

**TABLE 1: Applications and Complaints Filed and Disposed of in 2009
(including comparative figures for 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				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other	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	9	7	2	0	3	0	2	0	7
	2008	8	5	8	0	0	2	3	3	0	5
<i>Complaints Regarding Duty to Bargain in Good Faith (s. 11)</i>	2009	7	32	25	0	0	16	5	4	0	14
	2008	11	18	22	0	0	18	4	0	0	7
<i>Complaints Regarding Duty of Fair Representation (s. 12)</i>	2009	24	93	96	36	0	1	5	54 ¹	0	21
	2008	28	66	70	29	0	7	2	32 ²	0	24
<i>Other Unfair Labour Practice Complaints (ss. 5,6,7,8 and 9)³</i>	2009	49	186	171	0	0	135	23	13	0	64
	2008	76	193	220	2	0	154	31	33	0	49
Religious Exemption (s. 17)	2009	2	4	5	0	0	0	5	0	0	1
	2008	0	10	8	0	1	0	7	0	0	2
Certification Applications (ss. 18, 19 and 28)	2009	54	187	184	1	58	0	88	37	0	57
	2008	49	185	180	2	42	0	96	40	0	54
Certification Variances (ss. 28 and 142)	2009	33	152 ⁴	155 ⁵	12	15	0	118	10	0	30
	2008	31	171 ⁶	169 ⁷	6	17	0	134	12	0	33
Certification Cancellations (ss. 33 and 142) ⁸	2009	13	37	41	1	7	0	28	5	0	9
	2008	14	63	64	7	10	0	35	12	0	13

¹ 33 of the 54 dismissed complaints filed under the *Labour Relations Code* were dismissed because no *prima facie* case was found.

² 22 of the 32 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 five partial decertification applications.

⁵ Includes seven partial decertification applications. See TABLE 3.

⁶ Includes seven partial decertification applications.

⁷ Includes eight partial decertification applications. See TABLE 3.

⁸ See TABLE 3.

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Cancellation of a Voluntary Recognition (s. 34)	2009	2	9	9	3	0	2	3	1	0	2
	2008	0	12	10	1	2	0	7	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	8	9	1	1	0	5	2	0	0
Alleged Unlawful Alteration of Employment Terms and Conditions (ss. 32 and 45)	2009	5	27	25	0	0	21	4	0	0	7
	2008	5	21	21	0	0	15	4	2	0	5
Declaration of Successor Status <i>Successor Employer (s. 35)</i>	2009	22	52	58	1	6	0	45	6	0	16
	2008	28	60	66	1	12	0	46	7	0	22
<i>Successor Union (s. 37⁹)</i>	2009	1	14	11	0	0	0	11 ¹⁰	0	0	4
	2008	3	8	10	0	1	0	8	1	0	1
Common Employer (s. 38)	2009	11	11	14	1	6	0	4	3	0	8
	2008	17	5	11	0	7	0	1	3	0	11
Accreditation Applications (s. 43)	2009	0	0	0	0	0	0	0	0	0	0
	2008	1	0	1	0	0	0	1	0	0	0
Accreditation Variances (ss. 43 and 142)	2009	1	62	14	0	0	0	14	0	0	49
	2008	1	6	6	0	0	0	6	0	0	1
Accreditation Cancellations (s. 142)	2009	1	0	1	0	0	0	1	0	0	0
	2008	0	1	0	0	0	0	0	0	0	1

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 11 applications granted affecting 460 collective bargaining relationships.

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Alleged Failure to Execute or Comply with a Collective Agreement (s. 49)	2009	3	6	7	0	0	4	2	1	0	2
	2008	7	5	9	0	0	6	1	2	0	3
Facilitator (s. 53(5))	2009	18	31	31	0	0	0	n/a	n/a	31 ¹¹	18
	2008	29	37	48	0	0	0	n/a	n/a	48 ¹¹	18
First Collective Agreement (s. 55) ¹²	2009	3	13	13	0	0	10	n/a	n/a	3 ¹³	3
	2008 ¹⁴	3	13	13	0	0	10	n/a	n/a	3 ¹⁵	3
Appointment of a Mediation Officer (s. 74) ¹²	2009	16	130	122	0	6	107	n/a	n/a	9 ¹⁶	24
	2008 ¹⁴	24	113	121	0	7	108	n/a	n/a	6 ¹⁷	16
Collective Agreement Arbitration Bureau (CAAB) ¹⁸ <i>Section 86 (Appointment of Arbitrator)</i>											
	2009	17	64	73	0	34	6	n/a	n/a	33 ¹⁹	8
	2008	32	56	71	12	19	5	n/a	n/a	35 ¹⁹	17
<i>Section 87 (Appointment of Settlement Officer)</i>	2009	14	44	52	1	10	26	n/a	n/a	15 ²⁰	6
	2008	9	57	52	0	13	25	n/a	n/a	14 ²⁰	14

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 two cases, 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 seven cases, no agreement reached; for one case, the business closed; and for one case, the contract terms were legislated.

