

Newsletters

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By John Mortimer

If labour relations boards exist to be a neutral force when employees, employers, and unions clash, who is watching the watchers? In October, the Fraser Institute released North America's first-ever study of ***The Transparency of Labour Relations Boards in Canada and the United States*** ([Click here to download the full study](#)).

The Labour Boards in Alberta and Manitoba dominated the top of the Index, with a strong showing from British Columbia. Pulling up the rear on the transparency index were the labour boards in Ontario and Quebec, which both posted failing marks.

The study includes an "Index of labor relations transparency" to track progress and measure freedom of information of the ten provincial Labour Relations Boards (LRBs) in Canada, the Canada Industrial Relations Board, and the National Labor Relations Board in the United States.

Since all 12 of these Boards deal with private-sector collective bargaining, the Fraser Institute sought out to measure and thereby encourage greater transparency and openness among Labour Relation Boards.

"Labour relations boards in Canada and the United States exert a great deal of power in determining whether or not employees are collectively represented and what the subsequent relations between employers and unions will be like," says Jason Clemens, co-author of the study. "It is critical that these boards, like all public entities, operate in an open and transparent manner.

In total, the Study developed 25 different measures that all Boards were assessed on.

The first step was to assess information available from labour board websites and annual reports. The next step was to measure board response to written requests.

The Index assessed availability of statistics related to key labour code provisions, such as the number of applications processed and granted and the time required to do so for items such as:

- Certifications / Decertifications
- Strike / Lock out complaints
- Unfair labour practice complaints
- Successor employer applications

Yet when the researchers tested these boards against basic standards, North America's twelve largest labour boards were not up to par. The study found that Ontario's Labour Relations Board gives information to the public that can be obsolete by as much as a year. The Canadian Industrial Relations Board voluntarily discloses only 34% of the basic governance information asked for by the study. Saskatchewan and Quebec are two of five jurisdictions that did not respond to *any* requests for information.

The news is not all bad. Labour Relations Boards in Manitoba, Alberta and British Columbia stood out for their relative transparency, scoring 8.7, 8.7 and 8.4 out of 10 respectively on the index. Compare those results to factory-rich Quebec and Ontario, which score just 4.8 and 3.6, and rank near the bottom at 9th and 10th. Central Canada's poor ranking is cause for concern given the power that these two boards appear to have with other boards to set precedents for the rest of the country.

In theory, these Boards exist to bring fairness to the workplace. But the Fraser Institute's study begs the question: how can employees, employers and unions expect a labour relations board to bring fairness and transparency to labour decisions if the board is not capable of meeting basic standards of transparency itself?

For the last two decades, businesses and governments have responded to legitimate demands for greater accountability, access to information and transparency. But while other institutions have been pushed, pulled and persuaded to be more accountable, the results of the first Labour Relations Transparency Index show that Labour Relations Boards in Canada and United States have considerable room for improvement.

Increasing the voluntary and timely release of information to the public should now become a labour board priority for those provinces that scored low in the Index. With the Index in place, there is now a simple means test available to measure progress – and to shine a little more light on these important organizations.

To learn more about how labour relations boards in your area performed, and what information they withheld, you can read the study by [clicking here](#).