

**TABLE 1: Applications and Complaints Filed and Disposed of in 2010
(including comparative figures for 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| | | | | Total Disposed of | Not Proceeded With | Withdrawn | Settled | Granted | Dismissed | Other | | |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 | 15 | 14 | 3 | 0 | 6 | 1 | 4 | 0 | 8 | |
| | 2009 | 5 | 9 | 7 | 2 | 0 | 3 | 0 | 2 | 0 | 7 | |
| <i>Complaints Regarding Duty to Bargain in Good Faith (s. 11)</i> | 2010 | 14 | 44 | 45 | 1 | 0 | 27 | 10 | 7 | 0 | 13 | |
| | 2009 | 7 | 32 | 25 | 0 | 0 | 16 | 5 | 4 | 0 | 14 | |
| <i>Complaints Regarding Duty of Fair Representation (s. 12)</i> | 2010 | 21 | 98 | 82 | 26 | 0 | 5 | 5 | 46 ¹ | 0 | 37 | |
| | 2009 | 24 | 93 | 96 | 36 | 0 | 1 | 5 | 54 ² | 0 | 21 | |
| <i>Other Unfair Labour Practice Complaints (ss. 5,6,7,8 and 9)³</i> | 2010 | 64 | 215 | 220 | 3 | 0 | 136 | 32 | 49 | 0 | 59 | |
| | 2009 | 49 | 186 | 171 | 0 | 0 | 135 | 23 | 13 | 0 | 64 | |
| Religious Exemption (s. 17) | 2010 | 1 | 6 | 7 | 2 | 0 | 0 | 4 | 1 | 0 | 0 | |
| | 2009 | 2 | 4 | 5 | 0 | 0 | 0 | 5 | 0 | 0 | 1 | |
| Certification Applications (ss. 18, 19 and 28) | 2010 | 57 | 160 | 166 | 1 | 48 | 0 | 72 | 45 | 0 | 51 | |
| | 2009 | 54 | 187 | 184 | 1 | 58 | 0 | 88 | 37 | 0 | 57 | |
| Certification Variances (ss. 28 and 142) | 2010 | 30 | 128 ⁴ | 137 ⁵ | 0 | 10 | 0 | 119 | 8 | 0 | 21 | |
| | 2009 | 33 | 152 ⁶ | 155 ⁷ | 12 | 15 | 0 | 118 | 10 | 0 | 30 | |
| Certification Cancellations (ss. 33 and 142) ⁸ | 2010 | 9 | 48 | 52 | 5 | 2 | 0 | 33 | 12 | 0 | 5 | |
| | 2009 | 13 | 37 | 41 | 1 | 7 | 0 | 28 | 5 | 0 | 9 | |

¹ 25 of the 46 dismissed complaints filed under the *Labour Relations Code* were dismissed because no *prima facie* case was found.

² 33 of the 54 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 two partial decertification applications. See TABLE 3.

⁶ Includes five partial decertification applications.

⁷ Includes seven partial decertification applications. See TABLE 3.

⁸ See TABLE 3.

**TABLE 1: Applications and Complaints Filed and Disposed of in 2010
(including comparative figures for 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 | |
| Cancellation of a Voluntary Recognition (s. 34) | 2010 | 2 | 5 | 7 | 1 | 2 | 0 | 3 | 1 | 0 | 0 |
| | 2009 | 2 | 9 | 9 | 3 | 0 | 2 | 3 | 1 | 0 | 2 |
| Permission to Alter Conditions of Employment (ss. 32 and 45) | 2010 | 0 | 3 | 3 | 0 | 0 | 3 | 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 | 20 | 22 | 0 | 0 | 12 | 3 | 7 | 0 | 5 |
| | 2009 | 5 | 27 | 25 | 0 | 0 | 21 | 4 | 0 | 0 | 7 |
| Declaration of Successor Status <i>Successor Employer (s. 35)</i> | 2010 | 16 | 45 | 52 | 4 | 7 | 0 | 33 | 8 | 0 | 9 |
| | 2009 | 22 | 52 | 58 | 1 | 6 | 0 | 45 | 6 | 0 | 16 |
| <i>Successor Union (s. 37)⁹</i> | 2010 | 4 | 9 | 12 | 0 | 0 | 0 | 11 ¹⁰ | 1 | 0 | 1 |
| | 2009 | 1 | 14 | 11 | 0 | 0 | 0 | 11 ¹¹ | 0 | 0 | 4 |
| Common Employer (s. 38) | 2010 | 8 | 8 | 8 | 0 | 3 | 0 | 2 | 3 | 0 | 8 |
| | 2009 | 11 | 11 | 14 | 1 | 6 | 0 | 4 | 3 | 0 | 8 |
| 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 | 6 | 54 | 0 | 0 | 0 | 26 | 28 | 0 | 1 |
| | 2009 | 1 | 62 | 14 | 0 | 0 | 0 | 14 | 0 | 0 | 49 |
| 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 |

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 1278 collective bargaining relationships.

