

INDEX

[References are to headings in the text. Key headings appear in boldface type and represent sections in the text where the listed topic is a major focus.]

ADMINISTRATION OF AGREEMENT

adjudication by board (*see also* UNFAIR REPRESENTATION, grievance processing)

arbitral approach to complaint, **21:0700**

arbitral powers of board, **1:5300**, 21:0100, 21:0400, 21:1500

normal powers of board, 21:0400

statutory provisions, **1:5700**, 20:3000, **21:0100**, **21:0600**

substitution of discipline, 11:0000, **21:0200**

cease and desist order, **7:4000**

compensation, 8:0100, 9:1210, 9:2110, 9:3300, 9:3510, 21:1800

compliance, 21:1800

conditions, 17:1500, 21:1800

construction industry, 1:5700, 2:2600, 3:2400, 21:0100, 21:0200, 21:0300

costs, 9:5220

declaration, 8:0100, 8:1000, 8:2200, 8:4100, 8:7200, 20:5000, 21:0500, 21:1100

delay —

arbitrator caused, **1:5700**, 2:2600, **20:4000**

extension of time limits, 3:1200, 15:0000, 15:3200, **21:0300**

general issue, 1:1700, 21:0300

party caused, 21:0300

discretion of the board, 20:0100, 20:2000

disposition of award —

directions to arbitrator, 21:1800

remitting to arbitrator, **21:1800**

setting aside, 15:2300, **21:1800**

staying proceedings, **21:1800**

substituting decision, **21:1800**

expedited arbitration, **20:2000**, 21:1800

interest, 8:4200, 21:0400

modification of arbitration —

specific application, **20:0200**

statutory provisions, 2:2700, 20:0100

parties, **2:2600**, 2:2700, 2:8000, 15:2300, 21:1500

“penalty” clause, 9:2200

prosecution for award violation, 21:1900

reconsideration, 21:1600, **21:1900**, **25:2700**

reference of issue to board

arbitration issue, **1:5700**, 2:2600, **20:5000**, 21:1100

ministerial powers, **20:1000**

LABOUR RELATIONS BOARD REMEDIES

ADMINISTRATION OF AGREEMENT — *Continued*

review of arbitration —

appeal compared, 21:1200

arbitral jurisprudence, **21:1400**

arbitration defined, 21:1200

board jurisdiction, 15:2300, 20:5000

compliance with award, 6:2200, 6:2400, 21:1200

fair hearing requirement, 15:2300, 20:5000, 21:1100, **21:1600**

interim ruling, 21:1200

interpretation of agreement, **21:1300**

non-party affected by award, **21:1600**

reservation by arbitrator, 21:1700

statutory principle, 20:5000, 21:1000-800

statutory provisions, 15:2300, 20:5000, **21:1100**

special procedure, **1:5700**, 27:0100

ADMINISTRATIVE ENFORCEMENT

labour board as remedial body 0:1000, 1:0000, 10:0000

ANTI-UNION ANIMUS. *See* UNFAIR LABOUR PRACTICE

APOLOGY

purpose not to humiliate, 19:1200, 19:1600

reluctance to award, 19:1600

APPORTIONMENT. *See* COMPENSATION

ARBITRATION BY BOARD. *See* ADMINISTRATION OF AGREEMENT

ASSISTANCE OF OFFICER

future relationship, 10:4300

implementation of order, 24:1300

resolution of underlying dispute, 1:5300, 1:5600, 1:5700, 1:5800, 8:5100, 12:2100,
13:2100, 13:3000

settlement of details of order, 9:1230, 24:1300

ASSISTANCE TO UNION (*see also* BARGAINING ORDER, bad faith bargaining)

basis for remedy, 5:3000, 5:3200

compensation, 5:3200, 9:4100, 12:1500

facilitation of communication, **5:3200**, 12:1700, 19:1400

organizational cooperation, **5:3200**

BAD FAITH BARGAINING. *See* BARGAINING ORDER;
COMPENSATION; SETTLEMENT OF AGREEMENT)

BARGAINING FREEZE VIOLATION. *See* FREEZE VIOLATION

INDEX

BARGAINING ORDER

bad faith bargaining —
 assistance to union, 5:3200
 bargaining rights determination, 12:0100, 12:2200
 deferral to other tribunal, **3:4100**
 reinstatement, **10:2100**
 special procedure, **1:5100**
 work stoppage, 9:3410, 9:3420, **13:3000**
cease and desist order, 7:1000, 13:1100, 13:2100
clarification of obligations, 13:1100, 13:1200, 13:2100
compliance, 6:0000, 13:0000, 13:1100, 13:2300
corrective innovation, 13:1100, 13:2100, 13:2200
delay, 13:1300, 13:2300, 13:2400, 13:3000
denial of order, **13:1200**, 24:2000
execution of agreement, 9:3420, 13:2200, **13:2400**
interim order, **23:4400**
mediation, 13:2100, 13:3000, 14:1000
ratification process, 13:2200, 13:2400
refusal to bargain, 6:0000, 7:1000, 9:0000, **9:3400-30**, 9:4100, 9:4200, 9:4300,
 12:2100, **13:0000-3000**, 14:0000, 14:2100, 14:2300, 14:3700, 27:0100, 27:0200
specific direction —
 bargaining process, 13:0000, 13:1100, **13:2000-400**
 contract proposals, 13:2100, 13:2200, **13:2300**
 definition of issues, 13:2300
 particular term, 5:0700, 9:3420, 13:0000, **13:2300**
 statutory requirement, 13:2300
special procedure, **1:5100**
standard order, **13:1100**, 13:1200, 16:1300
statutory provisions, **13:0000**, 13:2300, 14:1000

