

Public Service Labour
Relations Board



Parliamentary Employment
and Staff Relations Act
Annual Report 2013-2014

Canada

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The Honourable Shelly Glover, P.C., M.P.
Minister of Canadian Heritage and Official Languages
House of Commons
Ottawa, K1A 0A6

Dear Minister,

It is my pleasure to transmit to you, pursuant to section 84 of the *Parliamentary Employment and Staff Relations Act*, the Annual Report of the administration of that Act by the Public Service Labour Relations Board covering the period from April 1, 2013, to March 31, 2014.

Yours sincerely,

Catherine Ebbs
Chairperson

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

Public Service Labour Relations Board 2013-2014



Chairperson:	Catherine Ebbs David Paul Olsen (Acting Chairperson, January 2, 2013, to March 31, 2014)
Vice-Chairpersons:	Linda Gobeil David Paul Olsen Renaud Paquet
Full-time Members:	Stephan J. Bertrand John G. Jaworski Steven B. Katkin Michael F. McNamara Catharine (Kate) Rogers Margaret Shannon
Part-time Members:	Michael Bendel Ruth Elizabeth Bilson, Q.C. Emily M. Burke (October 1, 2013, to March 31, 2014) George P.L. Filliter Deborah M. Howes William H. Kydd Paul E. Love Joseph William Potter W. Augustus (Gus) Richardson

Executive Officers of the PSLRB

Executive Director:	Guy Lalonde
General Counsel:	Sylvie M.D. Guilbert
Director, Compensation Analysis and Research Services:	Suzanne Payette
Director, Dispute Resolution Services:	Gilles Grenier
Director, Financial Services:	Robert Sabourin
Director, Human Resources Services:	Chantal Bélanger
Director, Registry Operations and Policy:	Susan J. Mailer

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Message from the Chairperson



I am pleased to submit to Parliament the annual report on the administration of the *Parliamentary Employment and Staff Relations Act* for 2013-2014.

Prior to joining the Public Service Labour Relations Board (PSLRB), I was well aware of the sound reputation the organization has earned in the labour relations field. I believe that much of the PSLRB's success is a result of the professionalism and commitment to excellence my colleagues and all employees have demonstrated on a daily basis. Under the leadership of Acting Chairperson, David Paul Olsen, their skill and expertise, combined with their desire to make a difference, enabled the PSLRB to effectively and efficiently meet its mandated responsibilities during a year of considerable change.

Catherine Ebbs

Chairperson
Public Service Labour Relations Board

Introduction



Under the *Parliamentary Employment and Staff Relations Act (PESRA)*, the Public Service Labour Relations Board (PSLRB) administers the collective bargaining and grievance adjudication systems for the institutions of Parliament (i.e., the House of Commons, the Senate, the Library of Parliament, the Office of the Conflict of Interest and Ethics Commissioner, and the Office of the Senate Ethics Officer). The Board of the PSLRB comprises the Chairperson, up to three Vice-Chairpersons, and full- and part-time members who are appointed by the Governor in Council for terms of no longer than five years and who may be reappointed.

Under the *PESRA*, the PSLRB hears such matters as applications for certification by employee organizations to become bargaining agents representing employees; complaints of unfair labour practices; designations of persons employed in managerial and confidential capacities; and arbitrations of disputes.

The PSLRB also adjudicates grievances concerning the interpretation and application of provisions of collective agreements, significant disciplinary action, and all forms of termination of employment except rejections on probation during initial appointments. Demotion, appointment and classification grievances may also be referred to adjudication; they are determined not by a Board member but by an external adjudicator chosen by the parties, who are equally responsible for the adjudicator's compensation and expenses.

The PSLRB's mediation services provide an open, collaborative forum to informally resolve disputes, sparing parties more adversarial processes. Through mediation, the parties are encouraged to explore the underlying reasons for their conflict, allowing them to find mutually acceptable solutions that better address the root causes of their problem.

