Labour and Employment Board

ANNUAL REPORT | 2024-2025

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Fredericton City Centre
435 King Street, Suite 200
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TRANSMITTAL LETTERS

From the Minister to the Lieutenant-Governor

The Honourable Louise Imbeault
Lieutenant-Governor of New Brunswick

May it please your Honour:

It is my privilege to submit the annual report of the Labour and Employment Board, Province of New Brunswick, for the fiscal year April 1, 2024, to March 31, 2025.

Respectfully submitted,

Honourable Alyson Townsend
Minister responsible for labour

From the Chairperson to the Minister

The Honourable Alyson Townsend
Minister responsible for Labour

Minister:

I am pleased to be able to present the 30th annual report describing operations of the Labour and Employment Board for the fiscal year April 1, 2024, to March 31, 2025, as required by section 15 of the *Labour and Employment Board Act*, RSNB 2011, c 182.

Respectfully submitted,

David Mombourquette
Chairperson

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INTRODUCTION

The following general comments are intended to provide the reader an understanding of the role and responsibilities of the Labour and Employment Board.

This Board was created through the proclamation of the *Labour and Employment Board Act*, Chapter L-0.01, R.S.N.B. in November 1994. It represents the merger of four (4) former Tribunals, each of which was responsible for the administration of a specific Act. Consequently, the Labour and Employment Board performs the duties and functions required under the *Industrial Relations Act*; the *Public Service Labour Relations Act*; the *Employment Standards Act* and the *Pension Benefits Act* and since 1996, may act as a Board of Inquiry under the *Human Rights Act*. Since December 2001, the Board is responsible for the administration of the *Fisheries Bargaining Act,* and in July 2008, the Board was given responsibility over a complaints procedure in the *Public Interest Disclosure Act*. Since May 2009, the Board is also responsible for the administration of the *Essential Services in Nursing Homes Act*, and since April 2010, it is responsible for appointing arbitrators pursuant to the *Pay Equity Act, 2009*. In January 2023, the Board was given certain responsibilities under the *Pooled Registered Pension Plans Act.*

The membership of the Labour and Employment Board typically consists of a full-time chairperson; a number of part-time vice-chairpersons; and members equally representative of employees and employers. To determine the various applications/complaints filed under the above statutes, the Board conducts numerous formal hearings at its offices in Fredericton as well as other centers throughout the province. At the discretion of the chairperson, these hearings are conducted either by the chairperson or a vice-chairperson sitting alone, or by a panel of three persons consisting of the chairperson or a vice-chairperson along with one member representative of employees and one member representative of employers.

The *Industrial Relations Act* sets out the right of an employee in the private sector to become a member of a trade union and to participate in its legal activities without fear of retaliation from an employer. The Board has the power to certify a trade union as the exclusive bargaining agent for a defined group of employees of a particular employer and may order a representation vote among the employees to determine whether a majority wish to be represented by the trade union. Following certification, both the trade union and the employer have a legal responsibility to meet and to begin bargaining in good faith for the conclusion of a collective agreement which sets out the terms and conditions of employment for that defined group of employees for a specified period of time.

Generally, therefore, the Board will entertain applications for: certification or decertification and in either instance, the Board may order a representation vote to determine the wishes of the majority of the employees; the effect of a sale of a business on the relationship between the new employer and the trade union; the determination of work jurisdiction disputes between two trade unions, particularly in the construction industry; complaints of unfair practice where one party alleges another party has acted contrary to the Act, often leading the Board to order the immediate cessation of the violation and the reinstatement of employee(s) to their former position with no loss of wages should the Board determine that a suspension, dismissal and/or layoff is a result of an anti-union sentiment by the employer.

The Board has similar responsibilities under the *Public Service Labour Relations Act* which affects all government employees employed in government departments, schools, hospital corporations and

crown corporations. In addition to these functions, the Board oversees and determines, if required, the level of essential services which must be maintained by the employees in a particular bargaining unit in the event of strike action for the health, safety or security of the public. The Board is responsible for the appointments of neutral third parties, such as conciliation officers, to assist the parties in concluding a collective agreement. Excluding crown corporations, there are currently 22 collective agreements affecting more than 40,000 employees in the New Brunswick public sector.

With the *Essential Services in Nursing Homes Act*, the Board administers an essential services scheme similar to that outlined in the *Public Service Labour Relations Act*, but which applies to unionized private sector nursing home employees, excluding registered nurses.

The Board has a differing role under the *Employment Standards Act*, the *Pension Benefits Act* and the *Pooled Registered Pension Plans Act*. Whereas applications and/or complaints arising under the *Industrial Relations Act* and the *Public Service Labour Relations Act* are filed directly with the Board for processing, inquiry and ultimately, determination, the Board will hear referrals arising from administrative decisions made by the Director under the *Employment Standards Act*, or the Superintendent under the *Pension Benefits Act* and *Pooled Registered Pension Plans Act.* The Board has the discretion to affirm, vary or substitute the earlier administrative decision of the Director of Employment Standards. The *Employment Standards Act* provides for minimum standards applicable to employment relationships in the province, such as minimum and overtime wage rates, vacation pay, paid public holiday, maternity leave, childcare leave, etc. Under the *Pension Benefits Act* and the *Pooled Registered Pension Plans Act,* where a party has appealed a decision of the Superintendent to the Financial and Consumer Services Tribunal, the Tribunal may refer to the Board a question of law or of mixed fact and law involving labour or employment law. The Board's determination of that question becomes part of the Tribunal's decision.

The *Human Rights Act* is administered by the New Brunswick Human Rights Commission which investigates and conciliates formal complaints of alleged discrimination because of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition, political belief or activity. If a settlement cannot be negotiated, the Human Rights Commission can refer complaints to the Labour and Employment Board for it to act as a Board of Inquiry, hold formal hearings and render a decision.

The *Public Interest Disclosure Act* is generally administered by the Ombud. However, where an employee or former employee alleges that a reprisal has been taken against him or her relating to a disclosure under the *Public Interest Disclosure Act*, such complaint is filed with the Board, who may appoint an adjudicator to deal with the complaint.

Under the *Pay Equity Act, 2009*, the Board is responsible for appointing arbitrators, upon application, to deal with matters in dispute relating to the implementation of pay equity in the public sector.

With the exception of the *Public Interest Disclosure* Act and the *Pay Equity Act, 2009*, each of the statutes for which the Board has jurisdiction provides that all decisions of the Board are final and binding on the parties affected. The Courts have generally held that they should defer to the decisions of administrative boards except where boards exceed their jurisdiction, make an unreasonable decision or fail to apply the principles of natural justice or procedural fairness.