BARGAINING RIGHTS DETERMINATION (*see also* BARGAINING ORDER, bad faith bargaining; REMEDIAL CERTIFICATION; WORK ASSIGNMENT)

ascertainability of true wishes, 1:2200
bargaining agent violation —
 employers' organization, **12:2200**
 union, 12:0100, **12:2200**, 15:4300
certification vote revision, **12:0200**
discretion of board, 12:0100, **12:0200**, 12:2100
division of bargaining unit, 12:2200
employer dominated union, 12:0100
employer violation, 12:0100, 12:2200
impact on employee rights, **12:2200**
interim rights, **23:4300**
scope of remedial power, 5:2150, 12:0000, 12:0100, 25:0200, 25:1400, 25:2100

LABOUR RELATIONS BOARD REMEDIES

BARGAINING RIGHTS DETERMINATION — *Continued*

statutory provisions, **12:0100**
termination, 5:2150
unlawful organizing tactics, 12:0100

BOYCOTT

declaration, **8:6000-300**
special procedure, **1:5500**

CEASE AND DESIST ORDER (*see also* ADMINISTRATION OF AGREEMENT; DUTY TO BARGAIN; FREEZE VIOLATION; PICKETING; WORK STOPPAGE)

clarification of obligations, **7:1000**, 7:3300, 13:2100, 16:1400
continuing violation, **7:2000**, 7:3300
negative character, **7:1000**, 13:1100
reiteration of statute, 7:1000
relation to other remedy, 8:6200, 10:1100, 10:4100, 13:2100, 23:2200
statutory provisions, 7:0000

CERTIFICATION. *See* REMEDIAL CERTIFICATION

CERTIFICATION FREEZE VIOLATION. *See* FREEZE VIOLATION

CLARIFICATION OF OBLIGATIONS. *See* BARGAINING ORDER; CEASE AND DESIST ORDER; COMPLIANCE; DECLARATION; RECONSIDERATION

COMMON EMPLOYER. *See* DECLARATION, PARTIES

COMPENSATION (*see also* ADMINISTRATION OF AGREEMENT; ASSISTANCE TO UNION; FREEZE VIOLATION; INTEREST; “MAKE-WHOLE” ORDER; MITIGATION; UNFAIR REPRESENTATION; WORK ASSIGNMENT; WORK STOPPAGE)

apportionment, **9:1350**, 9:1430, **15:3100**
bad faith bargaining —
 benefits, 9:0000, 9:3420
 deferral to negotiations, 9:3410
 expectation of agreement, 9:0000, **9:3420**, 13:2200, 14:3700
 expenses of union, 6:2100, 9:0000, **9:3410**
 prolongation of work stoppage, 9:0000, 9:3410, 9:3420
discretion of board, 9:2200
dues and contributions, 9:1360, 9:1410, **9:3300**, 9:3420, 9:3430, 10:4200
failure to claim, 9:1330, 9:2200, 9:3200, 9:3510
income loss —
 conduct of complainant, 9:1340
 deductions at source, 9:1240, 9:1310
 detailed calculation, 9:1210, **9:1240**, 9:1410, 9:3420
 guidelines set by board, 9:1220

INDEX

COMPENSATION — *Continued*

income loss — *Continued*

- income tax gross up, **9:5300**
 - interim order, **23:4200**
 - period of compensation, 9:1240, **9:1320**
 - recovery by union, **9:1360**, 9:1410
 - relation to reinstatement, **9:1230**, 9:1240
 - scope of loss recoverable, 9:1110, **9:1210**, 9:1240, 9:1310, 9:3420
 - standard order, 3:2900, 6:2100, 6:2500, 8:3200, 9:0000, **9:1220**, 9:2110, 23:0100, 24:0200, 24:1100, 27:3100
 - statutory provisions, 9:1100-10, 10:0000
 - time for payment, 9:1240
 - unfair labour practice, 9:0000, 9:1100-20, 9:1200-40, 9:1300-60, 13:2300
- loss generally, 9:0000, **9:2000-200**
- non-monetary loss, **9:2120**, 9:3200, 9:3430
- penalty recovery —
- scope of loss recoverable, **9:1210**, 9:3120, 11:1000
 - statutory provisions, 9:1210, **9:3110**, 11:0000
- punitive award, 9:2200
- quantum* referred to parties, 9:1220, 9:1230, 9:1240, 9:2200
- relocation costs, 9:3200
- restoration of benefit, 6:2300, 9:1210, 9:3420

COMPLIANCE (*see also* ADMINISTRATION OF AGREEMENT;
BARGAINING ORDER; FREEZE VIOLATION; VOTING VIOLATION;
WORK STOPPAGE)

- clarification of obligations, 6:1000
- corrective innovation, 6:1000, 6:2100, 6:2500, 13:1100, 13:2300
- enforcement purpose, 6:1000, 6:2200, 6:2400
- reiteration of statute, 6:1000, 6:2100
- specific application, **6:2000-2600**
- statutory provisions, **6:0000**, 13:0000, 13:1100

CONDITIONS AND UNDERTAKINGS (*see also* ADMINISTRATION OF
AGREEMENT; INTERIM ORDER; PICKETING; PROSECUTION;
RECONSIDERATION; REINSTATEMENT; REMEDIAL
CERTIFICATION; RESTORATION OF MEMBERSHIP; UNFAIR
REPRESENTATION; WORK ASSIGNMENT; WORK STOPPAGE)

- adjournment, 9:5210
- application to complainant, **17:0200**
- consent order, **17:0300**
- mandatory form, **17:0300**
- progressive enforcement, 17:1100, 17:1400
- rectification, 5:0300, 5:0400, 17:0100, 17:0200
- statutory provisions, 5:0300, 12:1700, **17:0100**, 23:1200, 23:1400

