



ONTARIO LABOUR RELATIONS BOARD

Business Plan

2022 - 2025

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, including e-payments, as well as electronic voting, and modernized its website, all of which allowed it to continue to operate during the pandemic. Video hearings and mediations were launched during the pandemic and are expected to continue. Where there is significant public interest in attending a hearing, the Board will continue to offer a channel to live-stream a video hearing where appropriate. This new facility was created in response to the pandemic to ensure continued public access, and at the same time, ensure video hearings may continue uninterrupted. The Board expects to review the feasibility of projects to modernize its hearing rooms and public-facing hearing schedules. The Board is in the early stages of a project to explore the potential use of Power BI, which provides interactive business intelligence capabilities, to enhance the Board's ability to retrieve data and report on its performance. As a result of the recent technological improvements outlined above as well as additional measures adopted, the Board will continue 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 electronically. In March 2020, the Board was advised that its staff were to be sent home to work remotely. 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 be conducted by video or teleconference where appropriate. As well, mediations would take place by video or by telephone or email. The Board's premises are 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. A gradual return to the office began in accordance with the Covid-19 Safe Workplace Directive but was recently suspended until end of March, 2022. Protocols, policies and updates were provided to the community and to all Board 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-and none have been requested currently- subject to very exceptional and demonstrated circumstances. The Board will continue to respond to new challenges and changes in conditions driven by the pandemic by developing new processes and forms and providing regular updates to its community, staff and adjudicators. The Board will continue to monitor public health guidance.

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. Multiple additional steps and processes are required while working remotely and conducting hearings, mediations and votes. This is expected to continue for the foreseeable future. To date, the Board has been able to avoid a backlog through its efforts. While meeting all performance measures remains the goal, the achievement of this goal may be affected by the challenges presented by the pandemic 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 2021/22 entirely due to an unforeseeable pandemic.

Board policies will 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 will continue as needed.

Case loads in 2021/22 and 2022/23 may be 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. Statutory responsibilities have been added recently by the *Building Opportunities in the Skilled Trades Act and the Working for Workers Act, 2021* and changes to the *Employment Standards Act* and others 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.

A number of significant labour and employment issues falling under the Board's jurisdiction are expected to come before the Board in the next year:

- It can be anticipated that the Board will continue to receive COVID-19 related applications including challenges to workplace vaccine policies, health and safety appeals and reprisal applications, duty of fair representation complaints, strikes/lockout applications and *Employment Standards Act* appeals;
- The triennial construction open period, during which the Board can expect an increase in certification and termination of bargaining rights applications and related votes, will take place from March 1, 2022 to April 30, 2022 with related hearings and case reviews in the months following;
- Applications under the *School Boards Collective Bargaining Act* and related applications to the Board under the *Labour Relations Act, 1995* arising out of collective bargaining in the education sector commencing spring 2022;
- Collective bargaining and bargaining of essential services agreements under the *Crown Employees Collective Bargaining Act*, also expected to commence imminently, may give rise to numerous applications to the Board and resulting mediations and hearings including the need to

determine essential services agreements and any disputes arising thereunder. The Board would also have jurisdiction over related strike/lockout applications, unfair labour practice complaints under the LRA, OHSA appeals and reprisal complaints; -Applications as a result of new jurisdiction added under the *Employment Standards Act*, the *Building Opportunities in the Skilled Trades and Working for Workers Act, 2021* are expected.

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 resources. The Board will continue to monitor and review its staffing levels and resource allocation where possible. Requestors under TARA have included parties to a case, media, other organizations, 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 however it expects to actively consider a proposal for fees. 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, c. 1, ("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* S.O. 2014, c. 5 with respect to both local and central bargaining regarding teachers and other education-related workers 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*, the *Public Sector Labour Relations Transition Act, 1997*, S.O. 1997, c. 21, Schedule B, the *Building Opportunities in the Skilled Trades Act* and *Working for Workers Act, 2021*. .

