



ONTARIO LABOUR RELATIONS BOARD

Business Plan

2021 - 2024

Chair – Bernard Fishbein

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Executive Summary

The Ontario Labour Relations Board continues to maintain its reputation for excellence and expertise. The Board is always working to improve service to the public by increasing access to administrative justice in the workplace community and to render its decisions and fulfill its statutory mandate in an even more timely and expeditious manner. To this end, in recent years, the Board introduced electronic filing and electronic voting. The Board's forms, in English and French, were modernized to allow for electronic submission of forms and other documents, as well as fee payments, and greater accessibility to the Board's processes. Other methods of filing were still available such as fax, mail and courier. Electronic votes were held in addition to in-person votes and the Board's mediation staff were trained to run the vote help desk in most cases. Improvements to the Board's modernized electronic case management system continue as required to ensure efficient delivery of services including improvements to enhance the Board's ability to report on its performance. The Board also developed a modernized website which was launched in December 2020 to provide greater access to its services and information to its community.

As a result of the recent technological improvements outlined above, the Board was able to respond quickly to the COVID-19 pandemic to ensure continued access to administrative justice including for a significant number of urgent cases specifically related to the pandemic. The Board has remained open throughout the pandemic to date and hearings, votes and mediations have continued. In March 2020, the Board was advised that its staff were to be sent home to work remotely and that its mailroom would be closed. The Board notified its community that electronic filing of all applications, responses, correspondence and other material would now be mandatory. Voting would only take place electronically and hearings would now be conducted by video or teleconference where appropriate. As well, mediations would now take place by video or by telephone or email. The Board also then worked to ensure that its premises were equipped to be safe for a limited number of in-person hearings and mediations and/or the return of staff where appropriate or required in the future. An assessment was conducted by the Public Services Health and Safety Association and the required equipment, supplies and signage and PPE were procured to equip a limited number of hearing rooms and mediation rooms as well as the Board's administrative floors. Protocols, policies and updates were provided to the community and to all Board staff and adjudicators. Throughout the pandemic, the Board has responded to new challenges and changes in conditions by developing new processes and forms and providing regular updates to its community, staff and adjudicators. The availability upon request of in-person hearings has been revised a number of times during the pandemic as the situation has changed. Currently no in-person hearings are taking place subject to very exceptional and demonstrated circumstances.

The Board managed to continue its operations during the pandemic despite its staff being sent home to work remotely. It took a significant amount of time to obtain equipment for staff and adjudicators under the OPS Service Model, the shared mailroom was closed on short notice and since March 2020, the Board faced challenges due to the pandemic on almost a daily and then weekly basis which required numerous changes to its policies and processes which could not have been anticipated. Multiple additional steps and processes are required while working remotely and conducting hearings, mediations and votes. For example, resolving labour disputes before the Board through video mediation or email has proven much more difficult than conducting mediation in person. To date, the Board has been able to avoid a backlog through its efforts. While meeting all performance measures remained the goal, the achievement of this goal was affected by the staff and technological challenges presented by the pandemic at the beginning of the year, and by the ever changing nature and makeup of the applications being filed at the Board over the year. It is possible that some or all of the performance targets will not be met for at least 2020/21 entirely due to an unforeseeable pandemic.

Board policies continue to provide additional case management including expedited hearings on a variety of files, such as certification and termination of bargaining rights applications in the construction industry, first contract and unlawful strike/lockout applications, video and teleconferencing, the use of consultations for *Occupational Health and Safety Act* (OHSA) complaints, stacking construction industry grievances under the *Labour Relations Act, 1995*, *Employment Standards Act* appeals and OHSA complaints before a single Vice-Chair and expedited case management under the *School Boards Collective Bargaining Act, 2014* and the *Crown Employees Collective Bargaining Act*.

Active recruitment and appointments of Vice-Chairs and Members continue as needed. The Board continues to seek to make appointments of part-time adjudicators resident outside of Toronto and who can hold hearings outside Toronto to reduce travel expenditures for the Board and stakeholders, where in-person hearings are held, and increase accessibility.

Case loads are anticipated in 2020/21 to be somewhat lower than the previous year due to the pandemic. However, due to the nature of the caseload which has involved numerous urgent and COVID-19 related matters and the added complexity of case processing, mediation and hearing disputes remotely, the workload is the same or higher. In 2021, it can be anticipated that the Board will continue to receive COVID-19 related applications such as health and safety appeals and reprisal applications, strikes/lockouts applications and Employment Standards Act appeals. As well, it may receive additional applications during local collective bargaining or as a consequence of provincial bargaining in the education sector. Statutory responsibilities could be added to the Board's jurisdiction in the event of new legislation or under new regulations. The Board's caseload may be expected to return to previous levels once the pandemic has fully resolved.

The government restraints on hiring staff permanently or from outside the OPS together with new increasing demands on the Board, for example numerous and frequent requests under the *Tribunal Adjudicative Records Act, 2019*, continue to put pressure on the Board's operations. The Board will continue to monitor and review its staffing levels and resource allocation where possible. Requestors have included parties to a case, media, other organizations, unrelated lawyers and members of the public. They seek active files currently being heard by a Vice-Chair, files which have been adjourned and older closed files. Many of these files are complex and may contain hundreds of

pages, if not boxes, of documents, which must be reviewed by the Board's Solicitor or a Vice-Chair. In most cases, the parties in a case are notified and submissions are directed which must also then be reviewed. The Board does not currently have the authority to charge fees in relation to these requests for example, printing charges. It is to be noted that this new requirement is creating a pressure on the Board's resources. The Board continues to monitor this pressure and to revise its internal processes as well as policies where possible. Additional resources may be required.

