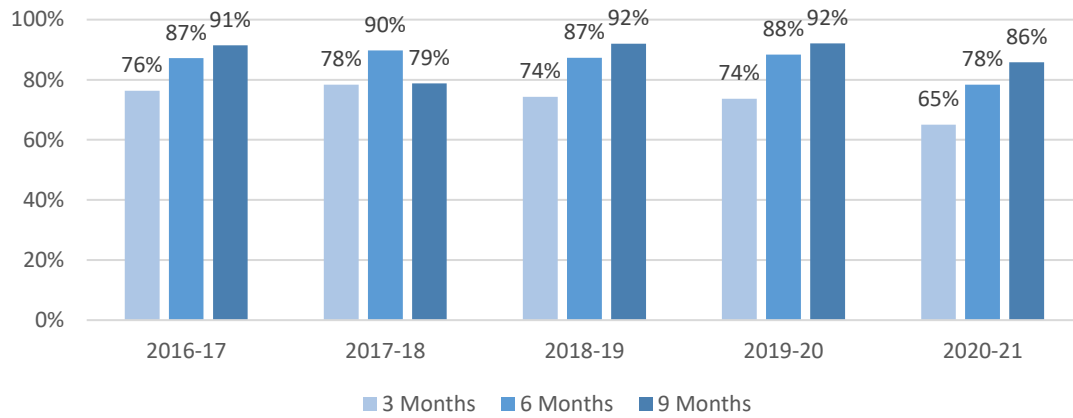


Figure 27

Certifications/Terminations (Industrial)