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 normally 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 may be 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 under the *Crown Employee Collective Bargaining Act*, 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 and applications for review of notices of contravention under the *Building Opportunities in the Skilled Trades Act* have recently been added to its jurisdiction.

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 may be appointed to sit on certain 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.

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. In the past, the Chair and three Vice-Chairs of the Board have been appointed to the ERC. Presently, the position of Chair and Alternate chair are vacant due to the expiry of previous incumbents. 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 cross-appointed as a Vice-Chair to the OLRB and the Alternate 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 making the Board more accessible to the public and its stakeholders. Over 90 Board forms, as well as Notices, Information Bulletins, Guides and Rules in English and French are available for public use. Legislative and other changes will 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. While staff worked remotely, the Board was able to continue its operations and remained open by relying exclusively on its electronic filing system. In March 2020, the Board was advised that its staff were to be sent home to work remotely. Due to the pandemic, the Board announced that electronic filing was required, votes would only take place electronically and hearings would be conducted by video or teleconference where appropriate. Mail, courier and hand delivery were disrupted. As well, the Board announced mediations would now take place by video or by telephone or email. It is anticipated that this will continue for some time and subject to the changing pandemic conditions and public health guidance. 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-currently none have been requested- subject to very exceptional and demonstrated circumstances. A gradual return by staff to work in the office under the OPS Safe Return to the Workplace Directive was recently suspended until end of March 2022.

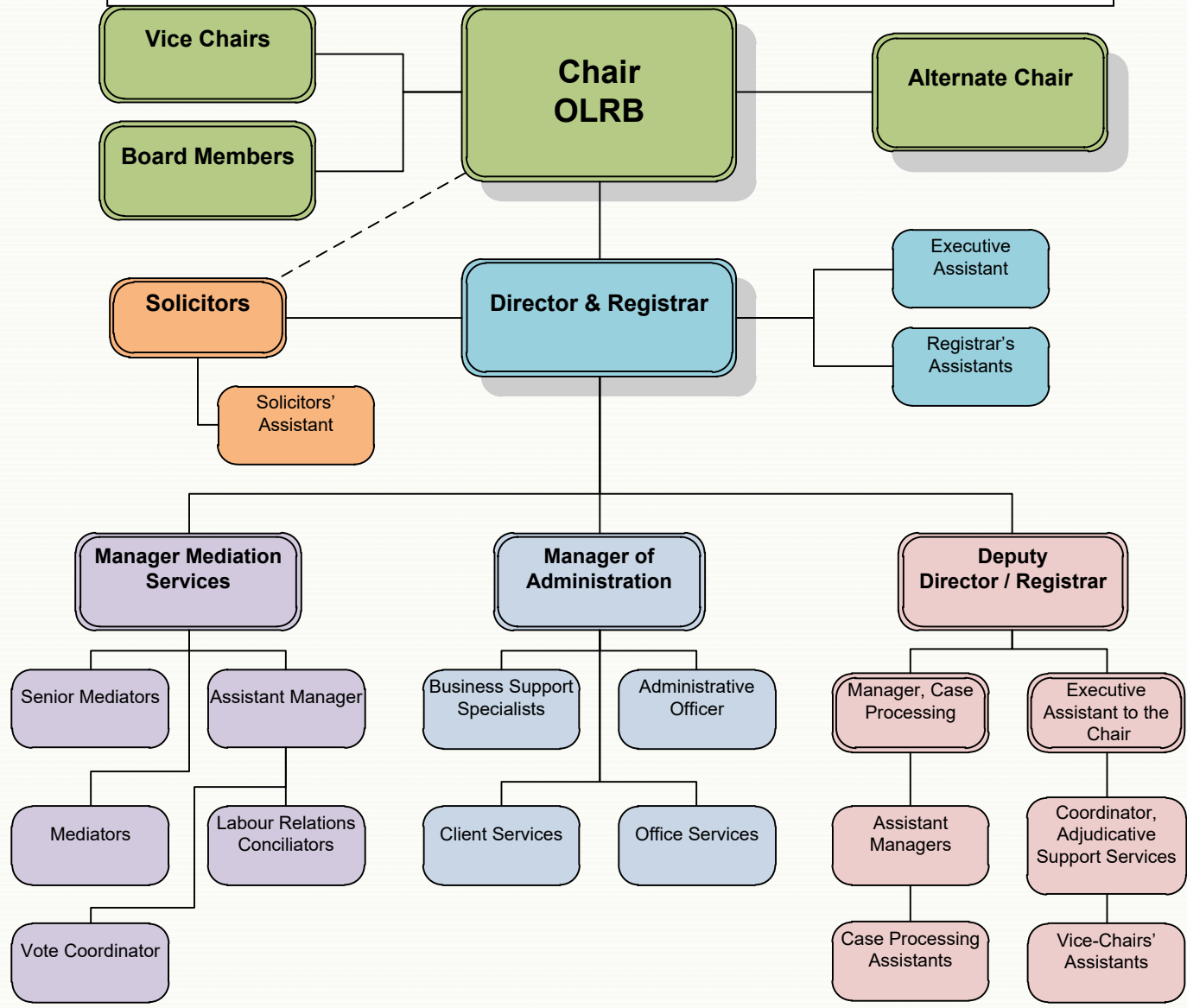
The Board has worked to ensure that its premises are equipped for a limited number of in-person hearings and mediations and/or the return of staff where appropriate or required in the future. An assessment was conducted by the Public Services Health and Safety Association and the required equipment, 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). These efforts are expected to continue.