LABOUR RELATIONS BOARD REMEDIES

CONDITIONS AND UNDERTAKINGS — *Continued*

union trusteeships, **17:1600**
voluntary form, 17:0200, **17:0300**

CORRECTIVE INNOVATION. *See* BARGAINING ORDER; COMPLIANCE;
RECTIFICATION

COSTS (*see also* ADMINISTRATION OF AGREEMENT; “MAKE-WHOLE”
ORDER; UNFAIR REPRESENTATION)

incidental power, 9:5210
policy considerations, 9:4100, 9:5210, **9:5200-30**
power to order, **9:5210**

COUNCIL OF UNIONS. *See* PARTIES

DECLARATION (*see also* ADMINISTRATION OF AGREEMENT;
BOYCOTT; PICKETING; WORK STOPPAGE)

absence of dispute, 8:0100, **8:0400**, 8:2100, 8:4100, 8:4200
clarification of obligations, 7:1000, 8:0100, **8:1000**, 8:2300, 8:0300, 8:3200,
8:4200, 8:5300, 8:5600, **8:5700**, 8:6000, 8:6200, 13:1200, 17:1400, 20:1000,
20:3000, 20:5000, 22:2000
common employer, 8:3100, **8:7100**, **20:3000**
denial of order —
 absence of purpose, **8:2100**, **8:5300**
 lawful conduct, 8:2300
 other proceedings, **8:2200**, 8:4100, 8:4200, 8:5300
 sale of business, **8:7100**, **20:3000**
elaboration of board policy, 8:0100, **8:4200**, 22:2000
expeditious character, **8:3200**, 8:4200, 8:5300
express declaratory power, 8:0100, 8:4100, 20:5000, 21:1100
implicit declaratory power —
 decision making in general, **8:0200**
 ruling on statutory issues, **8:0300**, **20:5000**
interim order, 8:1000
operative declaration, **8:3100**
parties, 8:0100, 8:1000, 8:3100, 19:0100
relation to other remedy, 8:1000, 8:4100, 8:4200, 8:6000, 8:6200, 8:7100, 15:1000,
19:0100, 20:5000, 21:1100, 22:2000
statutory provisions, **8:0100**
voluntary remedial action, 8:4200, 8:5300

DEFERRAL TO OTHER TRIBUNAL (*see also* BARGAINING ORDER;
UNFAIR REPRESENTATION; WORK ASSIGNMENT; WORK
STOPPAGE)

accessibility, **3:2200**, 3:2300
adequacy of hearing, 3:1100, 3:1200, 3:2300, **3:2800**, 3:2900, 3:4300
adequacy of remedy, 3:1100, 3:1200, 3:2100, 3:2700, **3:2900**

INDEX

DEFERRAL TO OTHER TRIBUNAL — *Continued*

appeal to board, 3:2100
arbitration, **1:3100**, **3:0200**, **3:2000-900**, 21:1100, 25:2200
consistency with statute, 3:2600, 3:4300
delay, **3:1100**, 3:1300, 3:2300, 3:2600
discretion of board, 1:3100, 3:0000-200, 3:1100, 3:2100, 3:4300
duplication of proceedings, 3:1100, **3:2400**, 3:3100, 3:4300
enforceability of award, 3:2900
exhaustion of procedures, 3:1100, 3:2200, 23:1400
fair hearing, 3:1100, 3:1300, 3:2200, 3:2300, 3:2600, 3:2900, 3:3100
issues —
 contract, 3:1100, **3:2700**, 3:4200, 3:4300, 15:2500, 20:3000, 20:5000
 statute, 3:1100, 3:2600, **3:2700**, 3:4100, 3:4200, 3:4300, 15:2400, 20:5000
jurisdiction over issues, 3:1100, 3:1200, 3:2100, 3:2200, 3:2300, 3:2400, 3:2700,
 3:2800, 3:2900, 3:4200, 17:1100
mediation, **3:5000**
power over award, **3:3200**
rejection of process, **3:2500**
reservation pending decision, 3:1100, 3:1300, 3:2100, 3:3100
stability of relationship, 3:2700
statutory provisions, **1:3100**, **3:0000-200**, 3:4300
technical objection, 3:1100, **3:2300**
union appeal body, **1:3100**, **3:0100**, **3:1000-300**

DELAY (*see also* ADMINISTRATION OF AGREEMENT; BARGAINING
ORDER; DEFERRAL TO OTHER TRIBUNAL; PROSECUTION, consent;
RECONSIDERATION; RESERVATION OF JURISDICTION; UNFAIR
REPRESENTATION, processing of grievance)

board caused, **4:0600**
discretion of board, **1:1200**, 1:1700, 16:1100
duration, **1:1300**
effect on remedy, 9:1330, 9:1350, 9:5220, 13:1300, 16:1300, 21:0300, 23:4100,
 23:4200, 25:0200, 26:1500
explanation, **1:1400**, 1:1500, 21:0300, 25:1400
multiple proceedings. *See* MULTIPLE PROCEEDINGS
prejudicial effect, **1:1600**
time limits —
 board ordered, 7:3400 9:1240, 10:1100, 13:2100, 13:2200, 13:2300,
 13:3000, 18:2100, 20:0200, 24:2000
 effect of, 1:1100, 14:2200, 26:1600
 extension of, **1:1100**, 21:0300, 25:1400
 statutory, **1:1100**, 1:5200, 1:5800, 3:1100, 14:1000, 14:2200, 14:3300,
 26:1600

LABOUR RELATIONS BOARD REMEDIES

DISCRETION OF BOARD (*see also* ADMINISTRATION OF AGREEMENT;
BARGAINING RIGHTS DETERMINATION; COMPENSATION;
DEFERRAL TO OTHER TRIBUNAL; DELAY; ENFORCEMENT BY
COURT; REINSTATEMENT; REMEDIAL CERTIFICATION; WORK
STOPPAGE)

conduct of parties, 14:2400, **16:1200**, 16:1400, 17:1100
effect on relationship, **16:1000**, **16:1300**, 16:1400, 17:1200
equitable principle, **16:1200**
procedural default, 16:1100
statutory provisions, **16:0000**

