

**TABLE 1: Applications and Complaints Filed and Disposed of
First Quarter 2010 and First Quarter 2009**

Type of Application / Complaint	Year	Filed Previous	Filed Current	Disposed of - Current							Remainder Active
				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other	
Complaints of Unfair Labour Practices <i>Complaints Regarding Internal Union Affairs (s. 10)</i>	2010	7	6	5	2	0	2	1	0	0	8
	2009	5	2	2	0	0	2	0	0	0	5
<i>Complaints Regarding Duty to Bargain in Good Faith (s. 11)</i>	2010	14	9	13	0	0	10	1	2	0	10
	2009	7	6	2	0	0	1	0	1	0	11
<i>Complaints Regarding Duty of Fair Representation (s. 12)</i>	2010	21	28	23	8	0	2	2	11 ¹	0	26
	2009	24	28	24	12	0	0	0	12 ²	0	28
<i>Other Unfair Labour Practice Complaints (ss. 5,6,7,8 and 9)³</i>	2010	64	62	50	0	6	24	4	16	0	76
	2009	49	39	29	0	0	19	5	5	0	59
Religious Exemption (s. 17)	2010	1	3	1	0	0	0	1	0	0	3
	2009	2	2	4	0	0	0	4	0	0	0
Certification Applications (ss. 18, 19 and 28)	2010	57	44	37	1	12	0	15	9	0	64
	2009	54	50	49	0	24	0	17	8	0	55
Certification Variances (ss. 28 and 142)	2010	30	29	32	0	4	0	25	3	0	27
	2009	33	41 ⁴	55 ⁵	3	4	0	44	4	0	19
Certification Cancellations (ss. 33 and 142) ⁶	2010	9	14	21	2	1	0	14	4	0	2
	2009	13	9	13	0	3	0	9	1	0	9

¹ Seven of the 11 dismissed complaints filed under the *Labour Relations Code* were dismissed because no *prima facie* case was found.

² Three of the 12 dismissed complaints filed under the *Labour Relations Code* were dismissed because no *prima facie* case was found.

³ In 1996, the Board changed the method of counting complaints under ss. 5 and 6 of the *Labour Relations Code*. Figures in this category reported prior to 1996 cannot be compared to figures in this category reported from 1996 to present.

⁴ Includes three 'partial decertification' applications.

⁵ Includes two 'partial decertification' applications. See TABLE 3.

⁶ See TABLE 3.

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Cancellation of a Voluntary Recognition (s. 34)	2010	2	3	3	1	0	0	2	0	0	2
	2009	2	2	2	0	0	0	1	1	0	2
Permission to Alter Conditions of Employment (ss. 32 and 45)	2010	0	0	0	0	0	0	0	0	0	0
	2009	0	0	0	0	0	0	0	0	0	0
Alleged Unlawful Alteration of Employment Terms and Conditions (ss. 32 and 45)	2010	7	8	7	0	1	2	0	4	0	8
	2009	4	2	2	0	0	1	1	0	0	4
Declaration of Successor Status <i>Successor Employer</i> (s. 35)	2010	16	11	11	0	1	0	7	3	0	16
	2009	22	12	18	1	1	0	13	3	0	16
<i>Successor Union</i> (s. 37 ⁷)	2010	4	5	6	0	0	0	5 ⁸	1	0	3
	2009	1	0	0	0	0	0	0	0	0	1
Common Employer (s. 38)	2010	8	1	2	0	1	0	0	1	0	7
	2009	11	3	4	0	1	0	0	3	0	10
Accreditation Applications (s. 43)	2010	0	0	0	0	0	0	0	0	0	0
	2009	0	0	0	0	0	0	0	0	0	0
Accreditation Variances (ss. 43 and 142)	2010	49	2	47	0	0	0	19	28	0	4
	2009	1	3	3	0	0	0	3	0	0	1

⁷ The workload required to process applications in this category varies widely. The Board may receive one application per collective bargaining relationship or one application covering several collective bargaining relationships. This report reflects the number of applications filed and disposed of regardless of the number of collective bargaining relationships affected by those applications (any notable discrepancies are listed below).

⁸ Two applications were granted affecting 1,243 collective bargaining relationships: the Steelworkers Locals 1-2171, 1-80, 1-363 / 1-1937 application affected 1,084 collective bargaining relationships, the COPE 15 / COPE 378 application affected 159 collective bargaining relationships, and three other applications were granted each affecting a single collective bargaining relationship.

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Accreditation Cancellations (s. 142)	2010	0	0	0	0	0	0	0	0	0	0
	2009	1	0	1	0	0	0	1	0	0	0
Alleged Failure to Execute or Comply with a Collective Agreement (s. 49)	2010	3	3	3	0	0	2	1	0	0	3
	2009	3	0	0	0	0	0	0	0	0	3
Facilitator (s. 53(5))	2010	19	12	8	0	0	0	0	0	8 ⁹	23
	2009	16	10	10	0	0	0	0	0	10 ⁹	16
First Collective Agreement (s. 55) ¹⁰	2010	4	1	5	0	0	2	n/a	n/a	3 ¹¹	0
	2009	3	4	5	0	0	5	n/a	n/a	0	2
Appointment of a Mediation Officer (s. 74) ¹⁰	2010	24	20	20	0	1	19	n/a	n/a	0	24
	2009	17	42	25	0	0	25	n/a	n/a	0	34
Collective Agreement Arbitration Bureau (CAAB) ¹² <i>Section 86 (Appointment of Arbitrator)</i>											
	2010	8	22	20	0	8	0	n/a	n/a	12 ¹³	10
	2009	17	12	19	0	6	3	n/a	n/a	10 ¹³	10
<i>Section 87 (Appointment of Settlement Officer)</i>	2010	6	7	6	0	0	6	n/a	n/a	0 ¹⁴	7
	2009	14	17	18	0	3	8	n/a	n/a	7 ¹⁴	13

⁹ Facilitator appointed.