Under the *PESRA*, arbitration is the only means of resolving disputes if collective bargaining reaches an impasse. In those situations, the PSLRB acts as an arbitration board. On receiving a request for arbitration, the Chairperson appoints a tripartite panel comprising two persons representing the interests of each party and a Board member who chairs the panel. Such panels are deemed to act as the Board for the purposes of dealing with the dispute. After hearing the parties, the panel renders an arbitral award on the issues in dispute. The arbitral award then forms part of the collective agreement and is binding on the parties and on employees.

Introduction

OTHER RESPONSIBILITIES

The bulk of the PSLRB's caseload falls within its responsibilities under the *Public Service Labour Relations Act (PSLRA)*, in which it administers the collective bargaining and grievance adjudication systems in the federal public service.

The PSLRB's mandate was amended on December 12, 2013, when *Bill C-4, Economic Action Plan 2013 Act, No. 2*, received royal assent. Among the changes introduced was the elimination of the PSLRB's compensation analysis and research services function. The new legislation also introduced changes to the collective bargaining process and called for the consolidation of the PSLRB and the Public Service Staffing Tribunal into a new organization to be called the Public Service Labour Relations and Employment Board (PSLREB). That new organization will be created on a date to be fixed by order of the Governor in Council.

Under the *PSLRA*, the PSLRB provides two main services: adjudication and mediation. Its clients include approximately 230 000 federal public service employees covered by the *PSLRA* and by numerous collective agreements, employers and bargaining agents, as well as employees excluded from bargaining units, those who are not represented or those who choose to represent themselves.

Under the *PSLRA*, in 2013-2014, the PSLRB closed more cases than it received (1 876 and 1 661, respectively), the majority of which were grievances. As of March 31, 2014, the PSLRB's total active caseload was slightly more than 4 200 files.

Under an agreement with the Yukon government, the PSLRB administers its collective bargaining and grievance adjudication systems, acting as the Yukon Teachers Labour Relations Board and the Yukon Public Service Labour Relations Board.

Proceedings before the Public Service Labour Relations Board



Under the *PESRA*, as of March 31, 2014, 12 new cases were filed with the PSLRB, including 11 grievances and 1 successor rights application. The PSLRB completed 15 cases during the year, all of which were settled or withdrawn. Fifteen (15) cases will be carried forward into 2014-2015, 1 of which involves the Library of Parliament and 14 the House of Commons.

There are 4 types of adjudicable grievances under the *PESRA*. The first type arises from the application or interpretation of collective agreements or arbitral awards. The PSLRB managed 4 such grievances from the House of Commons in 2013-2014.

The second type includes disciplinary actions resulting in suspension or financial penalty and to termination of employment for reasons other than rejection on probation for an initial appointment. In 2013-2014, the PSLRB managed 2 such grievances from the House of Commons.

The third type includes grievances related to demotions of employees, to denials of appointment and to classification. They are heard and determined by an adjudicator who is selected by the parties and who is not a member of the PSLRB. In 2013-2014, the PSLRB dealt with 8 such grievances from the House of Commons, of which 6 pertained to allegations of incorrect classification. Two (2) related to denials of appointment (staffing).

The fourth type refers to grievances under section 70 of the *PESRA*, which requires that the PSLRB look into allegations that cannot be the subject of a grievance by an individual employee. Those situations occur when the employer or the bargaining agent seeks to enforce an obligation alleged to arise from a collective agreement or an arbitral award. One (1) such case was dealt with in 2013-2014.

During the year, there was a change in one of the bargaining agents that represented employees of the House of Commons. More specifically, on December 20, 2013, Unifor applied for a review of an order pursuant to sections 17 and 36 of the *PESRA*, requesting that the PSLRB review and amend its certificate and declare that Unifor is the successor to the Communications, Energy and Paperworkers Union of Canada (CEP) and that it has acquired, by means of a merger, all of the rights, duties and privileges of the CEP, including all the rights, duties and privileges set out in the certificate and in the collective agreement between the CEP and the House of Commons. A panel of the Board granted the application, finding that Unifor was an employee organization with the meaning of section 3 of the Act and that it was created by the merger of the CEP and the National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada), the merger had been effected in accordance with the constitutions of each of the two former trade unions, and Unifor was the successor organization to the CEP.