DUTY TO BARGAIN. *See* BARGAINING ORDER

EMPLOYER. *See* PARTIES

EMPLOYERS' ORGANIZATION. *See* PARTIES

ENFORCEMENT BY COURT

civil proceeding, 1:0200, 1:5100, 1:5300, 8:0100
discretion of board, **27:0200**, 27:1000, 27:2000
enforcement problems, 9:1220, 27:0200, 27:3000, **27:3100**
filing board order, 1:0100, 1:0200, 1:0300, 1:5100, 1:5300, 1:5600, 1:5800, 9:5210,
27:0100, **27:0200**, **27:1000**, **27:2000**, **27:3100**
formal requirements, **27:3100**
judicial review on filing, **27:3200**
relationship to enforcement by complaint. *See* ENFORCEMENT BY NEW
COMPLAINT, relationship to court enforcement
role of board, 24:0400, **27:0200**, 27:3000
statutory provisions, **27:0100**, 27:1000, 27:2000
stay of enforcement, 21:1200, **27:3300**
work assignment, **27:3000**
work stoppage, 17:1100, **27:1000**

ENFORCEMENT BY NEW COMPLAINT

non-compliance as violation, **27:4000**
relationship to court enforcement, 17:1100, 24:1200, **27:4000**

FORMAL ORDER

attachment to decision, **24:1400**
further application, **24:1400**, 27:3100

FREEZE VIOLATION

board imposed freeze —
 remedial aspect, **18:0000**, 18:2000-100
 statutory provisions, 18:2100
cease and desist order, 7:0000
compensation, 9:1110, 9:1210, 9:1360, **9:3430**, 10:2100
compliance, 6:0000, **6:2300**, 16:1300

INDEX

FREEZE VIOLATION — *Continued*

consent to alteration —
 clarification of obligations, **18:1200**
 expedited hearing, 18:1200
 reinforcement of bargaining, 9:1210
 remedial application, 18:1200
 statutory provisions, **18:0000, 18:1100**
interim order, 18:2100
reinstatement, 10:2100, 10:4200
special procedure, **1:5100**

GRIEVANCE PROCESSING. *See* UNFAIR REPRESENTATION

HIRING ORDER. *See* REINSTATEMENT

IMPOSITION OF AGREEMENT. *See* SETTLEMENT OF AGREEMENT

INCIDENTAL POWER. *See* COSTS, INTERIM ORDER

INTEREST (*see also* ADMINISTRATION OF AGREEMENT)

calculation, **9:5120**
power to order, 8:4200, 9:1110, 9:1210, **9:5110**, 21:0400
“rough and ready” approach, 9:1240, **9:5120**

INTERFERENCE WITH OTHER PARTY. *See* UNFAIR LABOUR PRACTICE

INTERIM ORDER (*see also* BARGAINING ORDER; BARGAINING RIGHTS DETERMINATION; COMPENSATION, Income loss; DECLARATION; FREEZE VIOLATION; REINSTATEMENT; WORK ASSIGNMENT; WORK STOPPAGE)

conditions, 17:1100, 23:1200
equitable type of order —
 expedited hearing, 23:1400, 23:2200, 23:4100
 loss minimization, 23:1100, 23:1400
 preliminary to final decision, 23:1100, 23:1400, 23:2200
 statutory provisions, **23:1200**, 23:2100
 threshold standard on merits, 23:1100, 23:1400, 23:4100
 undertaking to respondent, 23:1100, 23:1400, 23:2300
exceptional circumstances, 23:1400
incidental power, 23:1300
partial order, 23:0100, 23:1100, 23:1300, 24:0300, **24:0400**
reconsideration power, 23:3000, 25:2100, 25:2200
reservation of jurisdiction, 23:0100, 24:0400
special procedure, **1:5900**
specific application, 1:5300, 1:5600, 3:1100, 18:2100, 23:2000-300, **23:4000-600**

LABOUR RELATIONS BOARD REMEDIES

JUDICIAL REVIEW

deference to board expertise, 4:0200
relation to reconsideration. *See* RECONSIDERATION, relation to judicial review

JURISDICTIONAL DISPUTE. *See* WORK ASSIGNMENT

LOCKOUT. *See* WORK STOPPAGE

“MAKE-WHOLE” ORDER

basis for order, **9:4100**
costs implication, 9:4100, 9:5210, 9:5220
definition, **9:4000**
detailed calculation, 9:4200
non-recognition of union, 9:4100
special procedure, 9:4200
unfair representation, 9:4400, 9:5220, 9:5230
unjust enrichment, 9:4300
wasted expenditure, 6:2100, 9:2200, 9:4100, 9:4200

MEDIATION. *See* PROCEDURE, mediation and settlement

MITIGATION

extent of duty, 9:1240, 9:1330
compensation —
 application of duty, 9:1320, **9:1330**, 9:2200, 9:3300, 9:3420, 9:5110
 benefit payments, 9:1330
 deduction of earnings, 9:1330, 9:3420
 delay in taking proceedings, 9:1330
 effect on period, 9:1330
 reduction for failure to mitigate, 9:1240, **9:1330**
 termination pay, 9:1330
reinstatement, **10:1500**