MISSION STATEMENT

The mission of the Board arises out of the ten (10) statutes which provide the basis for its jurisdiction:

- ✓ Administer the *Industrial Relations Act,* the *Public Service Labour Relations Act,* the *Fisheries Bargaining Act* and the *Essential Services in Nursing Homes Act* by holding formal hearings on the various applications/complaints filed and rendering written decisions.

- ✓ Administer fairly and impartially the referral processes in relation to decisions made by the administrators of the *Employment Standards Act,* the *Pension Benefits Act* and the *Pooled Registered Pension Plans Act* by holding formal hearings and rendering written decisions.

- ✓ Act as a Board of Inquiry arising from a complaint filed under the *Human Rights Act* when such complaint is referred to the Board for determination through a formal hearing process.

- ✓ Administer the process relating to complaints of reprisals made pursuant to the *Public Interest Disclosure Act* and appoint adjudicators where appropriate to hold hearings and render written decisions.

- ✓ Appoint arbitrators, pursuant to the *Pay Equity Act, 2009*, to deal with matters in dispute relating to the implementation of pay equity in the public sector.

- ✓ Enhance collective bargaining and constructive employer-employee relations, reduce conflict and facilitate labour-management cooperation and the fair resolution of disputes.

MESSAGE FROM THE CHAIRPERSON

I am honoured to submit the 30th annual report of the Labour and Employment Board for the period of April 1, 2024, to March 31, 2025.

The Labour and Employment Board is established by virtue of the *Labour and Employment Board Act* and is mandated legislative authority to administer and adjudicate matters under the *Industrial Relations Act*, the *Public Service Labour Relations Act*, the *Employment Standards Act*, the *Pension Benefits Act*, the *Human Rights Act*, the *Fisheries Bargaining Act*, the *Essential Services in Nursing Homes Act*, and the *Pooled Registered Pension Plans Act*. The Board also exercises a complaint administration and adjudicative appointment jurisdiction under the *Public Interest Disclosure Act*, and an arbitral appointment jurisdiction under the *Pay Equity Act, 2009*.

The Board conducts in-person hearings both at the Board's offices and, in the case of human rights and employment standards matters, at various locations in the Province. The Board continues to conduct pre-hearing conference through a video platform and, with the consent of the parties, some substantive hearings. Counsel often find that virtual hearings are more efficient and cost effective for their clients, particularly where witnesses are located far from Fredericton.

The Board continues to dialogue with the chairpersons and chief administrators of the various Federal and Provincial labour relations boards. The annual conference was held in person in Winnipeg, Manitoba in September 2024. These discussions are valuable in keeping current with the evolving labour board practices and decisions in other jurisdictions, many of which have legislation similar to that in New Brunswick.

The total number of matters filed with the Board during this fiscal year was 124, a decrease from the previous year. Human rights matters, which often involve complex issues and require lengthy hearings, increased dramatically in the last two fiscal years, from six new files in the 2022-2023 fiscal year, to 20 new files in 2023-2024 and 23 new files in this fiscal year. We anticipate that the number of human rights matters will continue to increase in the coming fiscal year.

Many of these matters were resolved with the assistance of the executive staff, with the oversight of the Board. Those that were not so resolved were scheduled for determination by the Board, resulting in 65 days of hearing and 62 pre-hearing conferences.

During the year the Board disposed of a total of 92 matters. In so doing, there were 31 written decisions released by the Board.

Under the *Public Service Labour Relations Act*, the Board entertained a number of requests for intervention in the collective bargaining process, including four (4) requests for the appointment of a Conciliation Officer; one (1) request for the appointment of a Conciliation Board; and one (1) request for the appointment of a Commissioner.

The decision as to whether or not to appoint a tripartite panel rests in the office of the Chairperson and various criteria are considered. However, in any matter in which a party specifically requests that it be heard by a tripartite panel, the Board will normally accede to the request. No tripartite panel was requested this fiscal year.

The Board in all cases seeks to ensure that the use of its pre-hearing resolution and case management processes are maximized, hearing days are kept to a minimum, hearings are conducted in a balanced and efficient manner, and decisions are issued in a timely way.

As Chairperson, I have continued my participation in the Bar Admission course sessions conducted by the Law Society of New Brunswick. I also moderated an online seminar about return to work for injured and ill employees.

I wish to thank all current and past members for their valuable contributions to the Board, especially our departing Alternate Chair, John McEvoy, K.C. Mr. McEvoy was a valued member of the Board for over 15 years and made a significant contribution to the Board's jurisprudence.

In closing, I extend a special thank you to the Board's administrative and professional staff, who ensure that the Board operates in an effective and efficient manner. The Board could not fulfill its mandate without their professionalism and dedication.

David A. Mombourquette

Chairperson

COMPOSITION

Chairperson

David A. Mombourquette

Alternate Chairperson

John P. McEvoy, K.C. (Fredericton)[1]

Vice-Chairpersons

Brian D. Bruce, K.C. (Fredericton)

Annie C. Daneault, K.C. (Grand Falls)

Bernard T. LeBlanc (Grand-Digue)

Michael Marin, K.C. (Fredericton)

Sylvie Godin-Charest (Moncton)[2]

Daniel Léger (Dieppe)

David Brown (Saint John)

Johanne Thériault Paulin (Beresford)

Morgan Wilcox[2]

Andrew Dawson[2]

Members representing Employer interests[3]

Stephen Beatteay (Saint John)

Gloria Clark (Saint John)

Marco Gagnon (Grand Falls)

William Dixon (Moncton)

Members representing Employee interests

Debbie Gray (Quispamsis)

Richard MacMillan (St. Stephen)

Jacqueline Bergeron-Bridges (Eel River Crossing)

Gary Ritchie (Fredericton)

Pamela Guitard (Point-La-Nim)

Carl Flanagan (Grand-Digue)

Chief Executive Officer

Lise Landry

Legal Officer

Shijia Yu/Patrick Clendenning[4]

Administrative Staff

Jennifer Presley

Debbie Allain

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1. Mr. McEvoy's term expired on September 15, 2024.
2. Ms. Wilcox was appointed effective July 9, 2024, and Mr. Dawson was appointed effective April 25, 2024, for a three-year term. Ms. Godin-Charest's term expired on January 11, 2025.
3. There were two vacancies at the end of the reporting period.
4. Patrick Clendenning replaced Shijia Yu effective December 2, 2024.