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 and strike votes under the *Colleges Collective Bargaining Act*. 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. During the pandemic, the Board relies solely on electronic voting in order to maintain these operations. The Board's mediation staff has now been trained to run the Help Desk provided for e-voters in most cases, where staffing allows. 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 will continue to rely on its case management system and electronic files in Sharepoint during the pandemic as the Board's paper files are not generally available to those working remotely. The Board continues to look for ways to improve upon the system if required both for efficiency in delivery of services as well as to enhance the Board's ability to measure performance. The Board is in the initial stages of a project to explore the potential use of Power BI to enhance its ability to extract and report on its performance.

The Board developed an electronic payment form for construction grievance hearings which will continue to be used along with a new electronic Summons to Witness, both in response to the pandemic. The Board also 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. A project has also been launched to assess the feasibility of equipping hearing rooms to allow for virtual and paperless hearings. Hearings with significant public interest can now be live-streamed by Board staff where warranted and this is expected to continue thus avoiding disruptions to the video hearing while still allowing for public hearings. Finally, the Board's modernized website 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 consultations rather than formal hearings, adjudicator-led mediation or by making determinations and directions to eliminate issues with the expectation that hearings will move along more expeditiously as a result.

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 mediations and 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 standards appeals and construction industry grievances which constitute a significant amount of the Board's caseload.

Electronic votes have been conducted since the start of the pandemic. 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 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, and the Board intends to conduct a review of its front desk services to ensure customer service referrals and information are up-to-date and inclusive. In recent years, the Board 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 will continue to use a recently created 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. The Board continues to explore new technologies to meet the changing needs of its clients. To this end, the Board recently initiated a project to examine the feasibility of modernizing hearing rooms to allow, for example, for the ability to conduct remote, hybrid and in-person hearings without

reliance on paper documents. This project is on hold while the Board recruits for a vacant business analyst position. The Board expects to review options to replace outdated hearing/mediation room screens in the Board's lobbies which will provide easier access to room schedules for the public.

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.

A significant caseload of judicial review applications and related motions and appeals, a number of which include self-represented litigants, can be expected to continue. The caseload causes 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 expects to continue to receive numerous requests. Approximately 39 requests have been received to date since April 2021 for access to and copies of Board files and documents contained within those files. The Board will continue to make revisions to its Access to Documents and Exhibits Policies 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, 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 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 a Board 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.