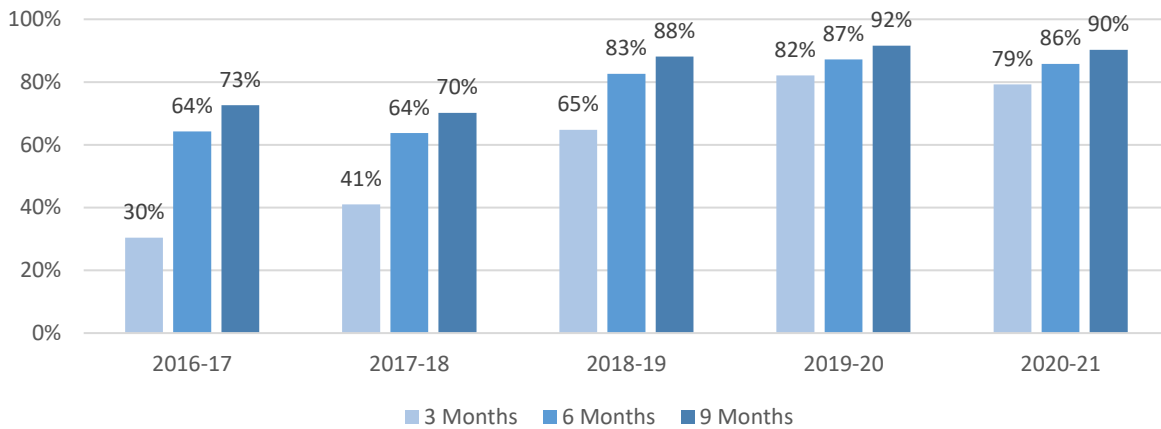


Figure 28

Certifications - Construction Card Based

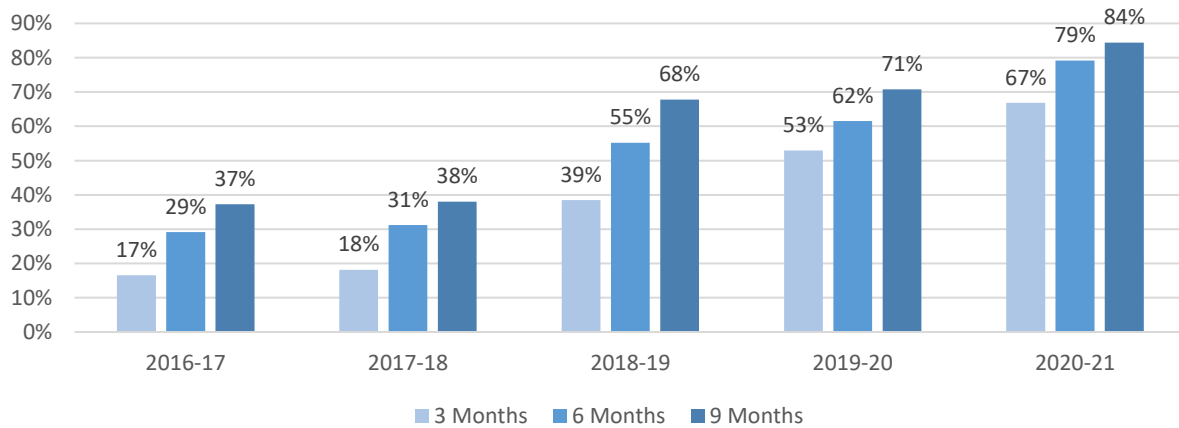


Figure 29

* Based on 249 applications

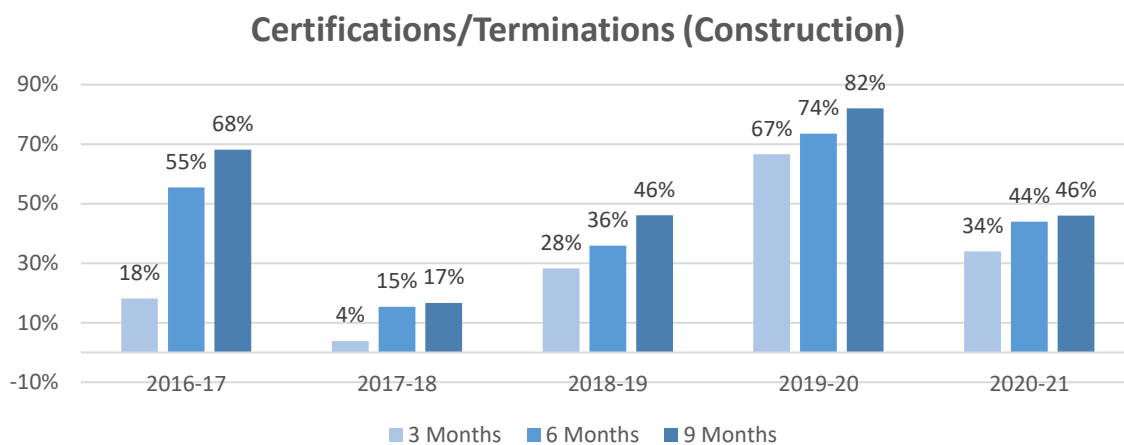


Figure 30

** Based on 46 applications. Because the applications for certification in the construction industry are predominantly card-based, there are far fewer vote-based applications for certification. These are often filed with an unfair labour practice complaint which needs to be adjudicated before these files can be closed.*

Key Decisions

The Board publishes its significant decisions every two months in its series of reports, called “Ontario Labour Relations Board Reports”. In addition, the Board sends out an email to subscribers of a monthly newsletter called “Highlights”, which is also posted on its website monthly and summarizes significant decisions in the preceding month(s). All decisions released by the Board are available on CanLII.

A summary of some of the Board’s most significant cases in 2020/ 2021 follows, and the full text of these decisions is available on CanLII.

Certification – Practice and Procedure – Video Hearing – Closing arguments scheduled to be made at a hearing in April 2020 – As a result of the pandemic, in-person hearing was cancelled – Union requested and Employer opposed finishing the case by way of video hearing – Board granted the request to conclude the matter by way of video hearing, and made various directions to assist with the use of documents in argument – Board noted that it has used video technology for more than a decade and that video technology did not restrict the ability of parties to make their full submissions.