ORGANIZATIONAL CHART

ADMINISTRATION

The membership of the Board ordinarily consists of a full-time chairperson, several part-time vice-chairpersons and a number of Board members equally representative of employees and employers. All members are appointed to the Board by Order-in-Council for a fixed term, ordinarily five years for the Chairperson and three years for Vice-Chairpersons and members representative of employers and employees. Vice-chairpersons and Board members are paid in accordance with the number of meetings/hearings that each participates in throughout the year. The current per diem rates are $450.00 for vice-chairpersons and $115 for Board members.

The chief executive officer, with the assistance of a legal officer and two administrative assistants, is responsible for the day-to-day operation of the Board office, including overseeing legislative processes. There are in excess of 50 types of applications/complaints that may be filed with the Board. Matters must be processed within the principles of procedural fairness and natural justice. In addition, all matters must be processed within the time limit identified in the applicable legislation and its regulations, and these time limits vary considerably depending on the urgency of the application or complaint. For example, an application in the public sector alleging illegal strike activity by employees or illegal lockout by an employer must be heard and determined by the Board within 24 hours. Alternatively, an application for a declaration that a trade union is the successor to a former trade union may take up to two months to complete.

All matters not otherwise resolved must be determined by the Board, usually through a formal hearing. The chairperson, in his discretion, may assign a matter to be heard by the chairperson or a vice-chairperson sitting alone, or by a panel of three persons consisting of the chairperson or vice-chairperson along with one member representative of employees and one member representative of employers.

Additionally, the Board's processes provide for the scheduling of a pre-hearing conference. This procedure is intended to facilitate cases by succinctly outlining for the parties the issues involved in the case scheduled for hearing. It will often involve the disclosure of documents to be introduced at the hearing, the intended list of witnesses, and the settlement of procedural issues, all of which might otherwise delay the hearing. Where appropriate, it may also involve efforts to resolve the underlying dispute. A pre-hearing conference will be presided by the chairperson or a vice-chairperson. More than one pre-hearing conference may be held in any one matter.

The Labour and Employment Board conducts numerous formal hearings annually, either at its offices in Fredericton as well as other centres throughout the province, or, since the COVID-19 pandemic, virtually via the Zoom platform. However, a significant portion of the Board's workload is administrative in nature. During the year in review, a total of 54 matters were dealt with by executive and administrative personnel without the holding of a formal hearing, with the Board generally overseeing this activity.

There were 162 matters pending from the previous fiscal year (2023-2024); 124 new matters were filed with the Board during this reporting period for a total of 286 matters; and 92 matters were disposed of. There remain 194 matters pending at the end of this reporting period.

Following is a general overview of activity by legislation. More detailed summary tables of all matters dealt with by the Board begin at page 27.

Legislation	# matters pending from previous fiscal year	# new matters filed	# hearing days	# pre-hearing days	# written reasons for decision	# matters disposed	# matters pending at the end of this fiscal year
Industrial Relations Act	37	70	33	29	16	41	66
Public Service Labour Relations Act	26	19	5	3	5	20	25
Employment Standards Act	11	11	13	4	8	11	11
Human Rights Act	22	23	14	26	4	19	26
Essential Services in Nursing Home Act	65	0	0	0	0	0	65
Public Interest Disclosure Act	1	1	0	0	0	2	0
Fisheries Bargaining Act	0	0	0	0	0	0	0
Pay Equity Act, 2009	0	0	0	0	0	0	0
Pension Benefits Act	0	0	0	0	0	0	0
Pooled Registered Pension Plans Act	0	0	0	0	0	0	0
TOTAL	162	124	65	62	33	93	193

Number of hearing days

Chairperson or Vice-Chairperson Sitting Alone	Panel of Three Persons	Total
65	0	65

BUDGET 2024-2025

Primary	Projected	Actual
3 - Personal Services - Payroll, benefits, per diem	688,234	613,501
4 - Other Services - Operational Costs	62,000	(72,572)
5 - Materials and Supplies	14,700	(20,777)
6 - Property and Equipment	0	(355)
Total	764,934	707,205

SUMMARY OF SAMPLE CASES

This section provides a sampling of cases rendered by the Labour and Employment Board during the current reporting period, and illustrates the diversity of matters that the Board is required to address. The summaries are indexed according to the relevant statute.

INDUSTRIAL RELATIONS ACT

Board applies five-part test to consolidate bargaining units at nursing homes

Canadian Union of Public Employees, Local 5446 v. Shannex RLC Limited, IR-043-23, 5 February 2025

The union, Canadian Union of Public Employees, Local 5446, applied to the Labour and Employment Board under s. 22 of the Industrial Relations Act to consolidate a number of existing bargaining units, recognized in separate certification orders, into a single bargaining unit. Each bargaining unit was comprised of employees who worked for the respondent Shannex which operates a number of nursing homes in the province. There were 4 bargaining units for Assistants and 5 for Licensed Practical Nurses, each with its own collective agreement. When the collective agreements expired, the union sought to negotiate a single collective agreement, but the employer resisted, which prompted the union to apply to the Board to consolidate the 9 bargaining units.

In considering whether the bargaining units represented by the union should be consolidated into one bargaining unit with one collective agreement, the Board relied on one of its prior decisions. It indicated that the overarching consideration is whether consolidation will likely result in enhanced labour relations stability, without causing undue operational difficulty for the employer. There are five factors to consider in assessing the continued appropriateness of bargaining units: (a) a change in circumstances which renders it more difficult to carry on work within the present bargaining structure, (b) similarity of work functions and integration of work that lead to jurisdictional confusion amongst the bargaining units, (c) the impact which the new bargaining unit will have on industrial peace and stability, (d) the degree to which employees in the bargaining units share a community of interest, and (e) the effect of the current structure on employee careers, mobility, training, and standardization of working conditions. Applying the facts of this case to the relevant criteria, the Board concluded that (a) there had been substantive changes in the employer's operations due to its significant growth in recent years, (b) the work performed by Assistants and LPNs at the different nursing homes was substantially identical, (c) although the current bargaining structure was not unstable, there would be some efficiencies in bargaining and administration if there were fewer bargaining units, (d) there was a clear community of interest between the Assistants and LPNs who worked in facilities of close proximity, and (e) there would not be an adverse effect on mobility, training and working conditions. Balancing these factors, the Board concluded that the union had established a sufficient basis to consolidate the bargaining units for Assistants and LPNs at 4 of the employer's nursing homes where there was physical proximity and employee interaction.