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*, *Public Sector Labour Relations Transition 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 restrictions on hiring staff externally or permanently, the requirements under TARA for public access to Board files and expenditure restrictions are all pressures on the Board's resources. The Board does not currently have the authority to charge fees in relation

to *TARA* requests however it expects to actively consider a proposal for fees. It is to be noted that the requirement under *TARA* creates a pressure on the Board's resources due to the additional and time-consuming workload. Additional resources may be required for the management of increased requests for public access to Board files and documents.

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 stakeholders. It is expected that this will continue for the foreseeable future. All Board staff and OICs were issued laptops and/or VPNs upon being sent home to work remotely. 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 all services through an electronic format, eliminate travel during a time when pandemic cases are on the rise and promote the safety and well-being of staff and those who visit the Board. The electronic payment hearing for grievance hearings payments as well as an electronic summons to witness were developed to replace services provided in-person. The Board's premises have been 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 and the arrangements are revisited when public health guidelines are updated. Protocols, policies and updates were provided to the community and to all Board staff and adjudicators. As the conclusion of the pandemic remains unknown, the Board will continue to monitor the situation. It had commenced a gradual return to work for staff at this time pursuant to OPS/TBS direction which has recently been suspended until March 31, 2022. We will continue to provide service excellence in an electronic format, meeting the diverse needs of our stakeholders, while monitoring public health guidelines for an appropriate time to gradually/and or fully re-open.

Vice-Chair salaries remain increasingly less attractive to those in the private sector. Vice-Chairs are all lawyers who the Board and, in particular stakeholders, expect 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. The problem has been exacerbated with the termination of the historical alignment between Vice-Chair salaries and those of senior management a number of years ago. The salary adjustment previously passed on to Vice-Chairs when senior management received an increase no longer occurs. As a result, Vice-Chairs' salaries have remained unchanged for a number of years and the gap in salaries has increased to result in significant disparity, all in a time of increasing inflation. 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.

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 and the 10-year rule which results in the loss of the expertise of senior Vice-Chairs and occurs in the context of the frequent turnover of Vice-Chairs who leave to practice private arbitration. The 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 require the Chair to

demonstrate the failure of other recruiting methods before seeking an exemption to the 10 -year rule. This requirement adds to the 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 results in the loss of extremely valuable, senior OLRB adjudicators and makes it difficult for the OLRB to attract well-qualified replacements as part of its succession plan. The Board will continue to make applications for the re-appointment of its senior Vice-Chairs based on exceptional circumstances. When considering succession planning, the challenges the Board faces in attracting experienced adjudicators to underpaid positions may significantly impact the Board's ability to deliver on its commitments.

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 was developed to see all "industrial" or "non-construction industry" Vice-Chairs trained in construction labour law including hearings.. 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.

Innovation and the modernization of services will continue as a priority. The e-filing system allows for electronic submission of English and French forms, attachments and related fees and efficiencies in case processing. 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. The Board's website was recently modernized by its staff to provide greater accessibility. The Board developed the capacity to hold "hybrid" hearings in which one of the parties or witnesses could appear by video and it is now able to live-stream hearings where warranted. The initial stages of a project to explore opportunities offered by Power BI to increase the Board's ability to extract data and create reports has begun as well as a project to modernize its hearing rooms. It also continues to review its internal processes with a view to modernization and efficiencies. At the outset of the pandemic, the Board was able to immediately pivot to use video hearings and mediations and electronic votes exclusively. It is expected that once the pandemic has ended, the Board will continue to see an increased use of video for certain 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 OLRB has an anti-racism working group comprised of staff and a manager which meets and develops the OLRB's anti-racism action plan, with the input and guidance of the Ministry's Anti-Racism Team.

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. Fax machines were turned off at the beginning of the pandemic when all staff were sent home. Parties were able to use e-filing in their place. In light of the availability of e-filing, the Board will consider whether fax machines will be required in future. Mediation staff have been trained to provide services to voters through a Help Desk in most electronic votes thereby reducing costs. During the construction open period, in the event of significant labour disputes in 2021/22 and 2022/23 and increased caseloads requiring mediation involvement, the Board may use the services of the voting company to operate the help desk where necessary.