Mandate and Statutory Authority

Mandate: To provide excellence in administrative justice through the effective resolution of labour and employment disputes.

The Ontario Labour Relations Board (the "Board") was established by section 2 of the *Labour Relations Act, 1948* and is continued by subsection 110(1) of the *Labour Relations Act, 1995* S.O. 1995, C1, ("LRA") as amended. The Board is an adjudicative agency of the Government of Ontario and its staff are appointed under the *Public Service Act*. The Board has original jurisdiction under the LRA but also appellate jurisdiction under the *Employment Standards Act, 2000*, S.O. 2000, c. 41 and the *Occupational Health and Safety Act R.S.O. 1990, c.O.1* as well as jurisdiction over complaints under a myriad of different statutes (numbering over 20). The Board also has jurisdiction under the *School Boards Collective Bargaining Act, 2014* SO 2014, c. 5 with respect to both local and central bargaining regarding teachers and other education-related workers (all of whom are currently involved in a difficult and contested bargaining cycle), the *Colleges Collective Bargaining Act 2008*, S.O. 1990 c.5, *Crown Employees Collective Bargaining Act, 1993*, S.O. 1993, c. 38, *Ambulance Services Collective Bargaining Act, 2001*, S.O. 2001, c.10, *Hospital Labour Disputes Arbitration Act, R.S.O. 1990, c. H. 14* and the *Public Sector Labour Relations Transition Act, 1997*, S.O. 1997, c.21, Schedule B.

The Board is an independent adjudicative tribunal issuing decisions based upon the evidence presented and submissions made to it by the parties, as well as its interpretation of the relevant legislation and jurisprudence. It plays a fundamental role in the labour relations regime in Ontario. By dealing with matters before it as expeditiously and fairly as possible, the Board provides effective delivery of neutral dispute resolution and adjudicative services, thereby encouraging harmonious relations among employers, employees and trade unions, and the just treatment of individual employees. This, in turn, maintains the stability of labour relations in the Province by ensuring that economic activity is not disrupted by labour disputes and providing for the expeditious resolution and/or adjudication of such disputes whether they be strikes or lockouts, construction industry grievances or the acquisition or termination of bargaining rights. Often the Crown itself is a litigant before the Board.

The acceptance of (and therefore compliance with) the Board's decisions plays a crucial role in all of the above. Stakeholders, including the Crown, expect qualified senior experienced adjudicators to hear the most important/urgent cases, as does the public, when the resolution of issues can have a significant impact on great numbers of Ontario's citizens and businesses such as transit, teachers or OPSEU strikes, and health and safety appeals in all sectors including police forces, schools, hospitals and correctional institutions. This has become even more so during and related to the pandemic.

By law, the Board is required to schedule certain cases very quickly such as construction industry grievances and first contract arbitrations. Other urgent cases such as unlawful strikes/lockouts are scheduled within a day or two. Certification and termination votes are conducted within five days of application as the statute suggests, unless the Board orders otherwise. To fulfil its mandate under the *School Boards Collective Bargaining Act* and to facilitate teacher bargaining in the Province, the Board hears and resolves cases such as whether an issue is to be bargained provincially or locally within weeks. And under the *Crown Employees Collective Bargaining Act*, the Board is required to mediate and hear essential service agreement disputes. As well, during the pandemic, many COVID-19 related cases such as health and safety appeals of inspectors orders are required to be scheduled urgently.

Overview of Programs and Key Activities

The OLRB can be described as engaging in two key activities: Mediation and Adjudication, primarily, although not exclusively, in the realms of Labour Relations, Employment Standards and Occupational Health and Safety. These two core functions are the foundation for the Board's vision of maintaining a reputation for adjudicative and dispute resolution excellence. The Board engages in these activities as it fulfills its mandate under three key statutes, as well as over twenty others within its mandate. The Board hears and resolves applications for the certification and termination of trade unions, school board collective bargaining disputes, unfair labour practice complaints, unlawful strikes and lockouts, construction grievance referrals, essential services agreements, sale of business/related employer applications, certain broader public sector restructuring which leads to bargaining unit and union representation issues, and employer reprisal complaints. As well, the Board settles and adjudicates appeals from decisions of Employment Standards Officers and Occupational Health and Safety Inspectors.

Adjudication – Vice-Chairs are lawyers appointed to the Board who draw upon specialized expertise in labour and employment law issues in hearing and determining the cases before them. The Board is quasi-judicial in nature and must conduct hearings consistent with the principles of natural justice and procedural fairness. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic. Board Members are appointed to sit on cases as part of the tripartite system. From their past experience and involvement in collective bargaining in various sectors, Board Members bring with them a unique knowledge of labour relations matters and issues as they affect their particular employer or union constituencies.

The Board has exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and privative or finality clauses in the *Labour Relations Act* and other legislation are intended to limit the scope of judicial review. The Board is also entitled to determine its own practices and procedures, to make rules and to deal with issues on many case types in a consultative manner rather than a traditional hearing.

