

**TABLE 1: Applications and Complaints Filed and Disposed of  
First Half 2009 and First Half 2008**

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				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other	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>	2009	5	4	5	1	0	2	0	2	0	4
	2008	8	3	4	0	0	1	2	1	0	7
<i>Complaints Regarding Duty to Bargain in Good Faith (s. 11)</i>	2009	7	12	9	0	0	6	0	3	0	10
	2008	11	7	11	0	0	8	3	0	0	7
<i>Complaints Regarding Duty of Fair Representation (s. 12)</i>	2009	24	58	56	24	0	1	3	28 <sup>1</sup>	0	26
	2008	28	35	37	19	0	4	1	13 <sup>2</sup>	0	26
<i>Other Unfair Labour Practice Complaints (ss. 5,6,7,8 and 9)<sup>3</sup></i>	2009	49	66	63	0	0	43	13	7	0	52
	2008	75	108	121	2	0	78	22	19	0	62
Religious Exemption (s. 17)	2009	2	3	4	0	0	0	4	0	0	1
	2008	0	5	4	0	1	0	3	0	0	1
Certification Applications (ss. 18, 19 and 28)	2009	54	88	94	0	30	0	44	20	0	48
	2008	49	91	78	0	13	0	46	19	0	62
Certification Variances (ss. 28 and 142)	2009	33	81 <sup>4</sup>	86 <sup>5</sup>	5	11	0	64	6	0	28
	2008	31	98 <sup>6</sup>	78 <sup>7</sup>	4	9	0	61	4	0	51
Certification Cancellations (ss. 33 and 142) <sup>8</sup>	2009	13	15	22	0	5	0	14	3	0	6
	2008	14	32	31	3	3	0	18	7	0	15

<sup>1</sup> Eight of the 28 dismissed complaints filed under the *Labour Relations Code* were dismissed because no *prima facie* case was found.  
<sup>2</sup> Nine of the 13 dismissed complaints filed under the *Labour Relations Code* were dismissed because no *prima facie* case was found.  
<sup>3</sup> 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.  
<sup>4</sup> Includes three partial decertification applications.  
<sup>5</sup> Includes five partial decertification applications. See TABLE 3.  
<sup>6</sup> Includes six partial decertification applications.  
<sup>7</sup> Includes five partial decertification applications. See TABLE 3.  
<sup>8</sup> See TABLE 3.

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Cancellation of a Voluntary Recognition (s. 34)	2009	2	4	5	2	0	0	2	1	0	1
	2008	0	7	6	0	1	0	5	0	0	1
Permission to Alter Conditions of Employment (ss. 32 and 45)	2009	0	0	0	0	0	0	0	0	0	0
	2008	1	7	7	1	0	0	4	2	0	0
Alleged Unlawful Alteration of Employment Terms and Conditions (ss. 32 and 45)	2009	4	4	5	0	0	4	1	0	0	3
	2008	4	8	8	0	0	5	2	1	0	4
Declaration of Successor Status <i>Successor Employer</i> (s. 35)	2009	22	26	34	1	3	0	26	4	0	14
	2008	28	38	37	1	3	0	30	3	0	29
<i>Successor Union</i> (s. 37 <sup>9</sup> )	2009	1	4	1	0	0	0	1	0	0	4
	2008	3	3	3	0	1	0	2	0	0	3
Common Employer (s. 38)	2009	11	5	6	0	2	0	1	3	0	10
	2008	17	2	6	0	4	0	0	2	0	13
Accreditation Applications (s. 43)	2009	0	0	0	0	0	0	0	0	0	0
	2008	1	0	0	0	0	0	0	0	0	1
Accreditation Variances (ss. 43 and 142)	2009	1	42	5	0	0	0	5	0	0	38
	2008	1	1	2	0	0	0	2	0	0	0
Accreditation Cancellations (s. 142)	2009	1	0	1	0	0	0	1	0	0	0
	2008	0	0	0	0	0	0	0	0	0	0

<sup>9</sup> 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).

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Alleged Failure to Execute or Comply with a Collective Agreement (s. 49)	2009	3	2	2	0	0	0	1	1	0	3
	2008	7	2	5	0	1	3	0	1	0	4
Facilitator (s. 53(5))	2009	16	21	19	0	0	0	0	0	19 <sup>10</sup>	18
	2008	27	21	20	0	0	0	0	0	20 <sup>10</sup>	28
First Collective Agreement (s. 55)	2009	3	5	7	0	0	6	n/a	n/a	1 <sup>11</sup>	1
	2008	3	5	7	0	0	5	n/a	n/a	2 <sup>12</sup>	1
Appointment of a Mediation Officer (s. 74)	2009	16	77	68	0	0	62	n/a	n/a	6 <sup>13</sup>	25
	2008	25	70	67	0	0	59	n/a	n/a	8 <sup>14</sup>	28
Collective Agreement Arbitration Bureau (CAAB) <sup>15</sup> <i>Section 86 (Appointment of Arbitrator)</i>	2009	17	28	34	0	13	3	n/a	n/a	18 <sup>16</sup>	11
	2008	32	9	37	11	11	5	n/a	n/a	10 <sup>16</sup>	4
<i>Section 87 (Appointment of Settlement Officer)</i>	2009	14	24	28	0	6	12	n/a	n/a	10 <sup>17</sup>	10
	2008	9	27	29	0	8	13	n/a	n/a	8 <sup>17</sup>	7
<i>Section 104 (Appointment of Arbitrator)</i>	2009	4	95	89	0	22	13	n/a	n/a	54 <sup>18</sup>	10
	2008	27	115	132	0	27	25	n/a	n/a	80 <sup>18</sup>	10

<sup>10</sup> Facilitator appointed.