BLYTHWOOD HOMES INC.; RE: CARPENTERS’ DISTRICT COUNCIL OF ONTARIO, UNITED BROTHERHOOD OF CARPENTERS AND JOINERS OF AMERICA; OLRB File No. 3257-17-R; 2020 CanLII 30888; Dated April 22, 2020

Certification – Electronic Membership Evidence – Union submitted electronic membership evidence in support of a certification application - Board noted decision in *Toronto and York Region Labour Council*, 2019 CanLII 123094, and concluded it was open to the Board to accept electronic membership evidence – Board considered the authenticity of the electronic membership evidence submitted, including step-by-step description of how the Union collected the membership evidence and the audit trail of the electronic exchanges of the cards filed – Board accepted electronic membership evidence where the pertinent steps in the process for collecting the membership evidence were found to have mirrored, or sufficiently mirrored, those approved in *Toronto and York Region Labour Council*.

ACTION CANADA FOR SEXUAL HEALTH AND RIGHTS; RE: CANADIAN UNION OF PUBLIC EMPLOYEES; OLRB File No. 0146-20- R; 2020 CanLII 32668; Dated: May 1, 2020

Unfair Labour Practice – Practice and Procedure – Video Hearing – Hearing had started and evidence had been called by two parties – Subsequent hearing dates were adjourned due to the pandemic – Applicant supported and responding parties objected to continuing the proceeding by way of video hearing – Board directed that the proceeding continue by video hearing – Historically the Board has been hesitant to use video technology where the Board would be required to make meaningful credibility determinations – However, none of the factors typically considered by the Board when assessing credibility is absent in a video hearing - Having regard to the technological resources available, the Board ought not be precluded from hearing evidence by way of video hearing – Although the proceeding involved many documents, in the Board’s view it was possible to deal with any documentary issues in an effective manner – Although a witness may not be comfortable with video hearing technology, most witnesses are not professional witnesses and may be nervous or uncomfortable – The technology used is intuitive and relatively easy to use and steps could be taken to address technical issues, where a witness may experience difficulty – In a perfect world, a hearing would begin and end in the same format, but the Board was required to move proceedings along and doing so created no unfairness or inequality of opportunity.

INNOVATIVE CIVIL CONSTRUCTORS INC., EIFFAGE INNOVATIVE CANADA INC. AND/OR EIFFAGE INFRASTRUCTURES CANADA INC., HIRED RESOURCES, AND THE BUILDING UNION OF CANADA; RE: LABOURERS’ INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 183; OLRB File No. 2788-17-U; 2020 CanLII 42431; Dated: June 22, 2020

Certification – Membership Support – Section 8.1 – In a certification application involving Uber drivers, the Board first determined the notice from the responding parties under section 8.1 of the Act, i.e. notice of the responding parties’ view that the Union did not have the requisite membership support (40%) to be entitled to a representation vote – Parties agreed that the Uber drivers were dependent contractors only for the purpose of determining the section 8.1 issue – After reviewing jurisprudence, Board determined that only individuals on alternative employee list who drove at least one Uber Black/ Uber Black SUV trip, or who accepted such a trip, but that the rider subsequently cancelled, in the sixty days prior to date of application had a sufficient connection to Union’s primary bargaining unit and counted for the purpose of the section 8.1 assessment – Matter continues.

UBER CANADA INC.; RE: UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION (UFCW CANADA); RE: RASIER OPERATIONS B.V.; RE: UBER B.V. D.B.A. UBER BLACK; RE: UBER BLACK SUV; OLRB Case No: 2845-19-R; 2020 CanLII 54980; Dated July 31, 2020

Certification – Non-Construction Employers – Craft Units – Applications for certification filed under the general provisions of the *Labour Relations Act, 1995*, following amendments to the Act made by Bill 66 and in particular to non-construction employer provisions of the Act – Section 127(1) of the Act now deems certain entities, including the employer University, to be non-construction employers – Certification applications were not made during the “open period” of either the UA or IBEW’s existing agreements with the University – However, applications were made under the general and not the construction provisions of the Act, and accordingly were timely and not time barred pursuant to section 127(2)2 – Unions submitted that they were entitled to a craft unit under section 9(3) of the Act – Board concluded that the Unions had not satisfied the second element of section 9(3) of the Act – Matter was returned to the parties to make any submissions they wished about the appropriate bargaining unit under section 9(1) – Matter continues.