Mediation – The Board is considered expert in the area of alternative dispute resolution. Mediators at the Board are responsible for mediating most cases coming to the Board. In addition to settling cases, Mediators assist parties in identifying issues and streamlining cases in order to avoid unnecessary litigation and expedite those issues that must be litigated.

Provision of administrative services and adjudication (by way of cross appointment) to other Tribunals - The OLRB provides services to the Pay Equity Hearings Tribunal and the Education Relations Commission. Services provided by the Board include: administration and support staff, budgeting and scheduling expertise, human resources, legal services, library and information technology services and client services. The benefits of these arrangements include an efficient use of resources, consistency of process and outcome and the ability to maintain and monitor quality control practices. These objectives are accomplished while also safeguarding the particular and unique expertise of each agency or tribunal. A number of OLRB Vice-Chairs also sit on the Education Relations Commission and the Pay Equity Hearings Tribunal.

Education Relations Commission: The role of the ERC is to determine when, in its opinion, students' course of study is in jeopardy due to a strike or lock-out of a school or schools and to advise the government accordingly. The OLRB provides administrative support to the Commission. The Chair and three Vice-Chairs of the Board are also appointed to the ERC. In 2015, for the first time in over a decade, the ERC was asked by the Minister of Education to advise the government of its opinion as to whether students' course of study was in jeopardy due to the continuation of strikes in several school boards. Following consultation with stakeholders, the ERC issued an advisement to the Minister.

Pay Equity Hearings Tribunal: The *Pay Equity Act* established the Tribunal to hear and decide pay equity disputes. The Tribunal has exclusive jurisdiction to determine all questions of fact or law that arise before it and decisions of the Tribunal are final and conclusive for all purposes. The OLRB provides administrative support to the Pay Equity Hearings Tribunal. Currently, the Presiding Officer of the PEHT is also cross-appointed as a Vice- Chair to the OLRB. The Alternate Presiding Officer, a Deputy Presiding Officer and two Members are cross-appointed from the OLRB.

Service Delivery

The Board continues to work to improve service delivery to the public. In recent years, the Board introduced electronic filing for Board

forms, submissions, attachments and fee payments for construction-industry grievances. Over 90 Board forms, as well as Notices, Information Bulletins, Guides and Rules in English and French are available for public use. In addition to the usual methods of filing with the Board, stakeholders are now able to electronically file forms, submissions and attachments and fees thereby making the Board more accessible to the public and its stakeholders. Legislative and other changes often result in requirements to revise the electronic forms which are hosted by OSS and the Board is charged for all changes.

The Board has remained open throughout the pandemic and hearings, mediations and votes have continued. In March 2020, the Board was advised that its staff were to be sent home to work remotely and that its mailroom would be closed. It took a significant amount of time to obtain equipment for staff and adjudicators under the OPS Service Model. Until March 2020, only a few hearings were conducted virtually using SKYPE. Due to the pandemic, the Board announced that votes would only take place electronically and hearings would be conducted by video or teleconference where appropriate. In-person hearings could be requested and would be considered in light of the circumstances at the time. The Board's policy on in-person hearings has been revised several times in light of the changing pandemic conditions. Currently, no in-person hearings are taking place subject to very exceptional and demonstrated circumstances. As well, the Board announced mediations would now take place by video or by telephone or email.