MODIFICATION OF ARBITRATION. *See* ADMINISTRATION OF AGREEMENT

MULTIPLE PROCEEDINGS

refiling complaint, 1:4000
statutory bars, 1:3400, 3:4300

NOTIFICATION OF DECISION

basis for order, 5:3000, 5:3100, 8:6200, 13:2100, 19:0100, 19:1100, 27:0200
denial of order, **19:1200**
enforcement purpose, 15:4300, 19:0100, 19:0200
form of notice, **19:0300**, 19:1100, **19:1300**, 19:1600
freedom of expression, **19:1600**
interim order, **23:4500**

INDEX

NOTIFICATION OF DECISION — *Continued*

method of notification, **19:0300**, 19:1400
parties to be notified, 13:2100, 15:3400, 19:0300, 19:1100, **19:1500**, 23:4500,
24:1400
reassurance of rights, 19:1600
supervision of compliance, 19:1400

OFFER OF EMPLOYMENT. *See* REINSTATEMENT

PARTIES (*see also* ADMINISTRATION OF AGREEMENT;
DECLARATION; FAIR REPRESENTATION; PROSECUTION;
RECONSIDERATION; SETTLEMENT OF AGREEMENT; VOTING
VIOLATION; WORK ASSIGNMENT; WORK STOPPAGE)

applicant for employment, 2:0000, **2:4200**
common employer, **2:7100**, 3:3100, 8:3200, 10:2100
council of unions, **2:0300**
employee, 2:0000, **2:1000**, 2:2300, 2:3100, 2:5000, 7:0000, 9:1360, 15:0000,
15:2300, 19:1100, 19:1500
employer, 2:0000, **2:1000**, 2:2100, 2:2200, 2:2300, 2:2500, 2:2600, 2:2700, 2:3200,
2:4100, 2:4200, 2:5000, 2:7100, 2:7200, 2:8000, 5:0100, 7:0000, 9:1110, 9:1350
10:1200, 11:0000, 15:2300, 15:2600, 19:0200, 21:0600
employers' organization, 2:0000, **2:0200**, 2:1000, 2:2300, 2:2500, 2:2600, 2:9000,
12:0000-200, 12:2200, 15:0000
intervener, 2:2600, **2:8000**
jurisdictional limitations, **2:4400**, **2:4600**
legal entity, 2:0100, 2:0200
person external to bargaining relationship, 2:2300, 2:2600, **2:4000-600**, 19:0100,
21:1500
private prosecutor, **2:9000**, 26:1800
procedural provisions, 2:0200, 2:2000, 2:2100, 2:4500, 8:0100
receiver, 2:7200
representative, 2:1000, **2:3000-200**, 9:1360, 15:2600
substantive provisions, **2:1000**, **2:4300**
successor, 2:7200, 10:1500
union, 2:0000, 2:0200, 2:1000, 2:2100, 2:2200, 2:2300, 2:2500, 2:2600, 2:2700,
2:3000, **2:3200**, 2:4100, 2:5000, 2:7200, 2:8000, 2:9000, 5:0200, 7:0000, 9:1120,
9:1350, 9:1360, 10:1200, 11:0000, 12:0000-200, 12:1100, 12:2200, 15:0000

PICKETING

cease and desist order, 7:3200, 8:6200, 16:1200, 17:1100
conditions, 8:6200, **17:1100**
declaration, **8:6000-200**
special procedure, **1:5500**, 8:6200

PROCEDURE

complaint, 1:0100, 1:0300, 1:5300, 1:5800, 12:1500

LABOUR RELATIONS BOARD REMEDIES

PROCEDURE — *Continued*

consent requirement (*see also* PROSECUTION), **1:2000, 1:5100**
deferral to other tribunal. *See* DEFERRAL TO OTHER TRIBUNAL
enforcement by court. *See* ENFORCEMENT BY COURT
expedited hearing (*see also* FREEZE VIOLATION, consent to alteration;
INTERIM ORDER, equitable type of order; WORK STOPPAGE), **1:0400,**
1:5300, 7:3100, 8:5300, 9:1220, 9:1240, 9:3510, 13:1300, 18:1200
inquiry by board, 1:0100, 1:0300, 1:5800, 8:0100
investigation by official, 1:0100, 1:0300, 1:5900
issue of order, 1:0100, 1:0300, 1:5300, 1:5800
mediation and settlement, 1:0100, 1:5200, 1:5700
particulars, **1:3200**
prosecution. *See* PROSECUTION
reconsideration —
 direct review of merits, 25:1100, 25:2000
 new or original panel, 25:1100, **25:1200,** 25:3200
 plenary session, 8:4200, **25:1200**
 preliminary screening, **25:1100, 25:2000**
 procedural reconsideration, 25:0200
 reconsideration panel, 25:1100, 25:1200
 show cause hearing, 25:1300
 submissions opportunity, 25:1300
reference to board (*see also* ADMINISTRATION OF AGREEMENT), 1:0500,
14:1000, 20:1000, 20:5000, 27:3000
special procedure. *See* ADMINISTRATION OF AGREEMENT;
BARGAINING ORDER, bad faith bargaining; BOYCOTT; FREEZE
VIOLATION; INTERIM ORDER; “MAKE-WHOLE” ORDER;
PICKETING; SETTLEMENT OF AGREEMENT; UNFAIR
REPRESENTATION; VOTING VIOLATION; WORK ASSIGNMENT;
WORK STOPPAGE
summary dismissal, **1:3000-3400**
time limits. *See* DELAY

PROSECUTION

board proceedings, 1:0300, 26:0200
conditions, 26:1800
consent to prosecute —
 availability of other remedies, **26:1200**
 conduct of applicant, 26:1700, 26:1800
 delay, **26:1600**
 effect on relationship, 26:1200, 26:1400
 final recourse, 26:1400
 interest of applicant, 2:9000, 26:1800
 labour or penal issues, **26:1500**
 labour or prosecution policy, 2:9000, 25:3500, **26:0200**