Non-members of union had no standing to make application to decertify union

Gautreau v. United Brotherhood of Carpenters and Joiners of America, Local 1386, Magna Concrete Contractor Inc., Saint John Construction Association Inc. and Moncton Northeast Construction Association Inc., IR-030-23, 1 November 2024

In December 2022, the union, United Brotherhood of Carpenters and Joiners of America, Local 1386, was certified as the bargaining agent for all carpenters who worked for the employer, Magna Concrete Contractor Inc. Soon thereafter, the union's counsel informed the employer's counsel that the relevant employees needed to join the union. In February 2023, the union gave the employer notice to commence collective bargaining, although it was not until September 2023 that the union and the employer confirmed a collective agreement negotiated at an arbitration session conducted by the Board. Meanwhile, in June 2023, the applicant Gautreau, on behalf of himself and 13 other employees who were not members of the union, applied to the Labour and Employment Board to terminate the union's bargaining rights. The union took the position that the applicants did not have the right, or standing, to make this application because they were not members of the union. The Board was called on to determine whether the applicants, as non-members of the union, had the standing to request the termination of the union's bargaining rights.

The Board observed that under s. 23 of the Industrial Relations Act, only employees in a bargaining unit as defined by a collective agreement have standing to make an application to terminate the bargaining rights of a union. The collective agreement contained a union security clause which provided that employment was available only to union members. Accordingly, the applicants, as non-members of the union, did not have the standing to apply to terminate the union's bargaining rights. The employer, in support of the applicant and the other non-union employees, argued that their lack of standing was the fault of the union which, it said, did not take appropriate measures to advise these employees on becoming union members. The Board, however, found that the employer refused to deal with the union, did not give the union the names of its existing employees for the union to contact, and did not follow the provisions of the collective agreement which stipulated that it could only hire union members. Moreover, the employer had taken a hostile stance towards the union which made it unwise for the union to go to the job site in search of non-union employees to advise them on how to join the union. In these circumstances, the union could not be faulted for the failure of the applicants to become members of the union with the standing to seek union decertification. The application by the non-union employees to terminate the bargaining rights of the union was dismissed.

Board grants certification to union of ironworkers

International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 842 v. Tek Steel Ltd., IR-026-23, IR-032-23, 21 May 2024

In May 2023, the union, International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local 842, applied for certification in respect of a bargaining unit comprised of ironworkers who worked in construction as employees of Tek Steel, a fabrication and installation company located in Fredericton. On the day the union filed its application for certification, there were 2 employees at an apartment building site who worked to install steel guardrails on balconies. That same day, 3 employees at a construction site for a car dealership unloaded steel from a truck and performed such tasks as shimming, reviewing blueprints, setting grid lines and checking anchor bolts. Early in June, the employer indicated that it planned to give its ironworkers a $2.00 per hour wage increase. On 12 June 2023, a petition was filed with the Labour and Employment Board, along with a statement of desire, which indicated that 7 employees opposed the union. That same day, the union filed a counter-petition on behalf of 4 employees who had earlier signed the petition, which indicated that they no longer opposed the union. The Board was called on to determine whether the proposed

bargaining unit should include the 5 employees who had worked at the apartment building and car dealership sites. The Board was also required to consider the validity of the petitions for and against the union, as well as an unfair labour practice complaint which the union had filed in response to the employer's proposed pay increase.

As for the composition of the proposed bargaining unit, the union failed to provide sufficient evidence to show that the 2 employees at the apartment building site had been engaged in the installation of steel handrails for the majority of the day and, therefore, they were not included in the bargaining unit of ironworkers. However, the 3 employees at the car dealership site had worked with steel in a variety of ways for the majority of the day and were included in the proposed bargaining unit. As regards union support, the Board determined that the counter-petitions of 4 employees in support of the union were valid because they had not been coerced. This effectively annulled their earlier petitions against the union. The Board concluded that the employer had not engaged in an unfair labour practice when it offered a pay increase after the union had filed its application for certification because there was no evidence of anti-union animus. However, the pay increase did amount to a violation of the statutory freeze under s. 35(1) of the Industrial Relations Act which prohibits the unilateral alteration of terms of employment after the filing of an application for certification. The increase did not fall within the "business as usual" exception given that there was no prior expectation of a raise. It had the potential to influence union support and, therefore, amounted to an interference with the union's rights of representation, contrary to s. 3(1) of the Act. In the end, the union had the support of a majority of employees who worked within the proposed bargaining unit on the date the application for certification was filed. Accordingly, the Board issued a certification order.

Board considers distinction between employee and manager for purposes of representation vote

Labourers' International Union of North America, Local 900 v. Inflector Environmental Services, IR-007-24, 19 February 2025

In March 2024, the union, Labourers' International Union of North America, Local 900, applied to the Labour and Employment Board to be certified as the bargaining agent for the employees of Inflector Environmental Services who worked as construction labourers. At the time of the application, the employees were engaged in the demolition of the former Glencore smelter at Belledune. Although there was disagreement as to whether certain employees should be included in the bargaining unit, the union enjoyed in any event the support of between 40% and 50% of employees, which meant that the Board was required to conduct a representation vote. A question arose as to whether 2 individuals who held positions as working foremen should be excluded from the bargaining unit and denied the right to participate in the representation vote on the grounds that they held management positions.

For the purposes of the representation vote, the Board was required to identify the demarcation line between working foremen and managers. Prior Board decisions indicated that factors like independent decision-making and influence on the employment relationship of other employees are key indicators of managerial responsibility. Such authority is commonly demonstrated by individuals who are able to hire, fire, layoff, and discipline employees, determine employee wages, and authorize substantial leaves of absence. In this case, decisions on whether to hire, fire, layoff and discipline employees were made by senior managers, not the 2 working foremen. In addition, they had responsibility to assign and direct the work of other employees and to ensure on-site safety, which

are hallmarks of working foremen. Moreover, their preparation of on-site documents was performed to comply with company procedures and legislative safety requirements and did not represent the exercise of independent decision-making authority. Finally, unlike managers, the 2 working foremen performed hands-on work using tools. The evidence established that the 2 working foremen did not have sufficient managerial authority to be excluded from the bargaining unit as managers and, therefore, that they were entitled to participate in the representation vote, which the Board ordered to be conducted.

