

**TABLE 1: Applications and Complaints Filed and Disposed of
First Quarter 2011 and First Quarter 2010**

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				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other	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>	2011	8	1	4	0	0	0	0	4	0	5
	2010	7	6	5	2	0	2	1	0	0	8
<i>Complaints Regarding Duty to Bargain in Good Faith (s. 11)</i>	2011	13	4	6	0	0	4	0	2	0	11
	2010	14	9	13	0	0	10	1	2	0	10
<i>Complaints Regarding Duty of Fair Representation (s. 12)</i>	2011	37	25	24	5	0	0	3	16 ¹	0	38
	2010	21	28	23	8	0	2	2	11 ²	0	26
<i>Other Unfair Labour Practice Complaints (ss. 5,6,7,8 and 9)³</i>	2011	59	26	27	0	0	16	7	4	0	58
	2010	64	64	47	0	0	28	4	15	0	81
Religious Exemption (s. 17)	2011	0	0	0	0	0	0	0	0	0	0
	2010	1	3	1	0	0	0	1	0	0	3
Certification Applications (ss. 18, 19 and 28)	2011	50	29	27	0	5	0	12	10	0	52
	2010	57	44	37	1	12	0	15	9	0	64
Certification Variances (ss. 28 and 142)	2011	21	47 ⁴	41 ⁵	0	7	0	30	4	0	27
	2010	30	28	32	0	4	0	25	3	0	26
Certification Cancellations (ss. 33 and 142) ⁶	2011	5	4	8	0	0	0	5	3	0	1
	2010	9	14	21	2	1	0	14	4	0	2

¹ Eight of the 16 dismissed complaints filed under the *Labour Relations Code* were dismissed because no *prima facie* case was found.

² Seven of the 11 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 two partial decertification applications.

⁵ Includes one partial decertification application. See TABLE 3.

⁶ See TABLE 3.

**TABLE 1: Applications and Complaints Filed and Disposed of
First Quarter 2011 and First Quarter 2010**

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				Total Disposed of	Not Proceeded With	Withdrawn	Settled	Granted	Dismissed	Other	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)	2011	0	1	0	0	0	0	0	0	0	1
	2010	2	3	3	1	0	0	2	0	0	2
Permission to Alter Conditions of Employment (ss. 32 and 45)	2011	0	0	0	0	0	0	0	0	0	0
	2010	0	0	0	0	0	0	0	0	0	0
Alleged Unlawful Alteration of Employment Terms and Conditions (ss. 32 and 45)	2011	5	3	3	0	0	3	0	0	0	5
	2010	7	8	7	0	0	3	0	4	0	8
Declaration of Successor Status <i>Successor Employer</i> (s. 35)	2011	9	24	22	0	1	0	20	1	0	11
	2010	16	12	11	0	1	0	7	3	0	17
<i>Successor Union</i> (s. 37 ⁷)	2011	1	10	10	0	0	0	10	0	0	1
	2010	4	5	6	0	0	0	5 ⁸	1	0	3
Common Employer (s. 38)	2011	8	10	3	0	2	0	0	1	0	15
	2010	8	1	2	0	1	0	0	1	0	7
Accreditation Applications (s. 43)	2011	0	0	0	0	0	0	0	0	0	0
	2010	0	0	0	0	0	0	0	0	0	0
Accreditation Variances (ss. 43 and 142)	2011	1	2	0	0	0	0	0	0	0	3
	2010	49	2	47	0	0	0	19	28	0	4
Accreditation Cancellations (s. 142)	2011	0	0	0	0	0	0	0	0	0	0
	2010	0	0	0	0	0	0	0	0	0	0

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 Five applications granted affecting 1,246 collective bargaining relationships.

TABLE 1: Applications and Complaints Filed and Disposed of First Quarter 2011 and First Quarter 2010

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)	2011	4	2	1	0	0	1	0	0	0	5
	2010	3	3	3	0	0	2	1	0	0	3
Facilitator (s. 53(5))	2011	9	9	8	0	0	0	0	0	8 ⁹	10
	2010	19	12	8	0	0	0	0	0	8 ⁹	23
First Collective Agreement (s. 55) ¹⁰	2011	0	3	1	0	0	1	n/a	n/a	0	2
	2010	4	2	5	0	0	2	n/a	n/a	3 ¹¹	1
Appointment of a Mediation Officer (s. 74) ¹⁰	2011	35	36	30	0	1	26	n/a	n/a	3 ¹²	41
	2010	24	20	20	0	1	19	n/a	n/a	0	24
Collective Agreement Arbitration Bureau (CAAB) ¹³ <i>Section 86 (Appointment of Arbitrator)</i>											
	2011	6	16	15	0	8	1	n/a	n/a	6 ¹⁴	7
	2010	8	22	20	0	8	0	n/a	n/a	12 ¹⁴	10
<i>Section 87 (Appointment of Settlement Officer)</i>	2011	3	8	3	2	0	0	n/a	n/a	1 ¹⁵	8
	2010	6	7	6	0	0	6	n/a	n/a	0	7
<i>Section 104 (Appointment of Arbitrator)</i>	2011	5	38	38	2	5	4	n/a	n/a	27 ¹⁶	5
	2010	4	55	52	0	17	12	n/a	n/a	23 ¹⁶	7

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 For three cases, matter referred to arbitration under s. 55(7).

