

Message from the Chairperson



I am pleased to present the first issue of the Canada Industrial Relations Board's (CIRB) semi-annual newsletter. During my mandate at the CIRB, I have made it a priority to consult with the labour relations community on a regular basis and have committed to provide updates on the progress being made to improve the timeliness of Board decisions and procedures. This newsletter will be published twice a year and will serve to

inform the labour relations community on developments and initiatives at the Board.

When I was appointed as Chairperson of the CIRB on January 1, 2008, there were 643 matters pending before the Board; 23.6% of these matters had been pending for over two years. On January 1, 2010, two years later, this backlog had been reduced to 415 pending matters, with less than 15% outstanding for more than two years. We have also made significant progress in improving the timeliness of Board decisions and resolution of matters, reducing our average processing time by 30% during the last two fiscal years. Our priority for the coming years will be to continue efforts to reduce the average processing time of new cases so as to ensure that a backlog does not reoccur. In order to accomplish this, we will focus our efforts on effective case management and dispute resolution mechanisms that encourage the constructive settlement of differences. While we will continue to adjudicate matters where necessary, we will place an increased focus on our mediation efforts at all stages of a case, in order to proactively seek a resolution of matters that best meets the needs of the parties and promotes stable and productive labour-management relations.

It is my hope that you will find this newsletter helpful and informative, and I encourage you to communicate with us if you wish to see any specific subject matter in upcoming issues.

Composition of the Board

The Canada Industrial Relations Board is currently composed of Elizabeth MacPherson, Chairperson; Louise Fecteau, Graham Clarke, Judith MacPherson, Claude Roy and William McMurray, Vice-Chairpersons; Patrick Heinke, André Lecavalier and David Olsen, Members representing employers; Daniel Charbonneau, Norman Rivard and John Bowman, Members representing employees. Richard Hornung is a part-time Vice-Chairperson, residing in Alberta. The Minister of Labour recently appointed a part-time Vice-Chairperson, Allan Hope, and two part-time members, Cynthia Oliver and Terence Lineker, all residing in British Columbia.

A biography for each Board Member can be found on our Website at:

http://www.cirb-ccri.gc.ca/about-a-propos/members-membres/index_eng.asp

Mandate

The mandate of the Canada Industrial Relations Board is to expeditiously and effectively resolve labour relations issues in the federally regulated sector. This is achieved through the following means:

- successful resolution of labour relations problems through appropriate dispute resolution mechanisms
- decisions on applications and complaints that are provided in a fair, expeditious and economical manner
- an involved and well-informed labour relations community
- effective Regulations and practices developed through consultation with clients



Workload

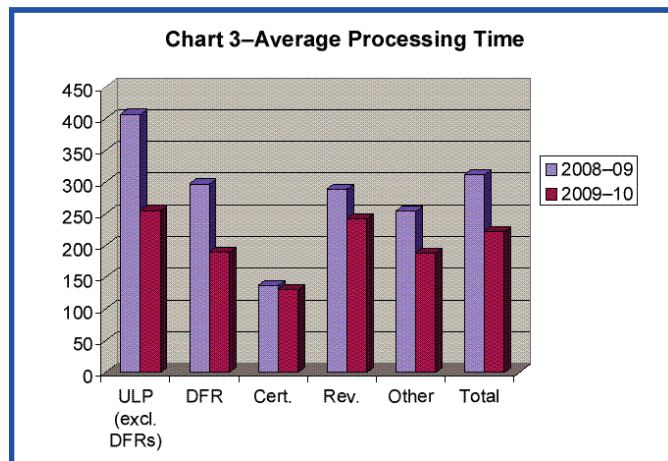
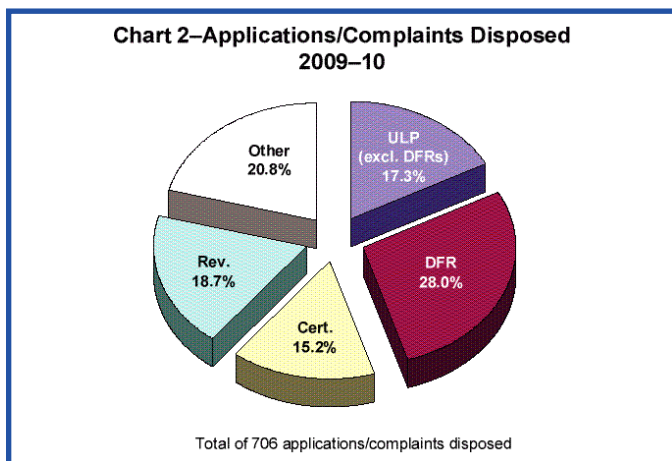
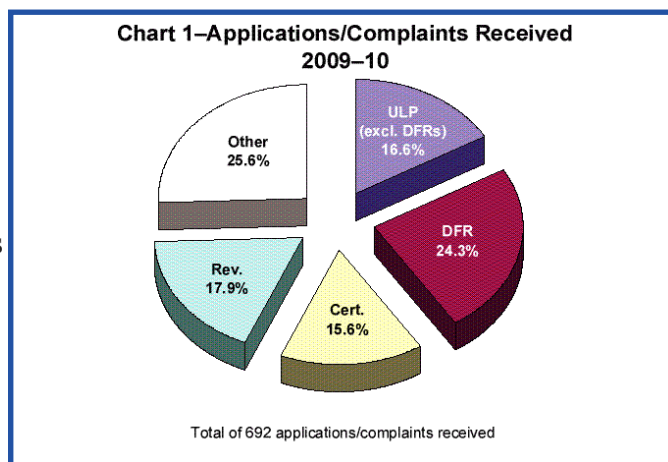
While the nature of the demand for Board services may vary, depending on a number of factors including the state of the economy, the absolute number of incoming applications/complaints has remained relatively constant over the last four fiscal years. A total of 692 applications/complaints were received in 2009–10, which represents 20 more cases than in the previous year. This level is much lower than the average in the earlier part of the decade, which stood at 823.

