



Public Service
Labour Relations and
Employment Board

Parliamentary Employment and Staff Relations Act Annual Report

NOVEMBER 1, 2014 –
MARCH 31, 2015

Canada 



Public Service Labour Relations and Employment Board

November 1, 2014 – March 31, 2015

Chairperson: Catherine Ebbs

Vice-Chairpersons: Linda Gobeil
David Paul Olsen
Margaret Shannon

Full-time Members: Merri Beattie
Stephan J. Bertrand
Nathalie Daigle
John G. Jaworski
Steven B. Katkin
Michael F. McNamara
Catharine (Kate) Rogers

EXECUTIVE OFFICERS OF THE BOARD¹

Executive Director and General Counsel:	Sylvie Guilbert ² Virginia Adamson ³ (in acting capacity)
Director, Dispute Resolution Services:	Serge Roy
Director, Registry Operations and Policy:	Susan J. Mailer

¹ Executive Officers are employees of the ATSSC.

² For the period November 1, 2014 to December 28, 2014.

³ For the period December 29, 2014 to March 31, 2015.

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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 period from November 1, 2014 to March 31, 2015.

The coming into force, on November 1, 2014, of the *Public Service Labour Relations and Employment Board Act (PSLREBA)* established the new Public Service Labour Relations and Employment Board (PSLREB), merging the functions of the former Public Service Labour Relations Board (PSLRB) and the Public Service Staffing Tribunal (PSST). As well, as a result of the coming into force of the *Economic Action Plan 2014 Act, No. 1*, all PSLRB and PSST staff automatically became employees of the newly created Administrative Tribunals Support Service of Canada (ATSSC) on November 1. Specialized employees and some administrative staff who support the work of the Board (e.g., dispute resolution services, legal and registry) also became part of the ATSSC.

The new Board continues to serve approximately 220 000 federal public sector employees, as well as stakeholders of the former PSLRB and the PSST. Matters being dealt with by those organizations continue to be heard by the Board. Its legislative references remain the same and in addition to the *PSLRA* and the *PSEA*, also include the *Parliamentary Employment and Staff Relations Act (PESRA)*, the *Canadian Human Rights Act*, certain provisions of the *Canada Labour Code*, the *Yukon Education Labour Relations Act*, the *Education Staff Relations Act* and the *Yukon Public Service Staff Relations Act*. When further sections of *Economic Action Plan 2013 Act, No. 2* eventually come into force, the Board's mandate under the *PSLRA* will be further expanded.

Catherine Ebbs

Chairperson

Public Service Labour Relations and Employment Board

Introduction



On November 1, 2014, the Public Service Labour Relations and Employment Board (PSLREB) was created from the consolidation of the former Public Service Labour Relations Board and the Public Service Staffing Tribunal. The PSLREB is an independent quasi-judicial tribunal established by the *Public Service Labour Relations and Employment Board Act (PSLREBA)*. The PSLREB administers the collective bargaining and grievance adjudication systems for the institutions of Parliament. The Board of the PSLREB comprises the Chairperson, two Vice-Chairpersons, and full-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 PSLREB 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 PSLREB 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. Those grievances 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 PSLREB'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 PSLREB 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.

Legislative Changes

Economic Action Plan 2013, No. 2

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

Economic Action Plan 2014 Act, No. 1

Also on November 1, 2014, the *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 receives its support services from the ATSSC, maintaining the level of service that the PSLRB and the PSST previously offered to their stakeholders.

Other Responsibilities

The bulk of the PSLREB's caseload falls within its responsibilities under the *Public Service Labour Relations Act (PSLRA)*, through which it administers the collective bargaining and grievance adjudication systems in the federal public service, and under the *Public Service Employment Act (PSEA)*, the process for complaints related to internal appointments and lay-offs in the federal public service.

Under the *PSLRA* and the *PSEA*, the PSLREB provides two main services: adjudication and mediation. Its clients include 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 are not represented or those who choose to represent themselves.

Under an agreement with the Yukon government, the PSLREB 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 and Employment 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 PSLREB.
- The fourth type refers to grievances under section 70 of the *PESRA*, which requires that the PSLREB 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 March 31, 2015, 1 new case was filed with the PSLREB, which consisted of one policy grievance. The PSLREB completed 6 cases during the period under review, all of which were settled or withdrawn. Eleven (11) cases will be carried forward into 2015-2016, 1 of which involves the Library of Parliament and 10 the House of Commons.

See Table 2 for a list of grievances by type before the PSLREB from April 1, 2004 to March 31, 2015.

Mediation

When a file is referred to adjudication, the parties may choose to resolve the matter without resorting to a formal hearing. In such cases, they may proceed to mediation with the assistance of the PSLREB's Dispute Resolution Services (DRS) – Labour Relations. No request for mediation was received during the reporting period.

Collective Bargaining

The PSLREB only received 1 request for the establishment of an arbitration board under section 50 of the *PESRA* during the reporting period. A three-member panel was established and the hearing will be held in the next fiscal year. The DRS – Labour Relations 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 – Labour Relations issued a total of 5 awards, and in the case of 1 dispute, the parties settled.

See Table 3 for a list of grievances and Board cases carried forward, received and completed between April 1, 2010, and March 31, 2015.

Tables



TABLE 1: Bargaining Units and Bargaining Agents under the *Parliamentary Employment and Staff Relations Act*, as of March 31, 2015

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
2014-2015	0	1	1	2	0	2
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	124	135	259

* Statistics before to November 1, 2014 are from the former PSLRB.

TABLE 3: Adjudication and Board Cases Carried Forward, Received and Completed, April 1, 2010 to March 31, 2015*

Fiscal Year	Carried Forward	Received	Overall Total	Disposed of during the year Total
2014-2015	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.

* Statistics before to November 1, 2014 are from the former PSLRB.