INDEX

PROSECUTION — *Continued*

consent to prosecute — *Continued*

- labour relations purpose, 26:0200, **26:1400**
- particulars of offence, 26:1100
- relation to board process, 25:1200, **26:1300**
- review of prior decision, 21:1900
- screening of charges, **26:1100**, 26:1600
- selectivity, **26:1700**
- statutory provisions, **6:6000**, **26:0100**
- parties, **2:9000**, 26:1300
- penal enforcement, 1:0200, 1:0300, 1:5100, 1:5300, 1:5500, 1:5600, 1:6000, 2:9000, 9:2200, 9:5210, 15:3300, 23:1300, 23:1400, 26:0100, 26:1100, 26:1200

RECONSIDERATION (*see also* ADMINISTRATION OF AGREEMENT;
INTERIM ORDER; PROCEDURE)

- clarification of obligations, 25:1100, 25:2500, 25:3100, 25:4100
- conditions, 25:2300, 25:4200
- continuing review of decision, 25:2100
- delay, **25:1400**, 25:4300
- denial of application —
 - change in law after decision, **25:3500**, 25:3600
 - deficiency in original case, **25:3100**
 - factual question, 25:1200, **25:3200**
 - failure to appear, 25:3100
 - finality interest, 25:0100, 25:0200, 25:1100, 25:1200, 25:1400, 25:2000, 25:2300, 25:2700, 25:3000, 25:3100, 25:3500
 - prejudice to other party, 25:1400, 25:3100
- effect on original decision, **25:2300**, 25:2500
- encouragement by board, 25:1300
- grounds to reconsider —
 - assumed facts in error, 25:3200
 - denial of fair hearing, 25:1100, 25:1200, 25:1300, 25:3300, **25:3600**, 25:4100
 - error of law or policy, 25:1100, 25:1200, 25:1300, 25:1400, 25:2400, 25:3000, 25:3100, 25:3200, **25:3300**, 25:3500, **25:3600**, 25:4100
 - evidence previously unavailable, 25:1200, 25:3000, **25:3200**, 25:4200
 - grounds for judicial review, 25:1200, 25:2400, 25:3600, **25:3700**
 - unanticipated effect, **25:3400**
- parties, 2:5000, **2:6000**, 2:8000
- relation to judicial review, **25:2400**
- relation to other procedures, 21:1900, 25:2100, **25:2200**, 27:0200, 27:3000, 27:3300
- repeated reconsideration, 25:2600
- reservation of jurisdiction compared, **24:0100**, 24:1100, 25:4100

LABOUR RELATIONS BOARD REMEDIES

RECONSIDERATION — *Continued*

review of remedy —
 clarification, 25:4100
 discretion of original panel, 25:4100
 enforcement refused by court, **25:4300**
 legal defect, **25:4100**
 supervision by board, **25:4200**
scope of power, **25:2100**
specific application, **25:2500**
statutory provisions, **25:0100**

RECTIFICATION (*see also* CONDITIONS AND UNDERTAKINGS)

collective agreement, 5:2150
corrective innovation, 5:0000-900
equitable nature, 5:0100, 5:0300, 5:0400, 5:0800
future conduct, **5:2100**
in personam or *in rem*, **5:2200**
individualized order, 5:0100, **5:3300**
relation to specific powers, 4:2000, 5:0500, 5:0600, 5:0700, 5:0800, **5:1000**,
 6:0000, 9:1110, **9:2110**, 9:3110, 9:3200, 9:3420, 9:3510, 9:5110, 9:5210, 10:1100,
 10:1200, 10:4100, 11:0000, 12:1500, 13:2300, 15:0000, 16:0000, 17:0100,
 17:0200, 22:2000, 23:0100
restoration of situation, 5:0200, 5:0300, 5:0400, 5:0600, 5:0700
source of new remedies, **5:3000**, **19:1100**
statutory provisions, **5:0000-900**
work stoppage, 5:0100, 5:0300, 5:0700

REFUSAL TO BARGAIN. *See* BARGAINING ORDER

REINSTATEMENT (*see also* BARGAINING ORDER, bad faith bargaining;

 COMPENSATION, restoration of benefit; FREEZE VIOLATION;
 MITIGATION; WORK STOPPAGE)

change of ownership, 9:1320, 10:1100, 10:1500
conditions, 10:1400, 10:1500, 17:1000
conduct of employee, **10:1400**
consideration for employment, 10:1100
detail —
 elaborated by board, 10:1100, **10:1200**
 referred to parties, 10:1100
discretion of board, 10:1400
employee wishes, **10:1300**
hiring order, 9:1220, 10:0000
interim order, **23:4200**
management position, 10:1200
offer of employment, 10:1100, 10:1200, 10:1300, 10:1400
relocation, 10:2100

INDEX

REINSTATEMENT — *Continued*

shutdown of operation, **10:1100**, 10:1500
standard order, 3:2900, 6:2100, 6:2500, 8:3200, 8:7100, 9:1110, 9:1220, 9:1240,
9:1320, 10:1100, 23:0100, 24:0200, 24:1100, 27:3100
statutory provisions, 9:1110, **10:0000**
time limit, 10:1100, 27:0200
variations of order, 10:1100, 10:1200
vulnerability of employee, **10:3000**