<sup>11</sup> For one case, the dispute was referred to arbitration.

<sup>12</sup> For one case, the union was decertified; and for one case, the parties were allowed to exercise their right to strike or lockout.

<sup>13</sup> For six cases, no meetings were held and no agreement reached.

<sup>14</sup> For three cases, the union was decertified; for three cases, the dispute was referred to arbitration; and for two cases, the file was closed due to inactivity.

<sup>15</sup> 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.

<sup>16</sup> Arbitrator appointed (recorded in previous 2004 and 2003 reports as Granted).

<sup>17</sup> Matter referred back to the parties under Section 87(3).

<sup>18</sup> Arbitrator appointed (recorded in previous 2004 and 2003 reports as Granted). For 11 cases in 2009 and 11 cases in 2008, a Settlement Officer was appointed in addition to an Arbitrator.

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<i>Section 105 (Appointment of Mediator-Arbitrator)</i>	2009	0	0	0	0	0	0	n/a	n/a	0	0
	2008	0	1	1	0	0	0	n/a	n/a	1 <sup>19</sup>	0
<b>Combined CAAB Sections</b>	2009	35	147	151	0	38 <sup>20</sup>	31 <sup>21</sup>	n/a	n/a	82	31
	2008	68	152	199	11	46 <sup>20</sup>	43 <sup>22</sup>	n/a	n/a	99	21
Part 5 Applications (Strikes, Lockouts, Picketing, etc.) (ss. 57-67 and ss.69-70)	2009	8	28	32	1	0	11	19	1	0	4
	2008	10	17	20	0	0	8	6	6	0	7
Replacement Workers (s. 68)	2009	0	3	3	0	0	3	0	0	0	0
	2008	4	4	8	0	1	6	1	0	0	0
Essential Service Designations (s. 72)	2009	3	15	16	0	0	10	6	0	0	2
	2008	3	3	5	0	0	3	2	0	0	1
Last Offer Vote (s. 78)	2009	0	4	4	0	0	0	4 <sup>23</sup>	0	0	0
	2008	0	6	6	1	0	0	4 <sup>24</sup>	1	0	0
Review of Arbitration Award (s. 99)	2009	25	15	24	0	2	0	1	21	0	16
	2008	25	18	19	1	2	0	4	12	0	24
Interim Order (s. 133(5))	2009	0	5	5	0	3	0	0	2	0	0
	2008	2	1	3	0	2	0	1	0	0	0
File an Order in Supreme Court (s. 135)	2009	2	23	22	0	6	0	16	0	0	3
	2008	7	15	19	0	6	0	13	0	0	3

<sup>19</sup> Mediator-Arbitrator appointed.

<sup>20</sup> For previous 2004 and 2003 reports, this figure is defined in a footnote regarding the number of CAAB applications Settled. See Note 15 for further detail.

<sup>21</sup> For CAAB applications disposed of in 2009, 23 (85%) of 27 Settlement Officer appointments resulted in full and final settlement.

<sup>22</sup> For CAAB applications disposed of in 2008, 29 (81%) of 36 Settlement Officer appointments resulted in full and final settlement.

<sup>23</sup> In four cases the final offer was rejected.

<sup>24</sup> In two cases the final offer was rejected and in two cases the offer was accepted.

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Interpretation of the Legislation as it Applies to the Collective Bargaining Relationship (s. 139)	2009	51	16	14	3	3	0	0	0	8 <sup>25</sup>	53
	2008	34	34	17	1	11	0	0	0	5 <sup>25</sup>	51
Reconsideration of a Decision (s. 141)	2009	10	27	24	0	2	0	5	17 <sup>26</sup>	0	13
	2008	14	20	18	0	2	0	1	15 <sup>27</sup>	0	16
Declaratory Opinion (excluding Declaratory Opinions Pertaining to Part V of the Legislation) (s. 143)	2009	4	0	3	0	1	0	1	1	0	1
	2008	8	0	0	0	0	0	0	0	0	8
Miscellaneous	2009	22	51 <sup>28</sup>	46 <sup>29</sup>	1	3	8	27	7	0	27
	2008	18	21 <sup>30</sup>	21 <sup>31</sup>	0	2	7	5	7	0	18
<b>Total</b>	<b>2009</b>	<b>427</b>	<b>851</b>	<b>836</b>	<b>38</b>	<b>109</b>	<b>187</b>	<b>259</b>	<b>127</b>	<b>116</b>	<b>442</b>
	<b>2008</b>	<b>526</b>	<b>834</b>	<b>867</b>	<b>44</b>	<b>108</b>	<b>250</b>	<b>238</b>	<b>113</b>	<b>114</b>	<b>493</b>

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

<sup>25</sup> Ruling made.

<sup>26</sup> For 15 of the 17 applications dismissed in 2009, leave to apply was denied.

<sup>27</sup> For 12 of the 15 applications dismissed in 2008, leave to apply was denied.

<sup>28</sup> Includes five stay applications.

<sup>29</sup> Includes five stay applications: three dismissed, one granted and one not proceeded with.

<sup>30</sup> Includes six stay applications.

<sup>31</sup> Includes five stay applications: four dismissed and one granted.