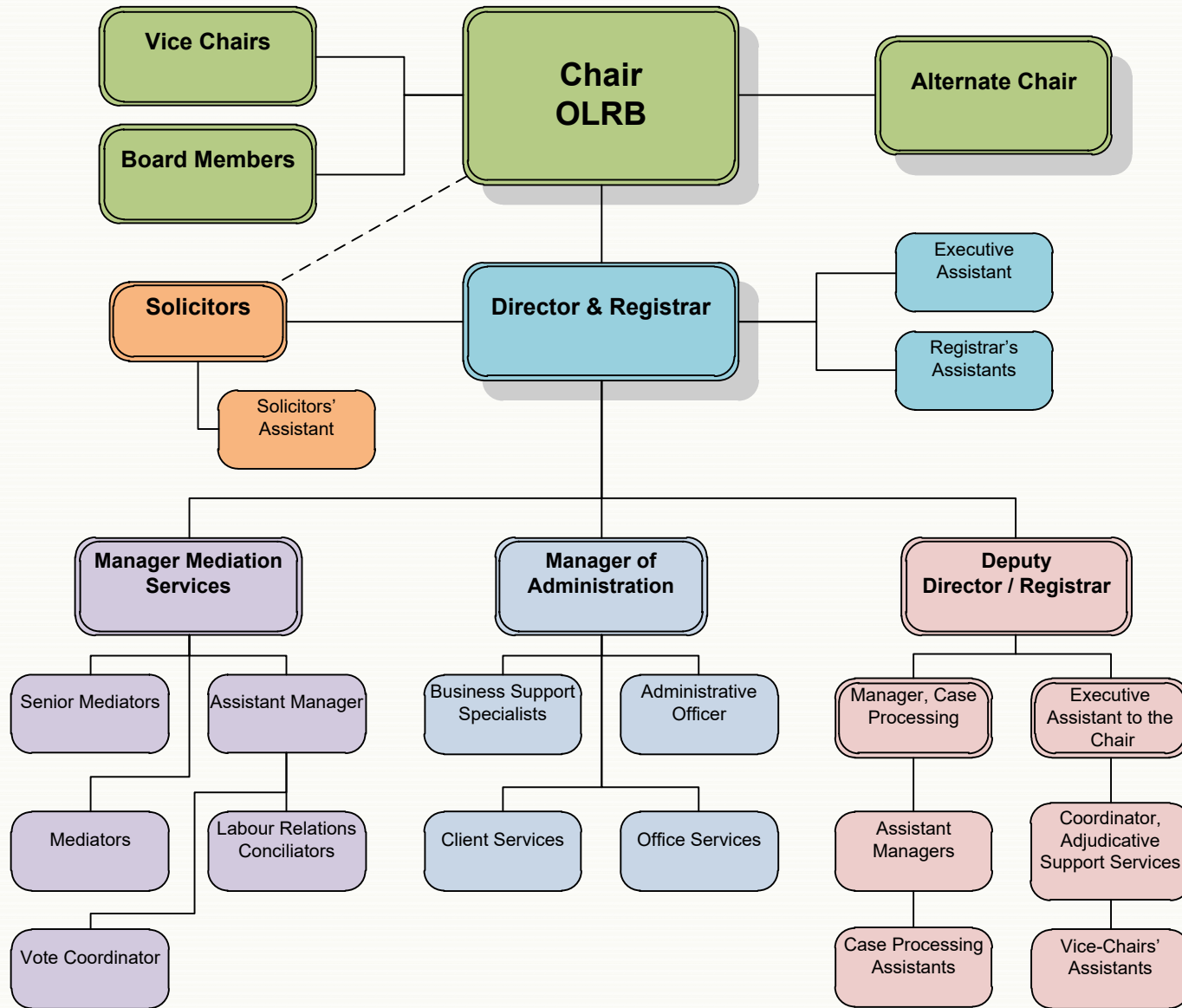
The Board then worked to ensure that its premises were equipped for a limited number of in-person hearings and mediations and/or the return of staff where appropriate or required in the future. An assessment was conducted by the Public Services Health and Safety Association and the required equipment, supplies and signage and PPE were procured to equip a limited number of hearing rooms and mediation rooms as well as the Board's administrative floors. Protocols and updates were provided to the community and to all Board staff and adjudicators. Throughout the pandemic, the Board has responded to new challenges and changes in conditions by developing new processes and forms and providing regular updates to its community, staff and adjudicators including additional meetings with its Advisory Committee (legal stakeholders).

The Board holds votes of employees in certification and termination of bargaining rights cases, final offers as well as *Public Sector Labour Relations Transition Act* applications. In recent years, the Board began holding electronic votes in certain cases allowing employees to vote via phone or online as a means to provide greater accessibility, flexibility and potentially save travel costs for Board staff who travel province-wide to conduct votes on short notice. All other votes were held in-person. To date, the Board was able to continue its operations during the pandemic by relying solely on electronic voting. The Board's mediation staff has now been trained to run the Help Desk provided for e-voters in most cases. The Board expects it will continue to provide electronic voting following the pandemic, likely at an increased rate than pre-pandemic due to stakeholder acceptance and based on its success during the pandemic, together with some in-person voting where appropriate.

An electronic case management system supports the Board in its aim to deliver timely, cost effective solutions to parties. The Board continues to improve upon the system both for efficiency in delivery of services as well as to enhance the Board's ability to measure performance. The Board relied on its case management system and electronic files during the pandemic as the Board's paper files were not available to those working remotely.

It is to be noted that during the pandemic, while staff work remotely and the mailroom is closed, the Board was able to continue its operations and remained open by relying exclusively on its electronic filing system. The Board also developed a new electronic payment form for construction grievance hearings held by video during the pandemic which would normally have been paid in-person on the hearing date. In addition, a new electronic Summons to Witness was also created and the Board has developed the capacity to hold “hybrid” hearings during and after the pandemic in which a party or witness may appear by video at an in-person hearing. Finally, the Board modernized website which was launched in December 2020 to provide greater access to its services and information to the public.

Ontario Labour Relations Board Organizational Chart



OLRB Environmental Scan

External Scan:

Client and stakeholder expectations for quicker, less expensive and less onerous forms of dispute resolution and adjudication are a constant pressure on the OLRB. The Board's case management system includes an experienced and flexible roster of adjudicators who, where appropriate, can use a range of options to handle cases including consultation rather than formal hearings, adjudicator-led mediation or by making determinations and directions to eliminate issues in the hope that hearings will move along more expeditiously.

The Board continues to consult with the community about innovative ways of dealing with files to ensure more efficient processing of cases and therefore fewer hearing dates lost to the consideration of preliminary, procedural or production issues. The Board will continue using an expedited process for certification applications in the construction industry which includes increased obligations on the parties to identify issues and deliver detailed submissions and a Vice-Chair review of the file prior to a case management hearing. It is to be noted that these processes result in more time spent by Vice-Chairs in the early stages of a case. The Board will also continue to engage Mediators in the early stages of construction jurisdictional disputes in an effort to reduce hearing times. Expedited hearings of specified cases will continue for discharges, interim orders, unlawful strikes or lockouts and urgent matters arising from the pandemic. The Board will also continue to use case management methods for employment standard appeals and construction industry grievances which constitute a significant amount of the Board's caseload.

Only electronic votes have been conducted since the start of the pandemic with success. To date in 2020/21, the number of electronic votes held is more than four times the number held in all of 2019/20. Following the pandemic, the Board expects that electronic voting will be used more frequently than pre-pandemic given stakeholder acceptance and based on its success during the pandemic, together with a return to in-person voting where appropriate.