UNIVERSITY OF TORONTO; RE: THE GOVERNING COUNCIL OF THE UNIVERSITY OF TORONTO; RE: INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 353; RE: UNITED ASSOCIATION OF JOURNEYMAN AND APPRENTICES OF THE PLUMBING AND PIPE FITTING INDUSTRY OF THE UNITED STATES AND CANADA, LOCAL 46; RE: THE ATTORNEY GENERAL OF ONTARIO; OLRB Case No: 1450-19-R, 1525-19-R; 2020 CanLII 50716; Dated July 16, 2020

Unfair Labour Practice – School Boards Collective Bargaining Act – Unfair labour practice complaint was filed involving allegations of a breach of statutory freeze and duty to bargain in good faith – Responding parties brought a motion to have the application dismissed as moot and as having no labour relations purpose after parties were successful in reaching an agreement on central terms, including on the contentious issue of class size – Board granted the motion, terminated the proceedings and dismissed the application – Board saw no reason to consider doctrinal differences between the Board’s general jurisprudence about its discretion to unfair labour practice complaints and the concepts of no labour relations purpose and mootness – Application dismissed.

THE CROWN IN RIGHT OF ONTARIO; RE: ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION; RE: ONTARIO CATHOLIC SCHOOL TRUSTEES' ASSOCIATION; RE: ELEMENTARY TEACHERS' FEDERATION OF ONTARIO; OLRB Case No: 1747-19-U; Dated July 31, 2020

Occupational Health and Safety Act - Appeal of an Inspector’s Order – Appeal of an order made under section 25(2)(h) of the *Occupational Health and Safety Act* requiring the Employer to take “every reasonable precaution in the circumstances to protect workers” – Employees worked on a production line, shoulder to shoulder, and were not able to maintain physical distance of two metres, which resulted in a risk of COVID-19 exposure – Employees were wearing face shields, but not masks – Employer asserted that use of masks was invariably accompanied by workers touching their faces, and thus increased risks – Board concluded that, while it would be preferable to have more reliable and definitive evidence, a requirement for use of masks was a reasonable precaution in the circumstances, and a necessary one at the time, to require source control measures that are not currently conclusively proven to be effective – Application dismissed.

INOVATA FOODS CORP.; RE: A DIRECTOR UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT; RE: MINISTRY OF LABOUR, TRAINING & SKILLS DEVELOPMENT; OLRB Case No: 0385-20-HS; 2020 CanLII 49519; Dated July 14, 2020

Certification Application – Construction Industry – *Tribunal Adjudicative Records Act* - During exchange of submissions on status disputes, Employer requested a copy of Form A-74, Declaration Verifying Membership Evidence, that Union had filed in support of application – Request made pursuant to *Tribunal Adjudicative Records Act, 2019* – Board’s longstanding practice not to provide employers with Form A-74 at this stage of proceedings – Section 2(1) of TARA requires a tribunal to make “those adjudicative records in its possession that relate to proceedings” commenced after TARA “comes into force available to the public” – Board concluded, at least at status dispute stage of proceedings, Form A-74 was not an “adjudicative record” as defined by TARA – Request dismissed – Application continues.

CALIBER STRUCTURES LIMITED; RE: LABOURERS' INTERNATIONAL UNION OF NORTH AMERICA, LOCAL 183; OLRB Case No: 2642-19-R; 2020 CanLII 64799; Dated August 31, 2020

Occupational Health and Safety Act – Reprisal – Migrant Worker – Applicant, a migrant worker from Mexico, alleged that he was dismissed by employer after raising concerns about working and living conditions as related to the COVID-19 virus – Board concluded that applicant had spoken out at a meeting about the working conditions, the living conditions, and generally about his concerns about COVID-19 - There are no magic words to engage the protections of the Act, and a worker is not required to cite the Act or specific sections – Applicant was seeking enforcement of the Act by raising his concerns – Onus is on employer to prove that it did not act in a manner that violated the Act – Employer failed to satisfy this onus – Board concluded that the applicant was terminated for exercising his rights under the Act – Application granted and damages awarded for lost wages, loss of future earnings, reasonable expectation of continued employment and pain and suffering.