PUBLIC SERVICE LABOUR RELATIONS ACT

Board offers guidelines for applications to alter designation orders under new 30-day time limit

Province of New Brunswick v. Canadian Union of Public Employees, Local 1190, PS-035-22 No. 2, 9 August 2024

In 2019, the Labour and Employment Board issued an order which incorporated the agreement of the parties to designate as essential certain positions within the bargaining unit represented by the union, Canadian Union of Public Employees, Local 1190. In December 2022, the employer, Province of New Brunswick, applied to the Board after the expiration of the collective agreement between the parties to increase the essential services designation by 19 positions on the grounds that the 2019 order no longer provided for a sufficient level of such services. In April 2023, the Public Service Labour Relations Act was amended to require that the Board determine an application to designate essential positions within 30 days from the filing date. In July 2024, the union filed an application to reduce the number of positions which had been designated as essential in 2019. The union's application affected numerous positions in trades, security, and ferry operations. The Board was called on to decide the union's application of 2024 prior to the employer's application of 2022 because the amendment of the Act in 2023 gave the Board only 30 days to determine the union's application whereas the employer's application, which had been filed prior to the amendment, was not subject to the new 30-day time limit.

The Board recognized that under s. 43.1 of the Public Service Labour Relations Act, it must balance the right of employees to participate in a lawful strike against the employer's need to designate as essential a sufficient number of employees who must work during a strike in the interests of health, safety and security of the public. For this purpose, the Board must consider the impact a withdrawal of services would have on the public interest. The party which seeks to amend an existing designation order carries the onus to demonstrate an evidentiary basis to justify a change in the prior levels of designations. The alterations that are requested should focus on exceptions to the existing designation order, and not constitute wholesale changes. In assessing the evidence, the Board will not make a designation order because the lack of a particular service during a strike would result in mere inconvenience to the public. The Board must decide which positions are necessary during a strike, as well as the level of service to be provided. These factors were applied to the case in hand, as follows. The union's request to reduce the number of full-time positions for tradespersons who perform repairs on social housing units was dismissed because this work is required on a daily basis and could not be contracted out in the affected regions. The request to reduce the number of security officers at a provincial park was rejected given the number of hours each week the security team was needed.

As regards designations for ferry operators, the Board concluded that the levels established in 2019 in respect of the Gondola Point ferry should be maintained because of the significant transit time required to use an alternative route, but that the designation level for the Belleisle ferry could be removed because an alternative route is readily available. In respect of mechanics, welders and shop supervisors, the Board emphasized the importance of highway safety in maintaining government vehicles, including such heavy vehicles as snowplows. Accordingly, the Board ordered that the 2019 designations for these positions should be continued, albeit at the reduced levels requested by the employer. Otherwise, the Board clarified the existing designation as it applied to snowplow operators.

In conclusion, the Board made several observations about the expedited 30-day decision process under the 2023 amendment to the Industrial Relations Act. The application from the party which seeks to change an existing designation order must clearly identify each classification and position to be amended, and include a clear explanation of the justification for the amendments. Supporting documents should be included with an application or response, including copies of a relevant collective agreement, classification specifications, organization charts, and the current number of persons employed in disputed classifications. In the event the parties do not agree to extend the 30-day time limit, they should file detailed witness “will-say” statements to reduce the amount of required testimony.

Employer liable for unfair labour practice arising from union’s application to represent certain school employees

Canadian Union of Public Employees, Local 2745 v. Province of New Brunswick, PS-018-23, PS-002-24, 12 April 2024

The union, Canadian Union of Public Employees, Local 2745, was the bargaining agent for over 5,000 administrative support employees who worked in the public school system for the employer, the Province of New Brunswick. There were over 3,000 Educational Assistants in this bargaining unit, which also contained Administrative Assistants, Student Intervention Workers and Speech Therapy Assistants. In 2022, the union became aware that there were an increasing number of Tutors, known in some locations as Mentors, working in the school districts who gave instruction to students whose first language was neither English nor French. The Tutors and Mentors, which numbered about 125, were not included in the union’s bargaining unit of administrative support workers. The union regarded these positions as similar to that of other education support positions in its bargaining unit. In January 2023, it wrote to the employer to ask that the Tutors and Mentors be included in its bargaining unit but this was declined because the employer took the position that the Tutors and Mentors should be classified within the Scientific and Professional Category for which the union was not the bargaining agent. In February 2023, the union gave the employer notice to bargain for the renewal of the collective agreement which affected the administrative support workers. In June 2023, the employer announced a $3.00 per hour wage increase for Tutors and Mentors. In July 2023, the union applied to the Labour and Employment Board under s. 31 of the Public Service Labour Relations Act to add the Tutors and Mentors to its bargaining unit of administrative support workers. In August 2023, the employer announced that it would withdraw the planned wage increase and withhold offers of employment for a particular group of Mentors until the question was resolved as to whether they should belong to the union’s bargaining unit. These actions prompted the union to allege that the employer had engaged in an unfair labour practice.

As regards the inclusion of Tutors and Mentors in the union's bargaining unit for administrative support workers, the Board recognized that under s. 31 of the Act, an employer has a right to classify and re-classify employees, while the Board is responsible to identify the bargaining unit in respect of which the employees have the best alignment considering their duties, job descriptions and classifications. The essential duty of the Tutors and Mentors was to instruct students whose first language was not English. These students were mostly recent immigrants to New Brunswick whose command of English prevented them from fully participating in the regular classrooms of public schools. As such, the Tutors and Mentors provided support to classroom teachers. The Board noted that Tutors and Mentors were similar to teachers in some respects in that they instructed students and performed assessments, but that they were different in other ways, such as working only during the school year on an hourly rate lower than that of teachers and with no supervisory duties in the playground or lunchroom. The Board also noted that the Tutors and Mentors did not fit neatly into the Administrative Support Category over which the union had bargaining rights, but that they did not fit at all within the Scientific and Professional Category, which the employer endorsed, because they did not hold teachers' certificates, belong to the provincial licensing body for teachers, or possess knowledge acquired through university education. The Board resolved the case by determining that the Tutors and Mentors were more closely aligned with the category of administrative support workers because, like the Educational Assistants, Student Intervention Workers, and Speech Therapy Assistants within that group, the Tutors and Mentors provided institutional support for classroom teachers. The Board ordered that the Tutors and Mentors be included in the Administrative Support Category, which was within the union's bargaining unit.

As for the union's complaint of unfair labour practice, the Board indicated that the issue was whether the employer had a right to withdraw a planned wage increase and withhold offers of employment for a particular group of Mentors which, the union said, should belong to its bargaining unit of administrative support workers. The employer had taken the position that, once the union commenced its application to include these Mentors in its bargaining unit, no changes could be made in the terms of their employment and the wage increase had to be reversed. However, as the Board said, the statutory freeze on terms of employment during negotiations did not apply to the planned wage increase for, otherwise, the union would be required to negotiate for an increase in wages that had already been scheduled. In addition, there was no justification for the employer to refuse to provide the affected Mentors with a letter of employment, as it had done in the past. The Board concluded that, although it was not motivated by anti-union animus, the employer had interfered in the union's right to represent these Mentors, an unfair labour practice contrary to s. 7(2) of the Act. It ordered the employer to provide the employees concerned with their planned wage increase retroactive to 1 September 2023, as well as an offer of employment for the 2023-24 school year.