Chart 1 shows that unfair labour practice (ULP) complaints represent almost 41% of incoming matters in 2009–10. Of this number, duty of fair representation complaints (DFR) represented 24.3% of cases and other ULP complaints represented 16.6% of cases. Applications for certification and reviews also represent a significant portion of incoming matters, at 15.6% and 17.9% respectively.

The Board disposed of 706 matters in 2009–10. The distribution of these cases disposed of by type is slightly different from that of incoming matters, as ULPs account for a little more than 45% (28.1% DFRs plus 17.3% other ULPs), certifications 15.2% and reviews 18.7% (see Chart 2).

The average time to process cases dropped significantly in 2009–10 to 230 calendar days from 311 in 2008–09 (see Chart 3). Although the decline is evident for most types of matters, it is largely the result of the steep reduction in the processing of DFR complaints, which stood at 269 calendar days in 2009–10 compared to 459 days the previous year.

As more cases were disposed of than received in 2009–10, the remaining number of pending matters declined to 428 at the end of March 2010, representing the lowest level in 23 years.



Priorities

The Board continues to seek ways to improve its case management practices and procedures. Over the course of the next year, we will seek input from the labour relations community on the *Canada Industrial Relations Board Regulations, 2001*, with the aim of finding ways to handle applications and complaints more effectively and efficiently. It is also our intention to further explore the use of information technology, including e-filing, as a possible tool to help in attaining these goals. The Board will advise the community of its consultation schedule as the review proceeds.

E-Voting

In 2009, the CIRB added electronic voting to its repertoire of tools to conduct representation votes. In two circumstances where large employee groups were dispersed over a wide geographic area, CIRB industrial relations officers conducted “e-votes” supported by an outside electronic voting system company. Eligible employees were issued personal identification numbers (PINs) and were able to cast a secure electronic ballot via Internet or telephone. The Board’s officers administered the vote and oversaw the auditing process. At the conclusion of the voting period, the ballots were tabulated instantaneously, which allowed the parties to know the results without delay. E-voting proved to be a secure, cost-effective and expedient means to ascertain employee wishes.

Practice Note

Postponement of Hearings

The logistical difficulties inherent in the Board’s caseload and its geographically dispersed and bilingual clientele render it challenging to reschedule hearing dates in an orderly and timely fashion. The Board is therefore reluctant to accede to requests for postponement of hearings.

The Board will only consider a request for postponement where the party making the request has communicated beforehand with the other parties and attempted to obtain their consent to the postponement. All requests for postponement must be addressed in writing to the Board, with copies sent to the other parties at the same time, and must include the reasons for the request for postponement, the positions of the other parties to the request, and a list of alternative dates to which all parties agree and from which the Board may choose, to the extent that this may be possible.

For more information on the Board’s policy with respect to rescheduling of hearings or case management conferences, please consult Information Circular 4-01 which can be found on our Website at:
http://www.cirb-ccri.gc.ca/publications/info/01-04_eng.asp.

Workshops

Are you currently preparing a workshop or organizing a conference on labour relations? Representative members of the Board are available to make presentations regarding the duty of fair representation and the union’s duties and obligations under section 37 of the *Canada Labour Code*. For more information, please contact us at the coordinates provided on page 4.

Contact Us

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TTY calls should be placed with the assistance of a Bell Relay Service operator at 1-800-267-6511

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