SCOTLYNN SWEETPAC GROWERS INC.; RE: LUIS GABRIEL FLORES FLORES; OLRB File No. 0987-20-UR; 2020 CanLII 88341; Dated November 9, 2020

Occupational Health and Safety Act – Appeal of a Refusal of an Inspector to Make an Order – Precautionary Principle – OHSA Inspector refused to make an order that the employer, a long term care home, install a plexiglass barrier at the home’s nursing station – Union argued that, given the COVID-19 pandemic, the installation of such barrier was reasonable – Employer argued, *inter alia*, that there was no evidence a barrier would fully block the virus or that the barrier would provide significant protection – Board considered whether section 25(2)(h) of the Act which requires an employer to “take every precaution reasonable in the circumstances for the protection of a worker” applied – Board applied the precautionary principle - Where health and safety are threatened, even if it cannot be established with scientific certainty that there is a cause and effect relationship between the activity and the harm, precautions that appear reasonable should be taken – Board concluded installation of a plexiglass or similar barrier at the countertop of the nursing station was a reasonable measure for the protection of the employees – Installation ordered – Application granted.

MAPLEWOOD NURSING HOME; RE: UNITED FOOD AND COMMERCIAL WORKERS CANADA, LOCAL 175; RE: A DIRECTOR UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT; OLRB File No. 0746-20-HS; 2020 CanLII 104942; Dated December 22, 2020

Requests for Access to Documents in the Board's Adjudicative Files

Since the Superior Court Decision in *Toronto Star v. AG Ontario*, 2018 ONSC 2586 (CanLII) and the subsequent enactment of the *Tribunal Adjudicative Records Act* ("TARA"), the Board has received an increased number of requests for documents in its adjudicative files. In anticipation of those requests, the Board amended its Access to Documents and Exhibits Policy and its Rules of Procedure, in accordance with TARA.

During the 2020/2021 fiscal year, the Board received and processed 53 requests for access to documents in a total of 108 Board files. Many of the requests sought access to multiple Board files. Those making requests included parties to a case, the media, other organizations, lawyers not involved in the file and members of the public. The requests sought records in active files currently being heard by Vice Chairs, files which had been adjourned and older closed files. Many of the files were complex and contained hundreds of pages, if not boxes, of documents which were then reviewed by the Board's solicitors, Vice Chairs and/or Chair. In many cases, parties were notified and submissions were directed which were then also reviewed. Requests were processed in accordance with the Board's Policy, TARA and the Board's Rules of Procedure, as applicable. The Board issued a number of decisions which further defined the scope of the adjudicative record and addressed requests for confidentiality.

The task of reviewing entire files and each document in detail has proven necessarily more time-consuming than anticipated and requires significant Board resources particularly as the number of requests increases and encompass long-ago closed pre-TARA cases. This has created a new and ongoing pressure on the Board's resources which were not increased to address the enactment of TARA.

Court Activity

On April 1, 2020, there were thirty-four Board matters pending before the Courts.

During the 2020/2021 fiscal year, there were ten new applications for judicial review of Board decisions filed with the Divisional Court.

Seven applications for judicial review were disposed of by the Divisional Court. Five were dismissed on the merits, and two were granted. Note: The two Applications for Judicial Review which were granted sought review of one decision of the Board and were consolidated into one judicial review hearing. Leave to appeal this judicial review decision has been filed subsequent to the period covered by this report and the status of this judicial review is pending at the Court of Appeal.

Thirty-two applications for judicial review remained outstanding at the Divisional Court on March 31, 2021.

One motion for leave to the Court of Appeal was filed during the fiscal year and was granted. One appeal was filed at the Court of Appeal and remains outstanding.

Note: At the outset of the pandemic, the Divisional Court cancelled previously scheduled hearings and implemented a procedure by which parties could request to have their hearing heard. Consequently, fewer Judicial Review proceedings related to Board decisions were heard by the Divisional Court in the fiscal year.