The increasing need to address and meet the diverse needs of our client groups and to deliver accessible services across all channels will continue to be a pressure and a priority for the Board. The Board completed a website modernization project in December 2020 to improve accessibility, among other things. The Board recently modernized all forms and implemented electronic filing for its stakeholders. The costs involved in engaging in IT transformation including changes to its electronic forms have shown to be substantial in the past and will continue to be a pressure for the Board as such costs are funded from within the Board's budget. The Board also created a channel by which it can live-stream hearings where warranted, for example, by the media and public interest in the case and also developed the capacity to hold "hybrid" hearings in which a witness or a party may attend in-person hearings by video.

Legislative changes to any one of the more than 20 statutes under the Board's jurisdiction or the addition of new jurisdiction for the Board must be responded to within required timelines. This may result in a pressure on the Board both in terms of response time and effort in creating new processes, forms and Rules of Procedure as well as an additional pressure on the Board's available resources including additional costs for changes to electronic forms which require engaging Ontario Shared Services.

The total caseload of judicial review applications and related motions and appeals has increased by approximately 25% over the last five years. In a number of cases, the applicants are self-represented. Notwithstanding the increased number, their rate of success has not changed. This increase is causing a noticeable pressure on the Board's resources due to the time-consuming and legal nature of the work which falls necessarily to the Board's solicitors.

Finally, with the passage of the *Tribunal Adjudicative Records Act, 2019* ("TARA"), and the related litigation which preceded it, the Board has received numerous requests, approximately 29 requests for 59 files this year alone just since April 2020, for access to and copies of Board files and documents contained within those files. The Board had published its Access to Documents and Exhibits Policies in 2019 and continues to make revisions in light of the developing Board jurisprudence under TARA and the increase in the number of requests. Requestors have included parties to a case, media, unrelated lawyers, other organizations and members of the public. They seek active files currently being heard by a Vice-Chair, files which have been adjourned and closed files going back as far as 2002. Many of these files are complex and may contain hundreds of pages, if not boxes of documents, which must be reviewed by the Board's Solicitor or a Vice-Chair. In most cases, the parties in a case are notified and submissions are directed in a decision and must then be reviewed. The Board does not currently have the authority to charge fees in relation to these requests eg. printing charges. It is to be noted that this new requirement is creating a new pressure on the Board's resources due to the additional and time-consuming workload. The Board intends to examine the pattern and nature of requests as well as the Board's processes, resources and time involved, as it explores options for addressing this new pressure. Additional resources may be required.

Internal Scan:

The Board is responsible for mediation and adjudication under a number of statutes including the *Labour Relations Act, 1995*, *Employment Standards Act*, *Occupational Health and Safety Act*, *Crown Employees Collective Bargaining Act*, *School Boards Collective Bargaining Act*, *Hospital Labour Disputes Arbitration Act* and more than 20 others. The Board also provides administrative services to the Pay Equity Hearings Tribunal and the Education Relations Commission to which a number of its adjudicators are cross-appointed resulting in more complex administrative arrangements. Future legislative changes added to the Board's jurisdiction, which are clearly beyond the Board's control, may add to the Board's caseload without much warning. The increasing demands associated with the OLRB's own caseload, including judicial reviews, the ongoing difficulty in filling adjudicator positions, delays in appointments or failure to reappoint, the early retirement of Board staff and subsequent loss of positions, the restrictions on hiring staff externally or permanently, the new requirements under TARA for public

access to Board files and expenditure restrictions are all a pressure on the Board's resources. Additional resources may be required for the management of increased requests for public access to Board files and documents under TARA.

As a result of the pandemic, the Board was required to transform its in-person delivery platforms to an electronic format. This transformation required significant technological as well as procedural changes to meet the service delivery demands of the stakeholders we serve. All Board staff and OICs were issued laptops and/or VPNs upon being sent home to work remotely. It took a significant amount of time to obtain equipment for staff and adjudicators under the OPS Service Model. Many staff were also issued cell phones in order to effectively and securely engage with stakeholders. As a result, the Board has been able to deliver on all services through an electronic format, eliminate travel during a time when pandemic cases are on a rise and promote the safety and well-being of staff and those who visit the Board. The Board developed a new electronic payment hearing for grievance hearings for payments which were previously made in-person. The Board introduced enhanced cleaning measures on each of its six floors and worked to ensure that its premises were equipped to be safe for a limited number of in-person hearings and mediations and/or the return of staff where appropriate or required in the future. An assessment was conducted by the Public Services Health and Safety Association and the required equipment, supplies and signage and PPE were procured to equip a limited number of hearing rooms and mediation rooms as well as the Board's administrative floors. Protocols, policies and updates were provided to the community and to all Board staff and adjudicators. From a fiscal perspective, the Board has incurred an estimated \$180K in costs associated with COVID-19 through expenditures such as the procurement of additional laptops, user seat licensing, VPN procurement and support, hearing room plexiglass, enhanced cleaning and increased use of electronic voting. These costs have and will continue to be borne by the OLRB through savings in other areas such as travel. As the conclusion of the pandemic remains unknown, the Board will continue to monitor the situation and consider re-opening plans as well as continue to provide service excellence in an electronic format, meeting the diverse needs of our stakeholders.