¹¹ 11 applications granted affecting 460 collective bargaining relationships.

**TABLE 1: Applications and Complaints Filed and Disposed of in 2010
(including comparative figures for 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 | |
| Alleged Failure to Execute or Comply with a Collective Agreement (s. 49) | 2010 | 3 | 12 | 11 | 0 | 0 | 7 | 2 | 2 | 0 | 4 |
| | 2009 | 4 | 6 | 7 | 0 | 0 | 4 | 2 | 1 | 0 | 3 |
| Facilitator (s. 53(5)) | 2010 | 19 | 34 | 44 | 0 | 1 | 0 | n/a | n/a | 43 ¹² | 9 |
| | 2009 | 19 | 31 | 31 | 0 | 0 | 0 | n/a | n/a | 31 ¹² | 19 |
| First Collective Agreement (s. 55) ¹³ | 2010 | 4 | 6 | 10 | 0 | 0 | 7 | n/a | n/a | 3 ¹⁴ | 0 |
| | 2009 | 4 | 13 | 13 | 0 | 0 | 10 | n/a | n/a | 3 ¹⁵ | 4 |
| Appointment of a Mediation Officer (s. 74) ¹³ | 2010 | 24 | 118 | 107 | 0 | 5 | 100 | n/a | n/a | 2 ¹⁶ | 35 |
| | 2009 | 16 | 130 | 122 | 0 | 6 | 107 | n/a | n/a | 9 ¹⁷ | 24 |
| Collective Agreement Arbitration Bureau (CAAB) ¹⁸ <i>Section 86 (Appointment of Arbitrator)</i> | | | | | | | | | | | |
| | 2010 | 8 | 63 | 65 | 1 | 29 | 0 | n/a | n/a | 35 ¹⁹ | 6 |
| | 2009 | 17 | 64 | 73 | 0 | 34 | 6 | n/a | n/a | 33 ¹⁹ | 8 |
| <i>Section 87 (Appointment of Settlement Officer)</i> | 2010 | 6 | 26 | 29 | 1 | 3 | 18 | n/a | n/a | 7 ²⁰ | 3 |
| | 2009 | 14 | 44 | 52 | 1 | 10 | 26 | n/a | n/a | 15 ²⁰ | 6 |

¹² Facilitator appointed.

¹³ 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).

¹⁴ For all cases, the matter was referred to arbitration under s. 55(7).

¹⁵ For two cases, the matter was referred to arbitration under s. 55(7); and for one case, the unit was decertified.

¹⁶ For both cases, the units were decertified.

¹⁷ For seven cases, no agreement reached; for one case, the business closed; and for one case, the contract terms were legislated.

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 in 2010
(including comparative figures for 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 | |
| <i>Section 104 (Appointment of Arbitrator)</i> | 2010 | 4 | 223 | 222 | 1 | 69 | 37 | n/a | n/a | 115 ²¹ | 5 |
| | 2009 | 4 | 214 | 214 | 0 | 53 | 47 | n/a | n/a | 114 ²¹ | 4 |
| <i>Section 105 (Appointment of Mediator-Arbitrator)</i> | 2010 | 0 | 3 | 3 | 1 | 2 | 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 | 315 | 319 | 4 | 103 ²² | 55 ²³ | n/a | n/a | 157 | 14 |
| | 2009 | 35 | 322 | 339 | 1 | 97 ²² | 79 ²⁴ | n/a | n/a | 162 | 18 |
| Part 5 Applications (Strikes, Lockouts, Picketing, etc.) (ss. 57-67 and ss.69-70) | 2010 | 5 | 21 | 23 | 0 | 0 | 19 | 2 | 2 | 0 | 3 |
| | 2009 | 8 | 42 | 45 | 1 | 0 | 19 | 23 | 2 | 0 | 5 |
| Replacement Workers (s. 68) | 2010 | 0 | 4 | 4 | 0 | 0 | 4 | 0 | 0 | 0 | 0 |
| | 2009 | 0 | 6 | 6 | 0 | 0 | 4 | 1 | 1 | 0 | 0 |
| Essential Service Designations (s. 72) | 2010 | 0 | 8 | 7 | 0 | 0 | 5 | 2 | 0 | 0 | 1 |
| | 2009 | 3 | 18 | 21 | 0 | 0 | 13 | 8 | 0 | 0 | 0 |
| Last Offer Vote (s. 78) | 2010 | 0 | 14 | 14 | 0 | 0 | 0 | 14 ²⁵ | 0 | 0 | 0 |
| | 2009 | 0 | 15 | 15 | 0 | 0 | 0 | 15 ²⁶ | 0 | 0 | 0 |
| Review of Arbitration Award (s. 99) | 2010 | 18 | 29 | 31 | 0 | 5 | 0 | 8 | 18 | 0 | 16 |
| | 2009 | 25 | 32 | 39 | 0 | 6 | 0 | 4 | 29 | 0 | 18 |