Type of Case	Caseload			Disposed of				Pending March 31, 2021
	Total	Pending April 1, 2020	Received	Total	Granted	Dismissed	Abandoned	
Total	46	34	12	9	3	6	0	37
Divisional Court (Merits)	39	29	10	7	2	5	0	32
Divisional Court (Stay)	0	0	0	0	0	0	0	0
Ontario Court of Appeal (Seeking Leave)	5	4	1	1	1	0	0	4
Ontario Court of Appeal (Merits)	1	0	1	0	0	0	0	1
Supreme Court of Canada (Seeking Leave)	1	1	0	1	0	1	0	0
Supreme Court of Canada (Merits)	0	0	0	0	0	0	0	0

Key Activities with Stakeholder Groups

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

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

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

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

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

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

Financial Position

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

The Deputy Minister has delegated authority for specific financial and administrative transactions to the Chair of the Board, the Director and Managers.

The OLRB is subject to audit review and expenditure constraints and its managers are accountable for following established management practices and using public resources for authorized purposes.

Salary expenditures were slightly higher than the prior fiscal due to lower vacancy rates in this fiscal. In the prior three years, the Board experienced higher rates of vacancy through retirements, deferred recruitment and exit initiatives. Transportation expenditures resulted in a significant savings due to the pandemic. Travel and conference attendance was put on hold and consequently resulted in a significant savings for the Board. Throughout the fiscal year, services expenses were higher than expected largely due to increased IT costs related to the Board's IT operations including additional equipment and electronic voting. The total annual remuneration for all OIC appointees was \$3,430,886.

All figures in \$000.0 thousand

Account	In-year		Year-end Budget	Year-end Actuals	Variance	% Variance
	Expenditure Estimates	Board Approvals				
Salaries & Wages	8,159.9	200.0	8,359.9	8,395.9	(36.0)	-0.4%
Benefits	1002.1		1,002.1	1,118.8	(116.7)	-11.6%
ODOE:						
Transportation & Communication	419.5		419.5	101.3	318.2	75.9%
Services (Including Lease)	2,510.2		2,510.2	2,600.7	(90.5)	-3.6%
Supplies & Equipment	82.2		82.2	65.4	16.8	20.4%
Total ODOE	3,011.9	-	3,011.9	2,767.4	244.5	8.1%
Grand Total	12,173.9	200.0	12,373.9	12,282.2	91.7	0.7%

Figure 32

Non-Tax Revenue	Revenue
Construction Grievance	\$511.5
Publications	-
Subscriptions	\$1.6
Total	\$513.1

Figure 33

Appendix A

Order in Council Appointments

The Board's adjudicators (the Chair, Alternate Chair, Vice- Chairs and Board Members) are all appointed by the Lieutenant Governor in Council as Order in Council appointments (OICs), for a fixed term. The following is a chart of OICs working in 2020/2021, their appointment terms and remuneration:*

Name	First Appointed	Term of Appointment	Annual Remuneration
Chair			
Fishbein, Bernard	February 28, 2011	February 27, 2022	\$224,349.00
Alternate Chair			
Wilson, Matthew	August 29, 2012	March 15, 2021	\$156,077.00
Full Time VCs			
Beatty, Adam	June 30, 2016	December 31, 2021	\$146,311.00
Debané, Geneviève	June 30, 2016	December 31, 2021	\$156,077.00
Doyle, Maureen	February 7, 2021	February 6, 2023	\$156,077.00
Keating, Neil	January 21, 2021	January 22, 2023	\$136,545.00
Kelly, Patrick M.	May 17, 1999	May 17, 2021	\$156,077.00
Lewis, John D.	March 11, 2009	March 10, 2024	\$156,077.00
McCorry, Michael	August 29, 2019	August 28, 2021	\$136,545.00
McFadden, Michael	November 5, 2014	November 4, 2024	\$156,077.00
McGilvery, Roslyn	September 9, 2013	October 30, 2023	\$156,077.00
Mitchell, C. Michael	July 22, 2015	February 27, 2023	\$156,077.00
Ross, David	November 15, 2017	November 14, 2022	\$146,311.00
Ross, Peigi	August 29, 2019	August 28, 2021	\$136,545.00
Rowan, Caroline	May 6, 1999	May 6, 2023	\$156,077.00
Seveny, Yvon	May 25, 2015	May 26, 2025	\$156,077.00
Shouldice, Ronald K. (Lee)	May 30, 2007	May 29, 2022	\$156,077.00
Slaughter, Jack J.	February 3, 2003	February 2, 2026	\$156,077.00
Turtle, Paula **	July 22, 2015	July 21, 2020	\$77,789.00
Waddingham, Kelly A.	April 7, 2004	December 31, 2022	\$156,077.00