Vice-Chair salaries are increasingly less attractive to those from the private sector. Vice-Chairs are all lawyers who the Board and, in particular stakeholders, expect, if not demand, to have practiced for a number of years in order to gain the necessary experience and expertise. Yet Vice-Chair starting rates are much less than similarly experienced lawyers can earn at law firms which appear before the Board or the Board's solicitors who are paid as Crown Counsel 3. This has resulted in a situation where the solicitors retained to advise and assist Vice-Chairs in decision-writing are significantly better paid than those they assist. It has also effectively put an end to the prior practice and tradition of Board solicitors being appointed (or promoted) as Vice-Chairs, further exacerbating recruitment problems. These salaries are also dramatically less than what Vice-Chairs could earn as private arbitrators and mediators which has resulted in an ongoing history of Vice-Chairs leaving the Board as experienced adjudicators and mediators to successfully pursue private careers at enhanced income levels. It is not a coincidence that virtually all of the most popular and highly sought-after arbitrators in the province are former Vice-Chairs of the Board. Not only do the low salary levels create retention and recruitment problems (particularly in areas of heavily sought expertise such as construction) but these problems are compounded by the Agency and Appointments Directive. Notwithstanding the great diversity and scope of the different tribunals to which the Directive applies, very few, if any, have comparable caseloads and demands for special and wide expertise that the Board requires or operate in areas where adjudicators can so easily transition to far more lucrative private sector careers.

The updated Government Directive continues to provide that appointees will not normally be appointed in excess of 10 years except in exceptional circumstances. This rule applies to all appointees who reach the 10-year threshold. In addition, recent changes may require the Chair to demonstrate the failure of other recruiting methods before seeking an exemption to the 10 year rule. This may compel the Board to run competitions only to discover there are no candidates available or as qualified as the Vice-Chair who has been hearing and deciding cases at the Board for ten years. This will only add to the time-consuming administrative cost and delay for re-appointments. The increasing work load, lower salaries, delays in the processing of recommended appointments and job insecurity associated with the limits imposed on appointment terms and rejection of recommendations to reappoint Vice-Chairs may result in the loss of extremely valuable, senior OLRB adjudicators and make it difficult for the OLRB to attract well-qualified replacements as part of its succession plan. In a 2019 competition, several qualified candidates who would likely have been recommended for appointment, withdrew their applications before the recommendation (or even appointment in one case) due to a variety of these factors. In the past, the Board has made successful applications for the re-appointment of its senior Vice-Chairs based on exceptional circumstances. The Board intends to continue to do so. When considering succession planning, the challenges the Board faces in attracting experienced adjudicators to underpaid positions will significantly impact the Board's ability to deliver on its commitments.

The Board commenced an initiative to ensure all Vice-Chairs are able to hear and decide cases both in the construction and non-construction industries. In the past, Vice-Chairs have tended to be specialized in one area or the other however, the Board's caseload has changed over the years resulting in not only more construction-related applications but also more time-consuming ones. In an initiative to modernize the Board's processes and use of resources and to enable more efficient and effective processing and scheduling of cases, a training program has been developed which will see all "industrial or non-construction industry" Vice-Chairs trained in construction labour law including hearings over the next two years. The training will necessarily take place over time to ensure the Board's current schedule is not affected. However, this initiative is on hold due to the demands the pandemic has placed on the Board's operations.

There is a continued need for succession and recruitment activities to support a modern service organization that reflects Ontario's diversity and ensures that the Board is well positioned for the future. Training, development and engagement activities are priorities however opportunities remain reduced at this time in keeping with expenditure and hiring restrictions. Succession planning is a priority and will be a pressure for the Board if further early retirement initiatives are extended to staff without the ability to retain and fill the now vacant positions. Further reduction in staffing will put significant pressure on the Board's ability to maintain its prior performance levels including difficulty in meeting statutory timelines and process cases and provide mediation in a timely and efficient way.

Innovation and the modernization of services will continue as a priority. The recently implemented e-filing system resulted in over 90 modernized Board forms, Notices, Information Bulletins, Rules of Procedure, in both English and French. The system allows for electronic submission of forms, attachments and fees. As a result, the e-filing system created efficiencies in case processing for the Board. The Board engaged the Labour and Transportation Cluster as well as Ontario Shared Services (OSS) in order to maximize existing systems. Since all

electronic forms are now hosted by OSS on its electronic system and OSS charges the Board for all changes, any changes to the forms, will result in pressure on the Board's resources. In late 2020, the Board launched a modernized website to provide better access to its services by engaging new technologies and design where fiscally possible. During the pandemic, the Board developed the capacity to hold "hybrid" hearings in which one of the parties or witnesses could appear by video. And the Board also created a channel by which it can live-stream hearings where warranted by the high-profile and media and public interest in the case.

The Board continues to review and look for ways to update the capability of its electronic case management system to produce additional and more detailed performance-related data. It also continues to review its internal processes with a view to modernization and efficiencies. The Board currently shares a library and printing/courier services with WSIAT. A review of these arrangements and costs was conducted to ensure it is as efficient and modern as possible. While the Board explored sharing video conferencing with another agency, this did not prove suitable for the Board's needs. However, at the outset of the pandemic, the Board was able to immediately pivot to use video hearings and mediations exclusively. It is expected that once the pandemic has ended, the Board will continue to see an increased use of video for hearings, votes and mediations which may reduce the amount of travel required for Board mediators and Vice-Chairs as well as for the parties who live outside Toronto.