Fiscal strategies are reviewed quarterly and contingency offsets identified to safeguard statutory and program priorities and create savings. Corporate directives and policies are followed.

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. Internal measures are also used internally to track case processing, caseloads, mediations and decisions to ensure improved performance. The Board has initiated a project to review the feasibility of engaging Power BI to assist in the extraction of additional data and enhanced reporting.

The Board managed to continue its operations during the pandemic despite its staff and adjudicators being sent home to work remotely. The Board expects to continue to face challenges due to the ongoing pandemic which will continue to require numerous changes to its policies and processes. It is clear that working remotely and conducting all hearings, votes and mediations by Zoom is not "business as usual". Numerous additional steps and processes are 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 or managing a hearing with numerous parties presented challenges and electronic votes were the only method used for voting which in certain cases caused delays in votes due to additional requirements. Despite all this, in 2020/2021, the Board was able to meet its performance goals. It is possible that some or all of the performance targets will not be met for 2021/2022 entirely due to an unforeseeable pandemic.

The following are the performance measures and targets for the 2022-2025 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 cases 85%
- ESA cases (appeals) 75%
- OHSa (appeals) 80%
- OHSa (reprisal complaints) 80%

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 (MLSTD), representatives from the Ontario Bar Association Labour & Employment Law Section and 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.

Internship Programs: Collaborative external partnership programs with client labour and management 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: 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 Advisory Committee and through its regular publications including: *HIGHLIGHTS*, Bi-monthly Reports, Annual Report and Notices to the Community. The Board's modernized website allows for greater accessibility and communications. The Chair regularly meets with a large cross-section of the parties and counsel that regularly appear before the Board.

APPENDIX A – OLRB Multi-Year Preliminary Planning Base*

FY 2022-23 (\$000)											
Program	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Ontario Labour Relations Board	103.0	8,150.7	1,002.1	419.5	1,293.8	82.2	1,795.5	-	10,948.3	-	10,948.3
Program Sub-total	103.0	8,150.7	1,002.1	419.5	1,293.8	82.2	1,795.5	-	10,948.3	-	10,948.3
Lease					1,019.5		1,019.5		1,019.5		1,019.5
Grand Total	103.0	8,150.7	1,002.1	419.5	2,313.3	82.2	2,815.0	-	11,967.8	-	11,967.8

FY 2023-24 (\$000)											
Program	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Ontario Labour Relations Board	103.0	8,150.7	1,002.1	419.5	1,293.1	82.2	1,794.8	-	10,947.6	-	10,947.6
Program Sub-total	103.0	8,150.7	1,002.1	419.5	1,293.1	82.2	1,794.8	-	10,947.6	-	10,947.6
Lease					1,019.5		1,019.5		1,019.5		1,019.5
Grand Total	103.0	8,150.7	1,002.1	419.5	2,312.6	82.2	2,814.3	-	11,967.1	-	11,967.1

FY 2024-25 (\$000)											
Program	FTE	Salaries & Wages	Benefits	Transp. & Comm.	Services	Supplies & Equipt.	Total ODOE	Transfer Payment	Sub-Total	Recoveries	TOTAL
Ontario Labour Relations Board	103.0	8,150.7	1,002.1	419.5	1,293.1	82.2	1,794.8	-	10,947.6	-	10,947.6
Program Sub-total	103.0	8,150.7	1,002.1	419.5	1,293.1	82.2	1,794.8	-	10,947.6	-	10,947.6
Lease					1,019.5		1,019.5		1,019.5		1,019.5
Grand Total	103.0	8,150.7	1,002.1	419.5	2,312.6	82.2	2,814.3	-	11,967.1	-	11,967.1

* Multi-year numbers are based on 2022-23 Preliminary Planning Base budget allotments, which reflect the 2021-22 MYP approvals. As such, these numbers do not include realignments or funding requests made through 2022-23 MYP submissions.