EMPLOYMENT STANDARDS ACT

Municipal councillor is not an employee and, therefore, cannot make a complaint under the Employment Standards Act

Septon v. Municipality of Hanwell, ES-003-23, 8 April 2024

The complainant, Septon, was a member of the Council of the Hanwell Rural Community, which is a local government under the Local Governance Act. At the end of 2022, the Council voted to suspend the complainant for six months for breaching its Code of Conduct with the result that the complainant

was not paid during the period of suspension. In January 2023, the complainant filed a complaint under the Employment Standards Act premised on the claim that his pay had been wrongfully suspended. The complaint was investigated and in April 2023 the Director of Employment Standards informed the complainant that his complaint could not be pursued because he was not an employee within the meaning of the Employment Standards Act and, therefore, the Director had no jurisdiction over the matter. In response, the complainant referred the matter to the Labour and Employment Board.

The Board recognized that to determine whether an employment relationship exists, certain core principles and factors should be considered, in particular the degree of control which an employer exercises over the workplace and a worker's activities. This includes the decision of who to hire and fire. In this case, the Council did not have control over these two fundamental decisions. Councillors are elected by the residents of the municipality and the Council does not have the power to fire them. Although the Council has control over certain aspects of the work environment through its power to discipline and to set the agenda for meetings, this did not amount to the level of control necessary to make the complainant an employee because it did not amount to subordination. The complainant retained considerable independence in respect of the day-to-day performance of his work. He controlled his hours of work, the manner in which he engaged with constituents, the issues he chose to pursue, and the way in which he voted at Council meetings. In his role as a municipal councillor, the complainant was free to set his own priorities and develop his own positions on governance. Given the legal and factual context of this case, the Board concluded that the complainant was not an employee under the Employment Standards Act and, for this reason, affirmed that the Director of Employment Standards did not have the authority to proceed with his complaint.

Board considers test to determine whether an employee has quit or been terminated

Russell v. Atlas Structural Systems Limited, ES-012-23, 15 July 2024

The complainant, Russell, worked for nearly 23 years as an assembler for the employer, a company located in Fredericton engaged in the manufacturer of roof trusses. The job required that the complainant spend considerable time on his knees while assembling trusses on a large table. The complainant, who had both reading and memory challenges, had suffered a knee injury at work some years earlier which began to bother him again in 2022. In October 2022, he left work due to ongoing knee problems and received short-term disability benefits for a time. In January 2023, the complainant had knee surgery. He returned to work one day in early February, but that lasted only two hours due to knee pain. The employer devised a return to work plan for the complainant, which entailed work that was more sedentary in nature. This was sent to the complainant by letter in mid-March with a request for additional medical information in the event he would not be able to meet the time line set out in the return to work plan. The complainant did not respond to this letter, apparently because he thought he had already provided the requested information. The employer wrote to the complainant again in early April to reiterate the first letter adding, however, that the employer would view a failure to provide the requested medical information by mid-April as an abandonment of employment. The complainant did not respond to this second letter on the apparent basis that it was simply a repeat of the first letter. Given that the requested information was not provided, the employer wrote to the complainant to say that it assumed that he had abandoned his job and that the payroll office would send him a record of employment. The complainant filed a complaint under the Employment Standards Act in which he said that his employment had been terminated and that under sections 30

and 34 of the Act he was entitled to 4 weeks pay in lieu of notice. The complaint was dismissed by the Director of Employment Standards and the complainant referred the matter to the Labour and Employment Board.

The only issue for the Board to determine was whether the complainant's employment had been terminated by the employer or whether he had quit or abandoned his job. The test to determine whether an employee has quit a job has two elements: first, the employee must indicate an intention to quit through an express statement or an act and, second, the employee must act in a clear and unequivocal way to carry out that intention. The act of quitting is solely within an employee's control. If there is uncertainty as to whether an employee has quit or not, it is the responsibility of the employer to clear up the uncertainty. In this case, although the complainant's failure to respond to the employer's letters could be viewed as an act of abandonment, he did not make an express statement or take any action to show that he intended to quit his job. Rather, he interacted with the employer's disability team, he made efforts to obtain medical documentation from his doctor, he made an attempt to return to work even though he was still in pain and taking morphine, and he had been given assurances of job security. The Board concluded that the complainant had not quit or abandoned his job but, rather, that the employer had terminated him without notice. The Board order the employer to pay the complainant an amount equal to four weeks pay in lieu of notice, plus 6% vacation pay on that amount.

HUMAN RIGHTS ACT

Motel owner ordered to pay general damages of $15,000 for unlawful discrimination

Chouhan v. Fundy Rocks Motel and Gaskin, HR-006-24, 11 September 2024

The complainant, Chouhan, a Sikh of South Asian origin, made an online booking at the respondent Fundy Rocks Motel for one night's accommodation in August 2021 for himself, his spouse and his two children. Upon arrival, the motel owner, the respondent Gaskin, asked the complainant "where is your home", to which the complainant replied "Brampton". This prompted the owner to say "Little India" after which he refused to provide the complainant and his family with a room suitable for two adults and two children, which had been booked for $95.00. Rather, the complainant was offered a room with one bed. The owner said that if he wanted a larger room he would have to pay more. The complainant showed the owner his confirmed reservation for the larger room at $95.00 but this caused the owner to become angry and then to refuse to rent any accommodation to the complainant and his family. The complainant was compelled to seek out alternative accommodation at a higher price some 32 km. away. He filed a complaint with the New Brunswick Human Rights Commission in which he alleged discrimination on the grounds of race, religion and origin, contrary to s. 6 of the New Brunswick Human Rights Act. The Commission referred the matter to the Labour and Employment Board to act as a Board of Inquiry.