REMEDIAL CERTIFICATION

alternative remedy potential, 12:1300, 12:1400, **12:1500**
competing applications, **12:1600**
conditions, 12:0100, **12:1700**, 17:0100, 17:1000
deterrence, **12:1100**
discretion of board, 12:1100, 12:1300
level of support —
adequate for bargaining, 12:1200, **12:1400**
endurance of support, 12:1400
evidence of support, 12:1100, 12:1200, 12:1400
influence of supporters, 12:1400
majority prospect, **12:1400**
remedial power to settle agreement, 12:1400
statutory minimum, 12:1400
success of initial organizing, 12:1400
remedial objective, **12:1100**
scope of power, 12:0000, 12:0100, 12:1000
separate proceedings, 12:1500
severity of violation, 12:1300, 12:1400, 12:1500
statutory provisions, **12:0100**
supplementary remedies, 12:1500
timing of violation, 12:1300, 12:1400, 12:1500
true wishes determination —
actual impact of violation, 12:1200
cumulative effect, 12:1300
elimination of unit, 12:1300
employer declaration of position, 12:1300, 12:2100
intimidation, 12:1200, **12:1300**, 12:2100
irrelevant threat, 12:1300
minor violation, 12:1300
objective standard, 12:1200
overall context, 12:1300
size of bargaining unit, 12:1300
unascertainability requirement, 12:1100, **12:1200**, **12:1300**, 12:1400,
12:2000-200
violation of board order, 12:1300

LABOUR RELATIONS BOARD REMEDIES

REMEDIAL CERTIFICATION — *Continued*

true wishes determination — *Continued*

vote preferred, 12:1200, 12:1300

violation requirement, 12:1100

REMEDIAL PRINCIPLES IN GENERAL

adaptability, **4:0500**, **5:0000-900**, 8:6200, 17:1100

compensation objective, **4:0100**, 4:1000, 9:1210, 9:1350, 9:4300

distinct power of board, **4:0000**

innovative potential, **4:0200**, **5:0100**, **5:3000**, 7:1000

limiting considerations, **4:1000**, **8:6200**, 9:4300, 13:2300, **14:0000**

purposive character, **4:0300**, 4:0500, 4:1000, 7:1000, 7:3300, 7:3400, 8:2100,
8:4200, 8:5100, 8:6200, 10:1500, 12:1100, 12:1400, 13:1200, 14:2100, 15:1000,
15:2200, 15:2300, 16:1000, 16:1200, 16:1400, 20:3000, 23:2300, 24:1400,
26:1400, 27:0200

separation from merits, **4:0400**

specialized nature, 0:2000, 4:0000, 4:0500

specificity of power, **4:2000**, 5:1000

wide nature of remedial power, 0:2000, 4:2000, 5:0000

RESCISSIION OF DISCIPLINE

form of order, **11:1000**

indirect penalization, **11:1000**

removal of record, 11:1000

statutory provisions, **11:0000**

substitution of penalty, 11:0000

RESERVATION OF JURISDICTION (*see also* ASSISTANCE OF OFFICER;
FORMAL ORDER; INTERIM ORDER)

additional remedies, 23:0100, 24:0100, 24:0300, **24:0400**

compliance review, 10:1100, 24:0100, **24:1200**, 24:1300

delay, **24:2000**

effect of original decision, 24:0300, 24:1400

functus officio principle, 24:1100

further hearing, 17:1100, 21:1800, 24:0300

guidelines from board, 9:1220, 17:1100, 24:0300

implementation difficulties, 10:1100, 24:0100, **24:1100**, 24:1200, 24:1400

reconsideration compared, **24:0100**

remedy referred to parties (*see also* COMPENSATION, *quantum*;

REINSTATEMENT, detail), 9:1220, 9:1240, 9:2200, 10:1100, 16:1300,
24:0000, **24:0200**, **24:0300**, 24:1100, 27:3100

RESTITUTION. *See* “MAKE-WHOLE” ORDER, unjust enrichment

RESTORATION OF MEMBERSHIP

admission, 10:4100, 10:4200

conditions, 10:4200, **17:1300**

INDEX

RESTORATION OF MEMBERSHIP — *Continued*

consideration of application, 10:4100
elaboration of rights, 10:4100
restoration, 10:4100, 10:4200, 11:1000
specific application, **10:4200**
statutory provisions, **10:4100**
vulnerability of member, **10:4300**

REVIEW OF ARBITRATION. *See* ADMINISTRATION OF AGREEMENT

SETTING ASIDE AGREEMENT. *See* SETTLEMENT OF AGREEMENT

SETTLEMENT. *See* PROCEDURE, mediation and settlement

SETTLEMENT OF AGREEMENT (*See also* BARGAINING ORDER, specific direction, particular term)

absence of purpose, 14:2100
agreed terms, **14:3500**
arbitrator selection, 14:3300
award prospects, 14:2400, 14:3300
back to work provision, 14:3300
bad faith bargaining —
 bargaining conduct relevant, **14:2300**, 4:3300
 negotiating failure, 14:2300
 non-recognition of union, 14:2100, 14:2300, 14:3300
 violation not prerequisite, 14:2100, 14:2300
breakthrough terms, 14:3300
conduct of applicant, 14:2300, 14:2400
duration of agreement, 14:3300, **14:3600**
effectiveness of remedy, **14:3700**
express power necessary, 9:3420, 13:2300, **14:0000**
monetary terms, 14:3300
negotiation by parties, 14:1000, **14:3200**, 14:3300, 14:3500
parties, **2:2200**
pattern comparison, 14:3300
remedial objective, **14:2100**, 25:2200
replacement of union, 14:2100
setting aside agreement, 14:0000
special procedure, **1:5200**, 14:1000, 14:2300
statutory provisions, **14:1000-100**, 14:2300, 14:3100, 14:3200, 14:3300, 14:3500, 14:3600
timeliness, 14:1000, **14:2200**, 14:3200
union security, 14:2300, 14:3300
work stoppage terminated, **14:3100**