¹⁰ The method of coding applications in these two categories changed in 2009: (a) when an application is received under the First Collective Agreement provisions of the *Code* and a Mediation Officer was previously appointed under s. 74, the s. 74 case is disposed of as withdrawn (previously coded as other); and (b) when the parties agree to settle matters by way of mediation-arbitration or arbitration, the case is disposed of as settled (previously disposed of as other or settled).

¹¹ In these cases, the matter was referred to arbitration under s. 55(7).

¹² These applications were included in the *LRB Annual Report* for the first time in 2003. Beginning in 2004, figures for individual sections as well as the combined totals for CAAB (ss.86, 87, 104, 105) are included in this report. In general, for this category, Withdrawn indicates withdrawal / settlement prior to any appointments and Settled indicates withdrawal / settlement subsequent to the appointment of a Settlement Officer but prior to appointment of an Arbitrator. See individual section notes regarding Other dispositions.

¹³ Arbitrator appointed (recorded in previous 2004 and 2003 reports as "Granted").

¹⁴ Matter referred back to the parties under Section 87(3).

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<i>Section 104 (Appointment of Arbitrator)</i>	2010	4	54	51	0	16	12	n/a	n/a	23 ¹⁵	7
	2009	4	28	25	0	8	2	n/a	n/a	15 ¹⁵	7
<i>Section 105 (Appointment of Mediator-Arbitrator)</i>	2010	0	1	1	1	0	0	n/a	n/a	0	0
	2009	0	0	0	0	0	0	n/a	n/a	0	0
Combined CAAB Sections	2010	18	84	78	1	24 ¹⁶	18 ¹⁷	n/a	n/a	35	24
	2009	35	57	62	0	17 ¹⁶	13 ¹⁸	n/a	n/a	32	30
Part 5 Applications (Strikes, Lockouts, Picketing, etc.) (ss. 57-67 and ss.69-70)	2010	5	6	6	0	0	5	1	0	0	5
	2009	8	18	18	0	0	5	12	1	0	8
Replacement Workers (s. 68)	2010	0	2	0	0	0	0	0	0	0	2
	2009	0	2	2	0	0	2	0	0	0	0
Essential Service Designations (s. 72)	2010	0	3	1	0	0	0	1	0	0	2
	2009	3	13	4	0	0	2	2	0	0	12
Last Offer Vote (s. 78)	2010	0	4	4	0	0	0	4 ¹⁹	0	0	0
	2009	0	1	1	0	0	0	1 ²⁰	0	0	0
Review of Arbitration Award (s. 99)	2010	18	12	9	0	2	0	2	5	0	21
	2009	25	9	14	0	0	0	1	13	0	20

¹⁵ Arbitrator appointed (recorded in previous 2004 and 2003 reports as "Granted"). For two cases in 2010 and six cases in 2009, a Settlement Officer was appointed in addition to an Arbitrator.

¹⁶ For previous 2004 and 2003 reports, this figure is defined in a footnote regarding the number of CAAB applications "Settled". See Note 12 for further detail.

¹⁷ For CAAB applications disposed of in the first quarter of 2010, 18 (90%) of 20 Settlement Officer appointments resulted in full and final settlement.

¹⁸ For CAAB applications disposed of in the first quarter of 2009, 14 (54%) of 26 Settlement Officer appointments resulted in full and final settlement.

¹⁹ In three cases the final offer was rejected, in one case the ballots were cast but not counted: see BCLRB No. B52/2010.

²⁰ In one case the final offer was rejected.

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Interim Order (s. 133(5))	2010	2	2	2	0	1	0	1	0	0	2
	2009	0	2	2	0	0	0	0	2	0	0
File an Order in Supreme Court (s. 135)	2010	2	4	5	0	2	0	3	0	0	1
	2009	2	13	10	0	4	0	6	0	0	5
Interpretation of the Legislation as it Applies to the Collective Bargaining Relationship (s. 139)	2010	62	8	13	0	5	0	0	0	8 ²¹	57
	2009	51	6	7	1	1	0	1	0	4 ²¹	50
Reconsideration of a Decision (s. 141)	2010	8	10	11	0	0	0	0	11 ²²	0	7
	2009	10	11	13	0	0	0	2	11 ²³	0	8
Declaratory Opinion (excluding Declaratory Opinions Pertaining to Part V of the Legislation) (s. 143)	2010	1	2	2	0	1	0	1	0	0	1
	2009	4	0	2	0	0	0	1	1	0	2
Miscellaneous	2010	26	23	21	0	1	7	8	5	0	28
	2009	22	29 ²⁴	19 ²⁵	0	1	0	15	3	0	32
Total	2010	481	421	446	15	63	93	118	103	54	456
	2009	428	416	402	17	56	75	139	69	46	442

NOTE: The sections quoted are from the *Labour Relations Code* unless otherwise indicated.

²¹ Ruling made.

²² For 10 of the 11 applications dismissed in 2010, leave to apply was denied.

²³ For 10 of the 11 applications dismissed in 2009, leave to apply was denied.

²⁴ Includes two stay applications.

²⁵ Includes one stay application (dismissed).