The Board relied on a four-part test developed by the Supreme Court of Canada to decide whether there had been discrimination contrary to human rights legislation. The first part of the test was met because the complainant, a Sikh of South Asian origin, possessed characteristics protected by the Human Rights Act. The second part, which relates to detrimental effect, was also satisfied because the complainant had been denied accommodation in a racist and demeaning manner, resulting in indignities to his self-respect and self-worth. Third, the complainant's protected characteristics as a

Sikh of South Asian origin were all relevant factors in the adverse effects he suffered in trying to secure accommodation with the respondents. The fourth part of the test indicates that once a complainant has established the first three elements, there is a *prima facie* case of discrimination and the burden shifts to the respondents to justify the impugned conduct or practice. Here, the respondents endeavoured to justify the decision to deny accommodation on the basis that the complainant had reserved a room for only 2 people, but this assertion was contradicted by the online reservation sheet. Accordingly, the Board concluded that the respondents had discriminated against the complainant contrary to s. 6 of the Human Rights Act.

As for a remedy, s. 23 of the Human Rights Act gives the Board the authority to award compensation for an injury to dignity, feelings or self-respect in an amount that it considers just and proper. It was an aggravating factor that the complainant had been humiliated in front of his wife, children and the motel's cleaning staff. Moreover, he and his family were denied accommodation in a remote area, on a rainy night, far from home, during restrictive COVID protocols, and were required to travel 32 km. to find alternate lodging at a higher cost. The Board awarded the complainant general damages of $15,000. The Board also awarded special damages of $228.20 to compensate the complainant for travel costs to locate alternative accommodation and an additional amount to $89.49 to account for the higher costs of that alternative. Finally, the Board ordered that the respondent owner take part in a one-day human rights training course.

Labour and Employment Board, acting as Board of Inquiry under Human Rights Act, dismisses student's complaint of discrimination on grounds of learning disability

Farquharson v. University of New Brunswick Saint John and Dahlgren, and New Brunswick Human Rights Commission, HR-008-23, 23 July 2024

In 2013, the complainant, Farquharson, was diagnosed by a psychologist with a learning disability relating to attention and language. In 2015, he enrolled as a student at the University of New Brunswick in Saint John where, in view of his disability, he was offered a number of accommodations. These included the assistance of another student with note-taking, copies of instructors' notes or slides, and the use of a laptop and digital recorder in class. As for tests and exams, he was provided with a location away from other students and granted extra time. Like all students, he was supervised by an invigilator during tests and exams, although in his case he could ask the invigilator to read all or part of the test questions. In February 2019, the complainant was required to write a mid-term exam. He was provided with a separate location and an invigilator. He claimed that the invigilator refused to read the exam questions to him, said "You don't look disabled", and rolled his eyes and remarked sarcastically that "someone like you would never get into a master's program". In April 2019, the complainant filed a complaint with the university's human rights office which conducted an investigation and concluded that the complaint had not been substantiated. In July 2019, the complainant filed a complaint with the New Brunswick Human Rights Commission alleging discrimination in the provision of accommodation and services contrary to s. 6 of the Human Rights Act. In October 2023, the Commission referred the matter to the Labour and Employment Board to act as a Board of Inquiry.

The Board indicated that a complainant has the onus to establish a prima facie case of discrimination in accordance with the three-part test developed by the Supreme Court of Canada: (1) whether the complainant has a characteristic protected from discrimination under the Human Rights Act, (2)

whether the complainant experienced an adverse impact due to discrimination in a context covered by the Act, and (3) whether the protected characteristic was a factor in the adverse impact. The first part of the test was met because the complainant had a learning disability, considered to be a mental disability under the Act and protected from discrimination. The issue in this case, under the second part of the test, was whether discrimination had occurred. Given that the complainant and the invigilator had different accounts of the facts, the Board was required to assess the credibility of each version as determined by its harmony with the preponderance of reasonable probabilities in the circumstances. Here, the complainant waited two months prior to making his complaint, there were inconsistencies in his written complaint and his testimony, and he admitted that the invigilator had not made certain remarks as alleged. Moreover, there was no evidence of prior animosity, prejudice, or bias on the part of the invigilator whose testimony was reasonable and consistent. The Board concluded that the complainant had not established a prima facie complaint of discrimination and dismissed his complaint.

Employer ordered to pay damages for its failure to provide employee with adequate and timely accommodation in respect of physical disability

Barton v. Nordia Inc., and New Brunswick Human Rights Commission, HR-008-24, 28 October 2024

In August 2018, the complainant, Barton, began to work for the employer, Nordia Inc., as a customer service agent at its Saint John location. In December 2018, the complainant sent an email to a Human Resource Specialist with the employer to notify her that he suffered from chronic back pain and to request a better chair. The employer indicated that, in order to accommodate the complainant, he would be required to have a doctor complete a Functional Ability Form. The complainant did not have a family doctor and it took him many months to have the form completed. The employer then indicated that it would be necessary to do an ergonomic assessment of his workstation which, when done, confirmed the complainant's needs. By this time, December 2019, the complainant had started to use a chair which he had purchased himself for $834.90. In April 2020, the employer purchased a new chair for the complainant, but it did not meet his needs. In September 2020, the complainant filed a complaint of discrimination due to physical disability with the Human Rights Commission based, principally, on the failure of the employer to provide timely and adequate accommodation. In February 2024, the Commission referred the complaint to the Labour and Employment Board to act as a Board of Inquiry.

The Board agreed that the complainant had established a prima facie case of discrimination in accordance with the test set out by the Supreme Court of Canada. His physical disability was a characteristic protected from discrimination which had an adverse impact in the form of increased back and neck pain caused by an inadequate work chair. The employer was required to demonstrate that it had made reasonable accommodation for the complainant's disability. There are both procedural and substantive aspects to the duty to accommodate. In regards to procedural obligations, an employer must take appropriate and timely steps to assess an employee's needs in order to determine the extent of an employee's disability for the purposes of tailoring an accommodation specific to the employee. In this case, the employer had only to make simple modifications to the complainant's workstation and provide him with a suitable chair so that he could work without discomfort. Instead, the employer hid behind its own bureaucratic procedures to delay the provision of timely accommodation. As for the substantive duty to accommodate, an employer must take measures that are reasonable in the particular circumstances of a case. Here, the employer provided

an ergonomic chair but it failed to meet the complainant's needs or the recommendations of the ergonomic assessment. Moreover, the employer refused to reimburse the complainant for the purchase of his own chair. The Board concluded that the employer had failed to provide the complainant with timely and adequate accommodation, which affected him adversely with increased pain and discomfort. As for a remedy, the Board recognized that general damages are awarded to reflect the seriousness of discriminatory conduct and its subjective impact on a complainant. The employer was ordered to pay the complainant $5,000 in general damages and to reimburse him for the cost of the chair he had purchased.

