

## Publisher's Note

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

**Jeffrey Andrew**

**Release No. 1, June 2022**

#### **Publisher's Special Release Note 2021**

The pages in this work were reissued in November 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the November 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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### What's New in this Update:

In this release, Appendix WP (Words and Phrases) has been updated to January 2022 and reorganized with additional headings. This release also includes updates to ten memoranda in Appendix IF (Issues in Focus).

### Highlights

- **APPENDIX IF- ISSUES IN FOCUS** - The memorandum titled *“In what circumstances will directors be held liable for the corporation’s contravention(s) of applicable employment laws?”* has been updated to October 1, 2021 in this release. This memo considers the circumstances which will expose directors to personal liability for the corporation’s contravention of legislation in order to protect employees from exploitation.
- **APPENDIX IF- ISSUES IN FOCUS** - The memorandum titled *“In cases involving the duty of fair representation by a union, when should an employee obtain independent legal counsel?”* has been updated to January 1, 2021 in this release. This memo considers the duty of fair representation that a union owes to employees and the circumstances in which this duty may be breached. It also addresses how such a breach may result in an employee having recourse including, but not limited to, the ability to retain independent legal counsel funded by the union.
- **APPENDIX IF- ISSUES IN FOCUS** - The memorandum titled *“In what circumstances will the Ontario Labour Relations Board (OLRB) assume jurisdiction over a grievance that involves a professional sports collective bargaining agreement when the league operates in both Canada and the United States?”* has been updated to August 1, 2020 in this release. This memo addresses the substantial connection to Ontario that an athlete must establish in order for the OLRB to assume jurisdiction over a complaint.
- **WORDS AND PHRASES** - With this release, the Words and Phrases entries in the text have been updated to 2021, and several significant new Words and Phrases entries from multiple jurisdictions have been added to the text. Examples of newly added entries include **ambiguity, causation, credibility, foresee, layoff and reasonable(ness)** from decisions in the Ontario, British Columbia, Alberta, Nova Scotia, Saskatchewan and federal jurisdictions.

### ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Footnote text only appears in ProView-generated PDFs of entire sections and pages