See Table 2 for a list of grievances by type before the PSLRB from April 1, 2004, to March 31, 2014.



Mediation



When a proceeding is brought before the PSLRB, the parties are provided with an opportunity to attempt to resolve their differences without resorting to a formal hearing. As a result, the assistance of the PSLRB's Dispute Resolution Services (DRS) may be provided before the matter is referred to adjudication. In 2013-2014, the DRS held 4 mediation interventions, involving a total of 32 files. These interventions resulted in 28 files being settled.

The DRS also processed 1 new request to arbitrate a collective bargaining dispute that was submitted under section 50 of the *PESRA*. As 5 files had been carried over from the previous year, the DRS issued a total of 5 awards, and in the case of 1 dispute, the parties settled.



Tables

TABLE 1: Bargaining Units and Bargaining Agents under the *Parliamentary Employment and Staff Relations Act*, April 1, 2013, to March 31, 2014

BARGAINING UNITS	BARGAINING AGENTS
House of Commons as Employer	
Technical Group	Unifor
Protective Services Group	House of Commons Security Services Employees Association
Procedural Subgroup and Analysis/Reference Subgroup in the Parliamentary Programs Group	Professional Institute of the Public Service of Canada
Operational Group (except for part-time cleaners classified at the OP A level)	Public Service Alliance of Canada
Reporting Subgroup and Text Processing Subgroup in the Parliamentary Programs Group	Public Service Alliance of Canada
Postal Services Subgroup in the Administrative Support Group	Public Service Alliance of Canada
Scanners	Public Service Alliance of Canada
Senate of Canada as Employer	
Legislative Clerk Subgroup in the Administrative Support Group	Professional Institute of the Public Service of Canada
Protective Service Subgroup in the Operational Group	Senate Protective Service Employees Association
Operational Group (except for employees in the Protective Service Subgroup)	Public Service Alliance of Canada

BARGAINING UNITS	BARGAINING AGENTS
Library of Parliament as Employer	
Library Science (Reference) and Library Science (Cataloguing) Subgroups in the Research and Library Services Group	Public Service Alliance of Canada
Administrative and Support Group	Public Service Alliance of Canada
Library Technician Subgroup in the Research and Library Services Group	Public Service Alliance of Canada
Research Officer and Research Assistant Subgroups in the Research and Library Services Group	Canadian Association of Professional Employees

TABLE 2: Grievances, April 1, 2004, to March 31, 2014

	Interpretations [Para. 63(1)(a)]	Discipline [Paras. 63(1)(b) & (c)]	Policy [Sec. 70]	Sub-total	Paras. 63(1) (d), (e) & (f)	Total
2013-2014	9	2	0	11	0	11
2012-2013	11	1	5	17	8	25
2011-2012	8	3	3	14	5	19
2010-2011	6	4	3	13	12	25
2009-2010	1	5	1	7	14	21
2008-2009	1	9	1	11	24	35
2007-2008	2	7	1	10	19	29
2006-2007	6	12	0	18	28	46
2005-2006	4	11	0	15	25	40
2004-2005	2	4	0	6	0	6
Cumulative Totals, April 1, 2004, to March 31, 2014						
	50	58	14	122	135	257

TABLE 3: Adjudication and Board Cases Carried Forward, Received and Completed, April 1, 2010, to March 31, 2014

Fiscal Year	Carried Forward	Received	Overall Total	Dispositions Total
2013-2014	22	12	34	18
2012-2013	15	13	28	6
2011-2012	15	7	22	7
2010-2011	44	12	56	14

Note: Table 3 includes section 70 of the PESRA, policy proceedings.