The Board supports the development and implementation of initiatives to increase employee awareness, understanding, respect and engagement with respect to enhancing and embracing diversity.

The Board recently optimized efficiencies through the elimination of many, if not most, landlines throughout its office. As a result of the current pandemic, the Board has suspended its use of travel for votes, mediation and hearings. This has resulted in a significant fiscal savings to the Board. Mediation staff have now been trained to provide services to voters through a Help Desk in most electronic votes thereby reducing costs.

Fiscal strategies reviewed quarterly and contingency offsets identified to safeguard statutory and program priorities and create savings. Follow objectives to maximize service with minimum business cost – travel audits, travel policy, alternative service delivery models etc. Remuneration of OICs to meet market standards will impact financial resources. Leverage Ministry and corporate resources to meet targets and objectives.

Performance Measures and Targets

The OLRB's goal is to provide efficient, fair, accessible and modernized services in all areas, including case processing, mediation, votes and adjudication, in a fiscally responsible manner. In addition to closely monitoring files and processes internally, it uses performance measures and targets to track and focus on outcomes. Performance measures and targets are revised or created in the event of legislative changes or changes to the Board's operations. Results are published in the Board's annual reports.

The Board developed additional performance measures to evaluate effectiveness and efficiency which were included in the Board's annual 2019/2020 report and are set out below. Internal measures are also used internally to track case processing, caseloads, mediations and decisions to ensure improved performance. Further refined analysis of data such as more detailed tracking of decisions, will be undertaken and improved. The Board managed to continue its operations during the pandemic despite its staff and adjudicators being sent home to work remotely. It took a significant amount of time to obtain equipment for staff and adjudicators under the OPS Service Model, the shared mailroom was closed on short notice and since March 2020, the Board has faced challenges due to the pandemic on almost a daily and then weekly basis which required numerous changes to its policies and processes which could not have been anticipated. As a result, while the Board will maintain these performance measures and targets at this time, it is clear that working remotely and conducting all hearings, votes and mediations by zoom was not "business as usual" this year. Numerous additional steps and processes were required while working remotely. Resolving labour disputes by virtual mediation, for example, proved more difficult by video than in person, accessing a large volume of documents for a hearing presented challenges and electronic votes were the only method used for voting which in certain cases caused delays in votes due to additional requirements. In 2020/2021, while meeting all performance measures remained the goal, the achievement of this goal was affected by the staff and technological challenges presented by the pandemic at the beginning of year, and by the ever changing nature and makeup of the applications being filed over the course of the year. It is possible therefore that some or all of the performance targets will not be met for at least 2020/21 entirely due to an unforeseeable pandemic.

The following are the performance measures and targets for the 2021-2024 Business Plan:

1. Efficient Case Processing

- Files opened within two days after an application is filed in accordance with the Rules of Procedure. Target: 80%
- Board confirms filing of application to parties within four days of an application filed in accordance with the Rules of Procedure (except for ESA appeals). Target: 80%

2. Meets Legislated Timelines

- 90% industrial certification votes held within 5-7 days
- 95% held within 10 days
- 5% or less held within more than 10 days

3. Efficient Mediation and Results

Mediation Assignment

Mediator assignments made within three days after an application is filed in accordance with the Board's Rules of Procedure. Target: 80%

Mediation: Percentage of Cases Resolved without a Final Hearing

- 80-85% of disputes settled without final litigation
- LRA case 85%
- ESA cases (appeals) 75%
- OHSa (appeals) 75%
- OHSa (reprisal complaints) 75%

4, Fair and Reasonable Adjudication

Target: 90-100% of the Board's decisions are upheld on judicial review

5. Fiscally Responsible

Target: less than 2% variance between year-end allocation and expenditure.

Key Activities with Stakeholder Groups

Advisory Committee: The Ontario Labour Relations Board has established an Advisory Committee whose mandate is to function as a consultative group for the Board. The Committee is composed of members of the labour and management side bar, the Director of Legal (MOL), representatives from the Ontario Bar Association Labour & Employment Law Section (plus the OLRB Chair, Alternate Chair, Director/Registrar and Solicitor) and acts as a resource to the Board for consultation/feedback. The Committee meets three times per year, and more often if necessary. Committee membership and minutes of meetings are posted on the Board's website. To date, In 2020/21, the Committee met more often, virtually, as the Board consulted and updated the Committee on issues and changes due to the pandemic.

Internship Programs: Collaborative external partnership programs with client labour law firms and post-secondary institutions continue. The program provides opportunities for students currently articling and recent graduates (and/or current students of MIR and Labour Studies programs) to put their academic training to practical use with a hands-on professional learning experience at the OLRB.

Outreach: Regular community outreach by the Chair, Alternate Chair, Director and Deputy Director/Registrar at consultations held with client and stakeholder groups and Town Hall and community meetings where advisable.