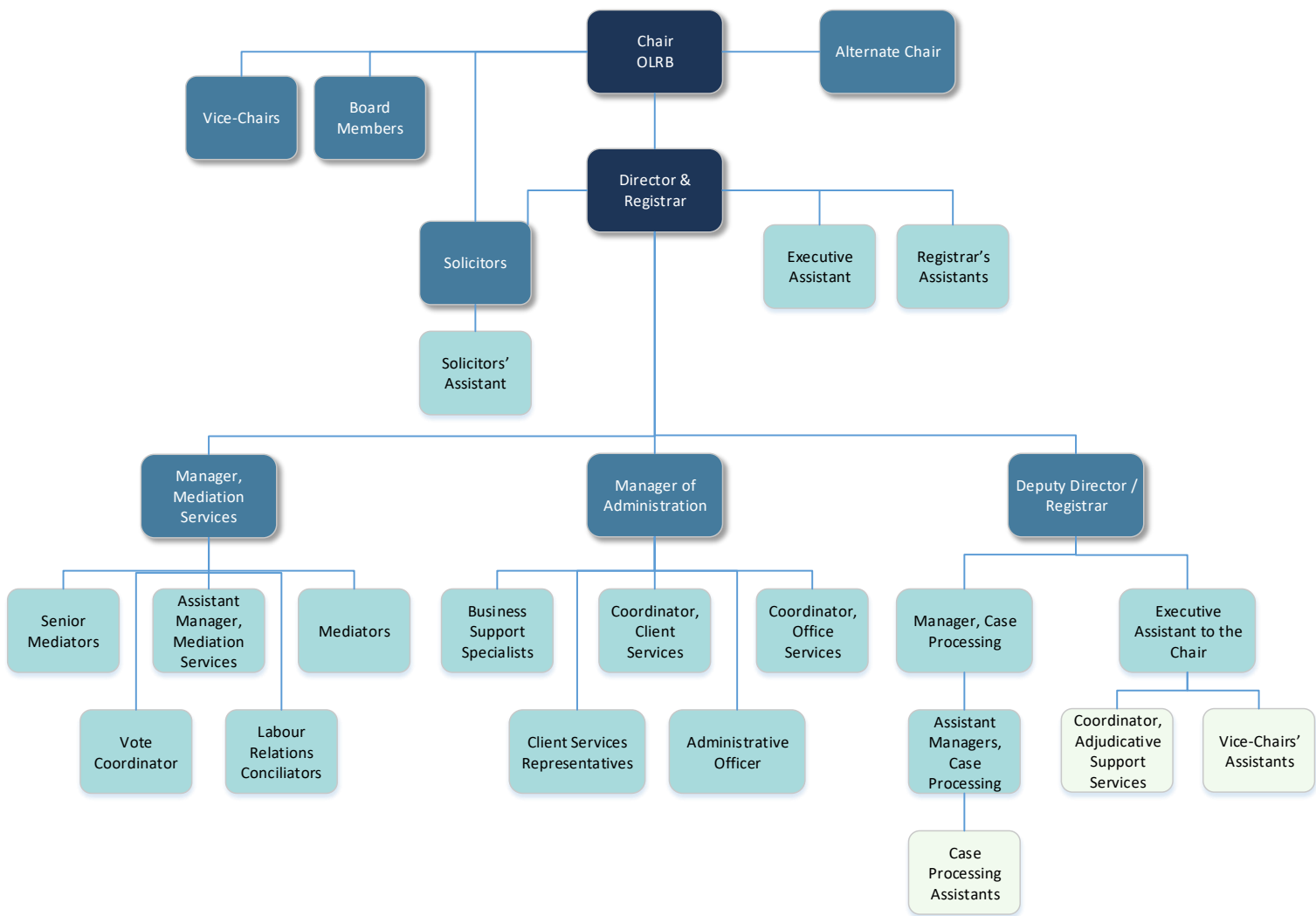
Name	First Appointed	Term of Appointment	Annual Remuneration
Part Time VCs			
Beresford, Harvey	October 5, 2016	October 30, 2021	\$11,130.50
Cavé, Johanne	March 7, 2019	March 6, 2024	\$26,841.25
Clarke, Graham	November 2, 2016	November 1, 2021	\$0.00
Green, Maurice	May 16, 2012	July 8, 2022	\$85,350.27
Hancock, Michael	June 20, 2018	June 19, 2021	\$17,951.63
Kitchen, Robert W.	May 30, 2012	July 8, 2022	\$85,054.82
Kuttner, Thomas	September 11, 2013	October 30, 2023	\$35,066.00
Marvy, Len	May 16, 2019	May 15, 2024	\$36,921.77
McLean, Brian C.	July 8, 1998	July 7, 2022	\$3,940.00
Nyman, Jesse	February 1, 2016	December 20, 2020	\$0.00
Rogers, Derek	August 28, 2013	October 30, 2023	\$49,077.66
Salisbury, Robert	May 16, 2019	May 15, 2021	\$17,730.00
P/T Members (Employer)			
Bolton, Lori	March 11, 2015	March 10, 2025	\$0.00
Chudak, Edward	April 1, 2015	June 22, 2020	\$2,462.50
Cook, William S.	March 18, 2015	March 17, 2025	\$9,341.77
LeChien, Robert	April 15, 2015	April 14, 2020	\$3,225.88
St. Louis, David	February 18, 2015	February 17, 2025	\$3,152.00
Taylor, Margaret	November 29, 2017	November 28, 2022	\$0.00
Zachar, Wayne	June 22, 2016	December 31, 2021	\$0.00
P/T Members (Employee)			
Dowding, John	June 22, 2016	December 31, 2021	\$1,182.00
Gairey, Jawara	October 19, 2016	October 30, 2021	\$788.00
MacDonald, Brian	June 22, 2016	December 30, 2021	\$0.00
Nicholls, William	May 6, 2015	May 5, 2025	\$2,364.00
Nielsen, Heino	June 30, 2016	December 31, 2021	\$0.00
Phillips, Carol	January 14, 2009	January 13, 2022	\$7,092.00

