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**LABOUR RELATIONS BOARD REMEDIES  
IN CANADA, 2nd ed.**

**Jeffrey Andrew**

**Release No. 10, September 2017**

**What's New in this Update:**

This release features updates to Chapter 1 (Procedure), Chapter 2 (Standing), Chapter 3 (Deferral to Other Tribunals), Chapter 4 (General Principles), Chapter 7 (Cease and Desist), Chapter 8 (Declaration), Chapter 11 (Rescission of Discipline), Chapter 12 (Certification and Termination of Bargaining Rights), Chapter 15 (Duty of Fair Representation - Processing of Grievance and Other Union Business), Chapter 16 (Discretion to Grant or Deny a Remedy), Chapter 19 (Notification of Board Decision), Chapter 23 (Interim Relief), and Chapter 25 (Reconsideration).

As well, this release updates the Words and Phrases and Issues in Focus sections.

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## Case Highlights

- **Standing - Procedural Provisions Affecting Parties - Administration of Collective Agreements** - Employees of another trade union who claim to be affected by a grievance arbitration referral have been denied standing on the basis that theirs is not a direct legal interest. *S. & T. Industrial Inc.*, [2017] O.L.R.D. No. 83.
- **Standing - Intervention** - The board declined a union's request to intervene in a certification application brought by another union when the proposed intervenor alleged in separate proceedings that it held bargaining rights either because another entity was the true employer or on the basis of a common employer claim. The board held that this was a contingent interest and not the required direct legal interest needed to intervene in the certification application. *Consultants S.L. & B. Inc. (Re)*, [2016] B.C.L.R.B.D. No. 125.
- **Declaration - Other Declaratory Powers - Unions Successorship Declarations** - The Ontario board cautiously declined to go further than issue a successorship declaration when the union sought additional declarations to bind the successor to remedies previously awarded against the predecessor which was now in the middle of bankruptcy proceedings. The board left it to the union to take other available legal steps to enforce the existing judgment. *Logue Mechanical Services Inc.*, [2016] O.L.R.D. No. 2476.
- **Notification of Board Decision - Notification to Rectify the Impact of a Violation - Rationale for the Order** - Where there had been significant delay in the proceeding and a number of employees no longer worked for the company that was subject to an application for certification, the board ordered the employer to provide the last known addresses of employees to the union so that it could provide notice of the decision to them. *Courtice Auto Wreckers Ltd.*, [2017] O.L.R.D. No. 1653.
- **Reconsideration - Introduction - Scope of Analysis** - The Canada board will entertain applications to review a bargaining in order to clarify its scope or add positions under its general reconsideration power, but requires a separate process when an applicant alleges that existing bargaining units are no longer appropriate [s. 18.1]. *Doug Coleman Trucking Ltd. (Re)*, [2017] C.I.R.B.D. No. 11

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