¹² For one case the unit was decertified, for one case the business closed, and for one case no agreement was reached.

¹³ 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.

¹⁴ Arbitrator appointed (recorded in previous 2004 and 2003 reports as Granted).

¹⁵ Matter referred back to the parties under Section 87(3).

¹⁶ Arbitrator appointed (recorded in previous 2004 and 2003 reports as Granted). For three cases in 2011 and two cases in 2010, a Settlement Officer was appointed in addition to an Arbitrator.

TABLE 1: Applications and Complaints Filed and Disposed of First Quarter 2011 and First Quarter 2010

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 105</i> (Appointment of Mediator-Arbitrator)	2011	0	0	0	0	0	0	n/a	n/a	0	0
	2010	0	1	1	1	0	0	n/a	n/a	0	0
Combined CAAB Sections	2011	14	62	56	4	13	5 ¹⁷	n/a	n/a	34	20
	2010	18	85	79	1	25	18 ¹⁸	n/a	n/a	35	24
Part 5 Applications (Strikes, Lockouts, Picketing, etc.) (ss. 57-67 and ss.69-70)	2011	3	18	13	0	0	7	0	6	0	8
	2010	5	6	6	0	0	5	1	0	0	5
Replacement Workers (s. 68)	2011	0	1	0	0	0	0	0	0	0	1
	2010	0	2	0	0	0	0	0	0	0	2
Essential Service Designations (s. 72)	2011	1	1	0	0	0	0	0	0	0	2
	2010	0	3	1	0	0	0	1	0	0	2
Last Offer Vote (s. 78)	2011	0	6	6	0	0	0	6 ¹⁹	0	0	0
	2010	0	4	4	0	0	0	4 ²⁰	0	0	0
Review of Arbitration Award (s. 99)	2011	16	8	10	0	4	0	1	5	0	14
	2010	18	12	9	0	2	0	2	5	0	21
Interim Order (s. 133(5))	2011	1	2	2	0	1	0	1	0	0	1
	2010	1	2	2	0	1	0	1	0	0	1
File an Order in Supreme Court (s. 135)	2011	1	7	7	0	6	0	1	0	0	1
	2010	2	4	5	0	2	0	3	0	0	1

¹⁷ For CAAB applications disposed of in 2011, five (63%) of eight Settlement Officer appointments resulted in full and final settlement.

¹⁸ For CAAB applications disposed of in 2010, 19 (95%) of 20 Settlement Officer appointments resulted in full and final settlement.

¹⁹ In four cases the final offer was rejected and in one case the final offer was accepted; and in one case the ballots have not been counted pending further adjudication.

²⁰ In three cases the final offer was rejected and in one case the ballots were not counted (BCLRB B52/2010).

**TABLE 1: Applications and Complaints Filed and Disposed of
First Quarter 2011 and First Quarter 2010**

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	
Interpretation of the Legislation as it Applies to the Collective Bargaining Relationship (s. 139)	2011	55	3	2	0	0	0	0	0	2 ²¹	56
	2010	61	11	13	0	5	0	0	0	8 ²¹	59
Reconsideration of a Decision (s. 141)	2011	6	8	6	0	0	0	1	5 ²²	0	8
	2010	8	10	11	0	0	0	0	11 ²³	0	7
Declaratory Opinion (excluding Declaratory Opinions Pertaining to Part V of the Legislation) (s. 143)	2011	3	1	2	0	0	0	1	1	0	2
	2010	1	3	2	0	1	0	1	0	0	2
Miscellaneous	2011	25	11 ²⁴	11 ²⁵	0	1	5	4	1	0	25
	2010	26	24	21	0	1	7	8	5	0	29
Total	2011	390	364	330	9	41	68	102	63	47	424
	2010	479	430	444	15	57	98	118	102	54	465

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

²¹ Ruling made.

²² For three of the five applications dismissed in 2011, leave to apply was denied.

²³ For 10 of the 11 applications dismissed in 2010, leave to apply was denied.

²⁴ Includes one stay application.

²⁵ Includes one stay application (granted).