

Public Service Labour
Relations Board

PARLIAMENTARY EMPLOYMENT AND STAFF
RELATIONS ACT **ANNUAL REPORT**

April 1, 2014 to October 31, 2014

Canada

PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT

Public Service Labour Relations Board

April 1, 2014 to October 31, 2014



Chairperson:	Catherine Ebbs	
Vice-Chairpersons:	Linda Gobeil David Paul Olsen Renaud Paquet (Departed July 14, 2014)	
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 (Departed May 13, 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 ¹ :	Guy Lalonde
General Counsel ¹ :	Sylvie M.D. Guilbert
Director, Compensation Analysis and Research Services:	Suzanne Payette
Director, Dispute Resolution Services ² :	Gilles Grenier
Director, Financial Services:	Robert Sabourin
Director, Human Resources Services:	Chantal Bélanger
Director, Registry Operations and Policy:	Susan J. Mailer

¹ These two positions were combined on July 1, 2014, at which time Sylvie Guilbert was appointed Executive Director and General Counsel.

² Serge Roy, as of September 25, 2014.

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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 the first seven months of 2014-15.

As the Public Service Labour Relations Board (PSLRB) ceased to exist on November 1, 2014, due to the coming into force of the *Economic Action Plan 2013 Act, No. 2*, this report covers the period April 1, 2014 to October 31, 2014.

My appointment as Chairperson occurred on the heels of significant legislative change, most notably the consolidation on November 1, 2014 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). Finally, the coming into force of the *Economic Action Plan 2014 Act, No. 1* and subsequently, the *Administrative Tribunals Support Service of Canada Act* would create a new entity to be called the Administrative Tribunals Support Service of Canada (ATSSC). To be established on November 1, 2014, the ATSSC will provide comprehensive support and facilities to 11 tribunals — one of which is the PSLREB — via a single, integrated organization.

While the PSLRB ceased to exist on October 31, 2014, its important legacy, which includes an enviable reputation in the labour relations field, will continue through the work of the PSLREB.

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) administered 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 comprised the Chairperson, up to three Vice-Chairpersons, and full- and part-time members who were appointed by the Governor in Council for terms of no longer than five years and who may be reappointed.

Under the *PESRA*, the PSLRB heard 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 adjudicated 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 could also be referred to adjudication. Those grievances were determined not by a Board member but by an external adjudicator chosen by the parties, who were equally responsible for the adjudicator's compensation and expenses.

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

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

LEGISLATIVE CHANGES

Economic Action Plan 2013, No. 2

The PSLRB dealt with two legislative changes during the year, which modified its structure and its mandate.

The coming into force on November 1, 2014 of part of *Bill C-4, Economic Action Plan 2013, No. 2* consolidated the PSLRB and the PSST into a new organization, the Public Service Labour Relations Employment Board (PSLREB). The PSLREB adopted its regulations to ensure it was ready to discharge the responsibilities it inherited from the PSLRB and PSST.

Economic Action Plan 2014 Act, No. 1

Also on November 1, 2014, *Bill C-31, Economic Action Plan 2014 Act, No. 1* came into force, which centralized and coordinated the provision of support services to some administrative tribunals, including the PSLREB, through a single, integrated organization: the Administrative Tribunal Support Services Canada (ATSSC). As a result, the PSLREB received its support services from the ATSSC, maintaining the level of service that the PSLRB and PSST previously offered to their stakeholders.


OTHER RESPONSIBILITIES

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

Under that *Act*, the PSLRB provided two main services: adjudication and mediation. Its clients included approximately 220 000 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 were not represented, or those who chose to represent themselves.

Under an agreement with the Yukon government, the PSLRB administered 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



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 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.
- 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; and
- 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.

Under the *PESRA*, as of October 31, 2014, 1 new case was filed with the PSLRB, which consisted of one disciplinary grievance dealing with a termination of employment. No cases were completed during the review period. Sixteen (16) cases will be carried forward to the new PSLREB.

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

Mediation

When a file was referred to adjudication, the parties could choose to try to resolve the matter without resorting to a formal hearing. In such cases, they could proceed to mediation with the assistance of the Board's Dispute Resolution Services. There was only one request for mediation during the reporting period. In that case, despite the parties' best efforts in mediation, resolution was not achieved and the file was returned to adjudication.

See Table 3 for a list of grievances and Board cases carried forward, received and completed between April 1, 2010 and October 31, 2014.

Tables

TABLE 1: Bargaining Units and Bargaining Agents under the *Parliamentary Employment and Staff Relations Act*, at October 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 Received, April 1, 2004, to March 31, 2015*

	Interpretations [Para. 63(1)(a)]	Discipline [Paras. 63(1)(b) & (c)]	Policy [Sec. 70]	Subtotal	Paras. 63(1) (d), (e) & (f)	Total
April 1, 2014 to Oct. 31, 2014	0	1	0	1	0	1
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, 2015						
	50	59	15	123	135	258

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

Fiscal Year	Carried Forward	Received	Overall Total	Disposed of during the year Total
April 1, 2014 to Oct. 31, 2014	15	1	16	6
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: As of 2009-2010, Table 3 includes section 70 of the PESRA, policy proceedings.