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

** The Vice Chair's appointment ended on July 21, 2020. Pursuant to subsection 110(7) of the *Labour Relations Act*, the Chair authorized the Vice Chair to complete matters on which she was seized.

Appendix B

Organizational Chart



Accountability Statement

The OLRB's Annual Report for the fiscal year ending March 31, 2021 was prepared under my direction for submission to the Minister of Labour in accordance with the Agencies and Appointments Directive as issued by Management Board of Cabinet.

The Public Accounts of Ontario are the annual financial statements that are prepared in compliance with the requirements of Section 13 of the Ministry of Treasury and Economics Act. The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry of Labour's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the OLRB verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

As an agency of the Ministry of Labour, the OLRB's Annual Report is subject to the minimum reporting requirements established in the Agencies and Appointments Directive, including:

- Financial statements that have been audited or subject to the appropriate level of external assurance;
- Analysis of operational performance;
- Analysis of financial performance;
- Names of appointees and term of appointments
- Performance measures, targets achieved/not achieved and action to be taken.

This report covers the fiscal year April 1, 2020 to March 31, 2021.

For More Information

Local: 416-326-7500

Toll-Free: 1-877-339-3335

Hearing Impaired (TTY): 416-212-7036

Fax: 416-326-7531

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

Website: <http://www.olrb.gov.on.ca>

505 University Avenue, 2nd Floor
Toronto, Ontario
M5G 2P1

Copyright © Queen's Printer for Ontario, 2021