²¹ Arbitrator appointed (recorded in previous 2004 and 2003 reports as Granted). For 21 cases in 2010 and 29 cases in 2009, a Settlement Officer was appointed in addition to an Arbitrator.

²² 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.

²³ A Settlement Officer was appointed for 91 CAAB applications disposed of in 2010. Of these 91 applications, 73 (80%) resulted in full and final settlement.

²⁴ A Settlement Officer was appointed for 123 CAAB applications disposed of in 2009. Of these 123 applications, 86 (70%) resulted in full and final settlement.

²⁵ In seven cases the final offer was rejected; in four cases the offer was accepted; in one case ballots were not counted; see BCLRB B52/2010; and in two cases ballots were not counted: Consent Order issued.

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.

**TABLE 1: Applications and Complaints Filed and Disposed of in 2010
(including comparative figures for 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 | |
| Interim Order (s. 133(5)) | 2010 | 1 | 5 | 5 | 0 | 2 | 0 | 1 | 2 | 0 | 1 |
| | 2009 | 0 | 8 | 6 | 0 | 4 | 0 | 0 | 2 | 0 | 1 |
| File an Order in Supreme Court (s. 135) | 2010 | 2 | 14 | 15 | 0 | 9 | 0 | 6 | 0 | 0 | 1 |
| | 2009 | 2 | 41 | 41 | 0 | 15 | 0 | 26 | 0 | 0 | 2 |
| Interpretation of the Legislation as it Applies to the Collective Bargaining Relationship (s. 139) | 2010 | 61 | 44 | 50 | 0 | 23 | 0 | 0 | 0 | 27 ²⁷ | 55 |
| | 2009 | 51 | 39 | 29 | 4 | 7 | 0 | 0 | 0 | 18 ²⁷ | 61 |
| Reconsideration of a Decision (s. 141) | 2010 | 8 | 49 | 51 | 0 | 2 | 0 | 10 | 39 ²⁸ | 0 | 6 |
| | 2009 | 10 | 46 | 48 | 0 | 4 | 0 | 8 | 36 ²⁹ | 0 | 8 |
| Declaratory Opinion (excluding Declaratory Opinions Pertaining to Part V of the Legislation) (s. 143) | 2010 | 1 | 9 | 7 | 0 | 1 | 0 | 3 | 3 | 0 | 3 |
| | 2009 | 5 | 0 | 4 | 0 | 1 | 0 | 1 | 2 | 0 | 1 |
| Miscellaneous | 2010 | 26 | 87 ³⁰ | 88 ³¹ | 2 | 6 | 32 | 28 | 20 | 0 | 25 |
| | 2009 | 21 | 82 ³² | 77 ³³ | 0 | 8 | 18 | 36 | 15 | 0 | 26 |
| | | | | | | | | | | | |
| Total | 2010 | 479 | 1579 | 1667 | 52 | 229 | 418 | 430 | 306 | 232 | 391 |
| | 2009 | 432 | 1706 | 1659 | 63 | 242 | 430 | 478 | 223 | 223 | 479 |

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

²⁷ Ruling made.

²⁸ For 36 of the 51 applications dismissed in 2010, leave to apply was denied.

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

³⁰ Includes two stay applications.

³¹ Includes three stay applications (two were dismissed and one was withdrawn).

³² Includes two stay applications.

³³ Includes nine stay applications (one was granted and eight were dismissed).