These individuals are invited to and routinely speak at professional and stakeholder conferences, conventions, seminars, continuing education programs and meetings. In the past, events have included those listed below but are now subject to pandemic and expenditure restrictions:

- Representation at Labour Board conferences
- Conference of Labour Board Chairs and Senior Administrators
- Association of Labor Relations Agencies (ALRA)
- Council of Canadian Administrative Tribunals (CCAT)
- Canadian Institute of Administrative Justice (CIAJ)
- Society of Ontario Adjudicators and Regulators
- Ontario Bar Association
- Canadian Institute of Administrative Justice
- Law Society of Ontario
- Various private continuing legal education providers
- Various stakeholder conferences and meetings

The OLRB provides services in both official languages, including the publication of forms, information bulletins, website messages etc., and strives to ensure the accessibility of our websites and the conduct of hearings. The ability of our clients and stakeholders to readily communicate with the Board in an accessible manner in either French or English - from reception through to adjudication – continues to be a priority.

Communications Plan

The OLRB will continue to communicate with its community through the use of our website and through our regular publications: *HIGHLIGHTS*, Bi-monthly Reports; Annual Report, Notices to the Community, etc. A modernization of the Board’s website was completed in December 2020 which allows for greater accessibility. High profile cases which attract significant media and public interest may now be live-streamed. Engaging the community through regular participation in the Canadian Bar Association of Ontario Labour Sub-Section will also be part of our ongoing dialogue with our client and stakeholder groups. The Chair regularly meets with a large cross section of the parties and counsel that regularly appear before the Board.

APPENDIX A – FINANCIAL: OLRB 2021-22

FY 2021-22 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipmt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Ontario Labour Relations Board	103.0	8,159.9	1,002.1	419.5	1,490.7	82.2	1,992.4		11,154.4		11,154.4
Program Sub-total	103.0	8,159.9	1,002.1	419.5	1,490.7	82.2	1,992.4	-	11,154.4	0.0	11,154.4
OLRB IT Project							-		-		-
Lease					1,019.5		1,019.5		1,019.5		1,019.5
Grand Total	103.0	8,159.9	1,002.1	419.5	2,510.2	82.2	3,011.9	-	12,173.9	-	12,173.9
Revenue											
Construction Grievances							-		-		410.0
Subscriptions							-		-		22.0
Total Revenue		-	-	-	-	-	-	-	-	-	432.0

APPENDIX A – FINANCIAL: OLRB 2022-23

FY 2022-23 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipmt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Ontario Labour Relations Board	103.0	8,159.9	1,002.1	419.5	1,490.7	82.2	1,992.4		11,154.4		11,154.4
OLRB IT Project							-		-		-
Program Sub-total	103.0	8,159.9	1,002.1	419.5	1,490.7	82.2	1,992.4	-	11,154.4	-	11,154.4
OLRB IT Project											
Lease					1,019.5		1,019.5		1,019.5		1,019.5
Grand Total	103.0	8,159.9	1,002.1	419.5	2,510.2	82.2	3,011.9	-	12,173.9	-	12,173.9
Revenue											
Construction Grievances							-		-		410.0
Subscriptions							-		-		20.0
Total Revenue		-	-	-	-	-	-	-	-	-	430.0

APPENDIX A – FINANCIAL: OLRB 2023-24

FY 2023-24 (\$000)											
Program/Region	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Ontario Labour Relations Board	103.0	8,159.9	1,002.1	419.5	1,490.7	82.2	1,992.4		11,154.4		11,154.4
Program Sub-total	103.0	8,159.9	1,002.1	419.5	1,490.7	82.2	1,992.4	-	11,154.4	0.0	11,154.4
IT Corporate Account OLRB											
Lease					1,019.5		1,019.5		1,019.5		1,019.5
Grand Total	103.0	8,159.9	1,002.1	419.5	2,510.2	82.2	3,011.9	-	12,173.9	0.0	12,173.9
Revenue											
Construction Grievances							-		-		410.0
Subscriptions							-		-		20.0
Total Revenue		-	-	-	-	-	-	-	-	-	430.0

APPENDIX B – FTE LIMIT: OLRB 2021-24

Compensation Group	2021-22						2022-23						2023-24					
	Regular		Fixed Term		Total		Regular		Fixed Term		Total		Regular		Fixed Term		Total	
	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies	FTEs	Funded Vacancies
SMG / ITX					1.0	0.0					1.0	0.0					1.0	0.0
MCP					30.0	0.0					30.0	0.0					30.0	0.0
Excluded					0.0	0.0					0.0	0.0					0.0	0.0
OPSEU					44.0	0.0					44.0	0.0					44.0	0.0
AMAPCEO					7.0	0.0					7.0	0.0					7.0	0.0
PEGO					0.0	0.0					0.0	0.0					0.0	0.0
ALOC					0.0	0.0					0.0	0.0					0.0	0.0
OCAA (Excluded)					2.0	0.0					2.0	0.0					2.0	0.0
PSAT					0.0	0.0					0.0	0.0					0.0	0.0
AOPDPS					0.0	0.0					0.0	0.0					0.0	0.0
OPPA					0.0	0.0					0.0	0.0					0.0	0.0
Minister's Staff					0.0	0.0					0.0	0.0					0.0	0.0
OIC					19.0	0.0					19.0	0.0					19.0	0.0
To be Determined					0.0	0.0					0.0	0.0					0.0	0.0
Students					0.0	0.0					0.0	0.0					0.0	0.0
Total	0.0	0.0	0.0	0.0	103.0	0.0	0.0	0.0	0.0	0.0	103.0	0.0	0.0	0.0	0.0	0.0	103.0	0.0

TOTAL with Funded Vacancies **103.00**

TOTAL with Funded Vacancies **103.00**

TOTAL with Funded Vacancies **103.00**