STANDING. *See* PARTIES

LABOUR RELATIONS BOARD REMEDIES

STRIKE. *See* WORK STOPPAGE

SUCCESSOR. *See* PARTIES

TIME LIMITS. *See* DELAY

TIMELINESS. *See* DELAY

UNDERTAKINGS. *See* CONDITIONS AND UNDERTAKINGS

UNFAIR LABOUR PRACTICE (*see also* COMPENSATION, income loss)

discrimination, 7:0000, 9:0000, 9:3110, 10:0000, 10:1000-500, 10:4000-300,
12:0200, 15:2600, 15:4200, 15:4300, 16:1200, 19:1500, 19:1600, 24:0200
interference with other party, 7:1000, 9:3200, 9:3300, 9:4100, 12:0000-200,
14:2300, 14:3300, 16:1300, 18:2100, 19:1500, 24:0200, 27:3100
violations in general, 1:0100, 1:0200, 1:0300, 8:3200, 9:2120, 15:2300

UNFAIR REPRESENTATION (*see also* “MAKE-WHOLE” ORDER)

arbitration apart from grievance, **15:2600**, 21:0700
compensation, 9:1350, **9:1410**, **9:1420**, **9:1430**, 10:4200, 15:0000
conditions, **17:1200**
costs, **9:4400**, 9:5220, **9:5320**, 15:0000
deferral to other tribunal, 3:2200
financial statements, 15:4400, **22:3000**
grievance processing —
 adjudication by board, 15:2300, **15:2400**, **21:0600**
 apportionment. *See* COMPENSATION
 arbitration reference, 15:2000, 15:2200, **15:2300**, 15:2500, 15:2600,
 21:0600
 arbitrator selection, 15:3300
 consideration by union, 15:2000, **15:2100**
 declaration, 15:1000
 delay, 15:3100, **15:3200**, 15:3300, 21:0600
 denial of order, **15:2700**
 explanation of settlement, 9:1430, 15:1000
 grievance initiation, 15:2000, **15:2200**
 grievor representation, **15:3300**, 24:1100
 nominal damages, 9:1430, **15:1000**
 override of agreement, 15:2500
 rights of other employees, **15:3400**
 setting aside award, 15:2300
 settlement, 15:2200, 15:2300, 15:3300
 statutory provisions, **15:0000**, **15:2200**, **15:2300**, 15:3200, 15:3300
 waiver of procedural objection, 15:0000, **15:3200**
hiring hall violation —
 access to information, **15:4300**
 direction for referrals, **15:4300**

INDEX

UNFAIR REPRESENTATION — *Continued*

hiring hall violation — *Continued*

publication of rules, **15:4300**

rule adoption, 10:4200, **15:4300**

negotiating process, **9:1420**, 9:3430, 12:2200, 13:2400, 15:4100

parties, **2:5000**, 13:2300, 15:2600

reform of union procedure, 15:4200, 15:4300

special procedure, 1:0300, 1:3300, **1:5800**, 15:0000, 15:2200

UNION. *See* PARTIES

UNJUST ENRICHMENT. *See* “MAKE-WHOLE” ORDER

VOTING VIOLATION

compliance, 6:0000

determination of validity, 22:1000

new vote, 22:1000

parties, **2:2400**

special procedure, **1:5400**

supervision by board, 22:1000

WORK ASSIGNMENT (*see also* ENFORCEMENT BY COURT)

bargaining rights determination, 1:5600, 12:0100, 22:2000

clarification of obligations, 1:5600

compensation, 9:3510

conditions, 17:0100, **17:1100**

direction of assignment, 22:2000, 23:2200

interim order —

equitable considerations, 23:2200, **23:2300**

nature of order, 23:2200, 23:2300

security to other parties, 23:2300

statutory provisions, **23:2100**, 25:0100

parties, **2:2500**, 2:4100, 2:8000

private tribunal —

adjudicative character, 21:1200

deferral, 1:5600, **3:4300**, 22:2000

prescribed by board, **3:4300**

related powers, 22:2000, 23:2200

representatives, 22:2000

settlement by parties, 8:2100, 22:2000

special procedure, **1:5600**, 23:2200, 25:0100, 27:2000

statutory provisions, **22:2000**

work stoppage, 22:2000, 23:2100, 23:2300

LABOUR RELATIONS BOARD REMEDIES

WORK STOPPAGE (*see also* BARGAINING ORDER; ENFORCEMENT BY COURT; RECTIFICATION; SETTLEMENT OF AGREEMENT; WORK ASSIGNMENT)

cease and desist order —

availability, 9:3510

comparison to injunction, 7:3200

continuing violation, 7:3300, 7:3400

duration of order, 5:0100, **7:3400**, 13:3000, 25:4200

negative character, 7:1000

specific application, **7:3000-400**, 16:1400, 17:1100

statutory provisions, 7:0000

supplementary directive, 7:3200

compensation, 8:0100, 9:1320, 9:1340, 9:3420, **9:3510**, **9:3520**, 13:2200, 17:1100

compliance, 6:0000

conditions, **17:1100**

condonment, 7:3300, **8:5400**, 26:1800

declaration —

aid to settlement, 8:5100, 8:5300

availability, **8:5000**, 9:3510

bona fide belief in legality, 8:5300

compensation basis, 8:0100

continuing violation, **8:5300**

duplication of remedy, **8:5200**

lawful conduct, 8:2300, **8:5600**

other proceedings, 8:5300, 8:5400

self-help, 8:5500

statutory provisions, 8:0100

deferral to other tribunal, 3:1100, 3:2700,

discretion of board, 4:0500, 8:5700, **16:1400**

expedited hearing, 7:3100, 8:5300, 23:4100, 25:2500

interim order, 1:5300, 1:5600, 23:2100, 23:2300. **23:4100**, 25:2100

parties, 2:2300, **2:4100**, 7:0000

public policy aspect, 7:3300, 8:5300, 16:1200, 16:1400

reinstatement, 8:5200, **10:2200**

revocation of strike call, **22:0000**

special procedure, **1:5300**, 7:3300, 25:0200