

TABLE 1: Applications and Complaints Filed and Disposed of First Three Quarters 2009 and First Three Quarters 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				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other		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	5	5	1	0	2	0	2	0	5	
	2008	8	5	7	0	0	2	3	2	0	6	
<i>Complaints Regarding Duty to Bargain in Good Faith (s. 11)</i>	2009	7	20	19	0	0	12	3	4	0	8	
	2008	11	11	16	0	0	13	3	0	0	6	
<i>Complaints Regarding Duty of Fair Representation (s. 12)</i>	2009	24	77	79	29	0	1	4	45 ¹	0	22	
	2008	28	56	52	23	0	6	1	22 ²	0	32	
<i>Other Unfair Labour Practice Complaints (ss. 5,6,7,8 and 9)³</i>	2009	49	118	116	0	0	90	16	10	0	51	
	2008	75	160	169	2	0	117	25	25	0	66	
Religious Exemption (s. 17)	2009	2	3	5	0	0	0	5	0	0	0	
	2008	0	7	4	0	1	0	3	0	0	3	
Certification Applications (ss. 18, 19 and 28)	2009	54	141	146	0	47	0	69	30	0	49	
	2008	49	133	118	1	23	0	66	28	0	64	
Certification Variances (ss. 28 and 142)	2009	33	117 ⁴	122 ⁵	5	15	0	92	10	0	28	
	2008	31	130 ⁶	131 ⁷	6	11	0	105	9	0	30	
Certification Cancellations (ss. 33 and 142) ⁸	2009	13	25	30	1	5	0	20	4	0	8	
	2008	14	45	45	4	6	0	27	8	0	14	

¹ 27 of the 45 dismissed complaints filed under the *Labour Relations Code* were dismissed because no *prima facie* case was found.

² 15 of the 22 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 four partial decertification applications.

⁵ Includes six partial decertification applications. See TABLE 3.

⁶ Includes eight partial decertification applications.

⁷ Includes eight partial decertification applications. See TABLE 3.

⁸ See TABLE 3.

TABLE 1: Applications and Complaints Filed and Disposed of First Three Quarters 2009 and First Three Quarters 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				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other	
Cancellation of a Voluntary Recognition (s. 34)	2009	2	6	6	2	0	0	3	1	0	2
	2008	0	11	9	1	2	0	6	0	0	2
Permission to Alter Conditions of Employment (ss. 32 and 45)	2009	0	0	0	0	0	0	0	0	0	0
	2008	1	7	8	1	1	0	4	2	0	0
Alleged Unlawful Alteration of Employment Terms and Conditions (ss. 32 and 45)	2009	4	12	12	0	0	11	1	0	0	4
	2008	4	18	14	0	0	10	3	1	0	8
Declaration of Successor Status <i>Successor Employer (s. 35)</i>	2009	22	34	42	1	4	0	33	4	0	14
	2008	28	49	54	1	7	0	39	7	0	23
<i>Successor Union (s. 37⁹)</i>	2009	1	12	7	0	0	0	7 ¹⁰	0	0	6
	2008	3	8	9	0	1	0	7	1	0	2
Common Employer (s. 38)	2009	11	9	8	1	2	0	2	3	0	12
	2008	17	5	8	0	4	0	1	3	0	14
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	52	11	0	0	0	11	0	0	42
	2008	1	5	5	0	0	0	5	0	0	1
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

⁹ 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).

¹⁰ Seven applications granted affecting 456 collective bargaining relationships.

TABLE 1: Applications and Complaints Filed and Disposed of First Three Quarters 2009 and First Three Quarters 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	
Alleged Failure to Execute or Comply with a Collective Agreement (s. 49)	2009	3	3	4	0	0	2	1	1	0	2
	2008	7	4	8	0	0	5	1	2	0	3
Facilitator (s. 53(5))	2009	16	25	27	0	0	0	0	0	27 ¹¹	14
	2008	27	26	34	0	0	0	0	0	34 ¹¹	19
First Collective Agreement (s. 55) ¹²	2009	3	10	8	0	0	6	n/a	n/a	2 ¹³	5
	2008 ¹⁴	3	7	8	0	0	5	n/a	n/a	3 ¹⁵	2
Appointment of a Mediation Officer (s. 74) ¹²	2009	16	107	89	0	2	80	n/a	n/a	7 ¹⁶	34
	2008 ¹⁴	25	93	96	0	5	85	n/a	n/a	6 ¹⁷	22
Collective Agreement Arbitration Bureau (CAAB) ¹⁸ <i>Section 86 (Appointment of Arbitrator)</i>											
	2009	17	45	50	0	21	4	n/a	n/a	25 ¹⁹	12
	2008	32	27	46	11	14	5	n/a	n/a	16 ¹⁹	13
<i>Section 87 (Appointment of Settlement Officer)</i>	2009	14	33	39	1	7	19	n/a	n/a	12 ²⁰	8
	2008	9	41	42	0	12	20	n/a	n/a	10 ²⁰	8

¹¹ Facilitator appointed.

¹² The method of coding applications in these two categories changed in 2009 (2008 figures on this report have been adjusted accordingly for comparison purposes): (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).