¹⁷ For two cases, no agreement reached; for three cases, the unit was decertified; and for one case, the Minister directed the parties to Arbitration.

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).

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<i>Section 104 (Appointment of Arbitrator)</i>	2009	4	214	214	0	53	47	n/a	n/a	114 ²¹	4
	2008	26	209	231	1	56	32	n/a	n/a	142 ²¹	4
<i>Section 105 (Appointment of Mediator-Arbitrator)</i>	2009	0	0	0	0	0	0	n/a	n/a	0 ²²	0
	2008	0	2	2	0	0	0	n/a	n/a	2 ²²	0
Combined CAAB Sections	2009	35	322	339	1	97²³	79²⁴	n/a	n/a	162	18
	2008	67	324	356	13	88²³	62²⁵	n/a	n/a	193	35
Part 5 Applications (Strikes, Lockouts, Picketing, etc.) (ss. 57-67 and ss.69-70)	2009	8	42	45	1	0	19	23	2	0	5
	2008	10	36	38	0	0	24	8	6	0	8
Replacement Workers (s. 68)	2009	0	6	6	0	0	4	1	1	0	0
	2008	4	6	10	0	0	8	2	0	0	0
Essential Service Designations (s. 72)	2009	3	18	21	0	0	13	8	0	0	0
	2008	3	6	6	0	0	3	3	0	0	3
Last Offer Vote (s. 78)	2009	0	15	15	0	0	0	15 ²⁶	0	0	0
	2008	0	18	18	1	0	0	16 ²⁷	1	0	0
Review of Arbitration Award (s. 99)	2009	25	32	39	0	6	0	4	29	0	18
	2008	25	37	37	2	5	0	7	23	0	25

²¹ Arbitrator appointed (recorded in previous 2004 and 2003 reports as Granted). For 29 cases in 2009 and 22 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, 86 (70%) of 123 Settlement Officer appointments resulted in full and final settlement.

²⁵ For CAAB applications disposed of in 2008, 69 (70%) of 99 Settlement Officer appointments resulted in full and final settlement.

²⁶ In 10 cases the final offer was rejected; in two cases the offer was accepted; in two cases the application was withdrawn prior to the ballots being counted; and in one case the vote was not counted as a breach of Section 11 was found.

²⁷ In six cases the final offer was rejected; in seven cases the offer was accepted; and in three cases the application was withdrawn prior to the ballots being counted.

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Interim Order (s. 133(5))	2009	0	8	6	0	4	0	0	2	0	2
	2008	2	4	6	0	5	0	1	0	0	0
File an Order in Supreme Court (s. 135)	2009	2	41	41	0	15	0	26	0	0	2
	2008	8	23	29	0	11	0	18	0	0	2
Interpretation of the Legislation as it Applies to the Collective Bargaining Relationship (s. 139)	2009	51	39	29	4	7	0	0	0	18 ²⁸	61
	2008	34	54	37	1	21	0	0	0	15 ²⁸	51
Reconsideration of a Decision (s. 141)	2009	10	46	48	0	4	0	8	36 ²⁹	0	8
	2008	14	43	47	0	6	0	6	35 ³⁰	0	10
Declaratory Opinion (excluding Declaratory Opinions Pertaining to Part V of the Legislation) (s. 143)	2009	5	0	4	0	1	0	1	2	0	1
	2008	9	1	5	0	4	0	0	1	0	5
Miscellaneous	2009	21	82 ³¹	77 ³²	0	8	18	36	15	0	26
	2008	18	55 ³³	52 ³⁴	0	11	16	13	12	0	21
Total	2009	430	1706	1659	63	242	430	478	223	223	477
	2008	530	1607	1707	66	251	433	465	227	265	430

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

²⁸ Ruling made.

²⁹ For 30 of the 36 applications dismissed in 2009, leave to apply was denied.

³⁰ For 30 of the 35 applications dismissed in 2008, leave to apply was denied.

³¹ Includes two stay applications.

³² Includes nine stay applications (one was granted and eight were dismissed).

³³ Includes 11 stay applications.

³⁴ Includes nine stay applications (one was granted, seven were dismissed, and one was withdrawn).