SUMMARY TABLES OF ALL MATTERS DEALT WITH BY THE BOARD

Industrial Relations Act

April 1, 2024 - March 31, 2025

Matter	Pending from Previous Fiscal	Matters Filed	Total	Disposition of matters			Total Matters Disposed	Number of cases Pending
				Granted	Dismissed	Withdrawn		
Application for Certification	21	22	43	13	1	4	18	25
Application for a Declaration of Common Employer	--	8	8	3	1	--	4	4
Intervener's Application for Certification	--	--	--	--	--	--	--	--
Application for Right of Access	--	--	--	--	--	--	--	--
Application for a Declaration Terminating Bargaining Rights	2	9	11	2	2	3	7	4
Application for a Declaration Concerning Status of Successor Rights (Trade Union)	--	3	3	3	--	--	3	--
Application for Declaration Concerning Status of Successor Rights (Sale of a Business)	--	7	7	--	--	--	--	7
Application for a Declaration Concerning the Legality of a Strike or a Lockout	--	--	--	--	--	--	--	--

Matter	Pending from Previous Fiscal	Matters Filed	Total	Disposition of matters			Total Matters Disposed	Number of cases Pending
				Granted	Dismissed	Withdrawn		
Application for Consent to Institute a Prosecution	2	--	2	--	--	--	--	2
Miscellaneous Applications (s. 22, s. 36,1, s. 35, s. 131)	4	12	16	3	--	1	4	12
Complaint Concerning Financial Statement	--	--	--	--	--	--	--	--
Complaint of Unfair Practice	5	7	12	3	--	1	4	8
Referral of a Complaint by the Minister of Post-Secondary Education, Training and Labour (s. 107)	3	1	4	1	--	--	1	3
Complaint Concerning a Work Assignment	--	--	--	--	--	--	--	--
Application for Accreditation	--	--	--	--	--	--	--	--
Application for Termination of Accreditation	--	--	--	--	--	--	--	--
Request pursuant to Section 105.1	--	1	1	--	--	--	--	1
Stated Case to the Court of Appeal	--	--	--	--	--	--	--	--
Reference Concerning a Strike or Lockout	--	--	--	--	--	--	--	--
TOTAL	37	70	107	28	4	9	41	66

Public Service Labour Relations Act

April 1, 2024 - March 31, 2025

Matter	Pending from Previous Fiscal	Matters Filed	Total	Disposition of matters			Total Matters Disposed	Number of cases Pending
				Granted	Dismissed	Withdrawn		
Application for Certification	--	--	--	--	--	--	--	--
Application for Revocation of Certification	--	--	--	--	--	--	--	--
Notice pursuant to s. 43.1 (Designation of Essential Services)	1	--	1	--	--	--	--	1
Application pursuant to s. 43.1(8)	5	1	6	4	--	--	4	2
Complaint pursuant to s. 19	9	4	13	1	2	2	5	8
Application for Declaration Concerning Status of Successor Employee Organization	--	--	--	--	--	--	--	--
Miscellaneous (s. 63)	--	--	--	--	--	--	--	--
Application pursuant to s. 29 (Designation of Position of Person employed in a Managerial or Confidential Capacity)	--	1	1	1	--	--	1	--
Application pursuant to s. 31	--	2	2	--	--	--	--	2
Application for Consent to Institute a Prosecution	--	--	--	--	--	--	--	--
Reference to Adjudication (s. 92)	--	2	2	2	--	--	2	--

Matter	Pending from Previous Fiscal	Matters Filed	Total	Disposition of matters			Total Matters Disposed	Number of cases Pending
				Granted	Dismissed	Withdrawn		
Application for Appointment of an Adjudicator (s. 100.1)	7	2	9	3	--	--	3	6
Application for Appointment of a Mediator (s. 16)	--	--	--	--	--	--	--	--
Application for Appointment of Conciliation Officer (s. 47)	2	4	6	2	--	--	2	4
Application for Appointment of Conciliation Board (s. 49)	2	1	3	1	--	--	1	2
Application pursuant to s. 17	--	--	--	--	--	--	--	--
Application for Reconsideration (s. 23)	--	--	--	--	--	--	--	--
Application for Appointment of Commissioner (s. 60.1)	--	1	1	1	--	--	1	--
Request for a Declaration of Deadlock (s. 70)	--	1	1	1	--	--	1	--
Notice pursuant to Section 44.1 of the Act	--	--	--	--	--	--	--	--
Request for the Appointment of an Arbitration Tribunal pursuant to s. 66	--	-	--	--	--	--	--	--
TOTAL	26	19	45	16	2	2	20	25

Employment Standards Act

April 1, 2024 - March 31, 2025

Matter	Pending from Previous Fiscal	Matters Filed	Total	Disposition of matters						Total Matters Disposed	Number of cases Pending
				Affirmed	Settled	Vacated	Varied	Withdrawn	Dismissed		
Request to Refer Orders of the Director of Employment Standards	5	7	12	4	3	--	--	1	--	8	4
Request to Refer Notices of the Director of Employment Standards	5	2	7	1	--	1	--	--	--	2	5
Application for Exemption, s. 8	--	--	--	--	--	--	--	--	--	--	--
Request for Show Cause Hearing, s. 75	1	2	3	--	--	--	--	1	--	1	2
TOTAL	11	11	22	5	3	1	--	2	--	11	11

Human Rights Act

April 1, 2024 - March 31, 2025

Matter	Pending from Previous Fiscal	Matters Filed	Total	Disposition of matters				Total Matters Disposed	Number of cases Pending
				Granted	Dismissed	Settled	Withdrawn		
Complaint pursuant to s. 23(1)	22	23	45	10	4	5	--	19	26
TOTAL	22	23	45	10	4	5	--	19	26

Essential Services in Nursing Homes Act

April 1, 2024 - March 31, 2025

Matter	Pending from Previous Fiscal	Matters Filed	Total	Disposition of matters				Total Matters Disposed	Number of cases Pending
				Granted	Dismissed	Settled	Withdrawn		
Notice pursuant to s. 5(1)	65	--	65	--	--	--	--	--	65
TOTAL	65	--	65	--	--	--	--	--	65

Public Interest Disclosure Act

April 1, 2024 - March 31, 2025

Matter	Pending from Previous Fiscal	Matters Filed	Total	Disposition of matters				Total Matters Disposed	Number of cases Pending
				Granted	Dismissed	Settled	Withdrawn		
Complaint of Reprisal	1	1	2	--	--	--	--	--	2
TOTAL	1	1	2	--	--	--	--	--	2

Note: There was no activity during the reporting period under the *Fisheries Bargaining Act*, the *Pay Equity Act*, 2009, the *Pension Benefits Act* and the *Pooled Registered Pension Plans Act*.