¹³ For one case, the matter was referred to arbitration under s. 55(7); and for one case, the unit was decertified.

¹⁴ Figures in this row have been adjusted since publication of the 2008 LRB Annual Report. See note 12 above.

¹⁵ For one case, the matter was referred to arbitration under s. 55(7); for one case, the parties were free to exercise their right to strike / lockout under s. 55(7); and for one case, the unit was decertified.

¹⁶ For six cases, no meetings were held and no agreement reached; and for one case, the business closed.

¹⁷ For three cases, the union was decertified; for one case, the matter was referred to arbitration; and for two cases, the file was closed due to inactivity (no agreement reached).

¹⁸ 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.

¹⁹ Arbitrator appointed (recorded in previous 2004 and 2003 reports as Granted).

²⁰ Matter referred back to the parties under Section 87(3).

TABLE 1: Applications and Complaints Filed and Disposed of First Three Quarters 2009 and First Three Quarters 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	
<i>Section 104 (Appointment of Arbitrator)</i>	2009	4	157	139	0	36	26	n/a	n/a	77 ²¹	22
	2008	27	161	179	1	41	26	n/a	n/a	111 ²¹	9
<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 ²²	0
Combined CAAB Sections	2009	35	235	228	1	64²³	49²⁴	n/a	n/a	114	42
	2008	68	230	268	12	67²³	51²⁵	n/a	n/a	138	30
Part 5 Applications (Strikes, Lockouts, Picketing, etc.) (ss. 57-67 and ss.69-70)	2009	8	33	38	1	0	14	21	2	0	3
	2008	10	27	26	0	0	14	6	6	0	11
Replacement Workers (s. 68)	2009	0	5	5	0	0	4	0	1	0	0
	2008	4	5	9	0	1	7	1	0	0	0
Essential Service Designations (s. 72)	2009	3	17	17	0	0	10	7	0	0	3
	2008	3	3	6	0	0	3	3	0	0	0
Last Offer Vote (s. 78)	2009	0	8	8	0	0	0	8 ²⁶	0	0	0
	2008	0	10	10	1	0	0	8 ²⁷	1	0	0
Review of Arbitration Award (s. 99)	2009	25	23	32	0	6	0	2	24	0	16
	2008	25	27	27	2	4	0	6	15	0	25

²¹ Arbitrator appointed (recorded in previous 2004 and 2003 reports as Granted). For 16 cases in 2009 and 17 cases in 2008, a Settlement Officer was appointed in addition to an Arbitrator.

²² Mediator-Arbitrator appointed.

²³ For previous 2004 and 2003 reports, this figure is defined in a footnote regarding the number of CAAB applications Settled. See Note 18 for further detail.

²⁴ For CAAB applications disposed of in 2009, 55 (71%) of 77 Settlement Officer appointments resulted in full and final settlement.

²⁵ For CAAB applications disposed of in 2008, 58 (73%) of 79 Settlement Officer appointments resulted in full and final settlement.

²⁶ In seven cases the final offer was rejected and in one case the offer was accepted.

²⁷ In four cases the final offer was rejected, in two cases the final offer was accepted, and in two cases the applications were withdrawn prior to the ballots being counted.

TABLE 1: Applications and Complaints Filed and Disposed of First Three Quarters 2009 and First Three Quarters 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	
Interim Order (s. 133(5))	2009	0	5	4	0	2	0	0	2	0	1
	2008	2	2	4	0	3	0	1	0	0	0
File an Order in Supreme Court (s. 135)	2009	2	35	32	0	10	0	22	0	0	5
	2008	7	22	24	0	9	0	15	0	0	5
Interpretation of the Legislation as it Applies to the Collective Bargaining Relationship (s. 139)	2009	51	26	17	3	3	0	0	0	11 ²⁸	60
	2008	34	48	28	1	16	0	0	0	11 ²⁸	54
Reconsideration of a Decision (s. 141)	2009	10	35	39	0	3	0	8	28 ²⁹	0	6
	2008	14	29	32	0	4	0	3	25 ³⁰	0	11
Declaratory Opinion (excluding Declaratory Opinions Pertaining to Part V of the Legislation) (s. 143)	2009	4	0	4	0	1	0	1	2	0	0
	2008	8	1	2	0	2	0	0	0	0	7
Miscellaneous	2009	22	66 ³¹	63 ³²	1	5	13	33	11	0	25
	2008	18	39 ³³	34 ³⁴	0	9	10	6	9	0	23
Total	2009	427	1264	1224	46	169	294	370	184	161	467
	2008	526	1223	1265	55	176	328	348	166	192	484

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

²⁸ Ruling made.

²⁹ For 23 of the 28 applications dismissed in 2009, leave to apply was denied.

³⁰ For 21 of the 25 applications dismissed in 2008, leave to apply was denied.

³¹ Includes six stay applications.

³² Includes seven stay applications (five were dismissed, one was granted, and one was not proceeded with).

³³ Includes eight stay applications.

³⁴ Includes six stay applications (four were dismissed, one was granted, and one was withdrawn).