

Annual Report 2020-2021

YUKON TEACHERS LABOUR RELATIONS BOARD



COMPOSITION OF THE BOARD

Chairperson: Catherine Ebbs

Vice-Chairpersons: David P. Olsen
Margaret T.A. Shannon

Members: Nathalie Daigle
Bryan R. Gray
Chantal Homier-Nehmé
John G. Jaworski
Steven B. Katkin
James Knopp
David Orfald
Marie-Claire Perrault
Nancy Rosenberg

Adjudicators: Ian R. Mackenzie
Randy Noonan
Leslie Reaume

**REPORT ON THE ADMINISTRATION
OF THE YUKON EDUCATION LABOUR RELATIONS ACT
FOR THE FISCAL YEAR ENDING
MARCH 31, 2021**

INTRODUCTION

Under section 4(1) of the *Education Labour Relations Act* (RSY 2002, c. 62; “the Act”), the Yukon Teachers Labour Relations Board consists “... of the persons from time to time holding office as full-time members of the Public Service Labour Relations Board, established under the federal act.” The federal act is defined as the *Public Service Labour Relations and Employment Board Act*, which came into force on November 1, 2014, and was later renamed the *Federal Public Sector Labour Relations and Employment Board Act* (S.C. 2013, c. 40, s. 365). Under the federal act, the former Public Service Labour Relations Board was continued as the Federal Public Sector Labour Relations and Employment Board (“the FPSLREB”), an independent quasi-judicial statutory tribunal.

Through its mandate, the FPSLREB contributes to a productive and efficient workplace and helps achieve harmonious labour relations and a fair employment environment for federal public sector employers and employees and their bargaining agents. The FPSLREB is a recognized leader in the labour relations field that offers adjudication, mediation, and other dispute resolution services to help parties resolve their differences without resorting to a formal hearing.

Under an agreement with the Yukon government, the FPSLREB administers the collective bargaining and grievance adjudication systems for Yukon teachers. When performing those functions, the FPSLREB acts as the Yukon Teachers Labour Relations Board (“the Board”).

CASELOAD

In 2020-2021, there were 19 active cases under the *Act*, including 4 that were carried over from the previous fiscal year. Of those 19 active cases, 8 were references to adjudication of grievances pertaining to the application or interpretation of a collective agreement, while 11 were policy grievances.

The 4 cases that were carried over from the previous fiscal year were closed, and the remaining cases (15) will be carried forward to 2021-2022.

Grievance adjudication

Adjudication refers to any determination made by Board-appointed adjudicators pursuant to the *Act*. It includes the determination of grievances that arise from the application or interpretation of collective agreements or arbitral awards or from disciplinary actions or terminations.

As mentioned, during the reporting period, 8 grievances pertaining to the application or interpretation of a collective agreement were referred to adjudication. Of those, 4 were individual grievances, and the remaining 4 were group grievances.

At the end of the reporting period, 2 of those 4 individual grievances were scheduled for a hearing and 2 were closed, while the 4 group grievances are still to be scheduled for hearing.

There was a total of 11 active policy grievances before the Board during the review period. Of those, 2 were closed, and 9 will be carried forward to 2021-2022.

Managerial and confidential positions

A person is employed in a managerial and confidential capacity when, due to the nature of the duties they perform, they must meet the criteria established under the *Act* for exclusion from a bargaining unit.

The Board did not deal with any such matters in 2020-2021.

Mediation

Parties with matters before the Board may choose mediation to resolve their underlying grievance issues or their complaints that have been referred to adjudication.

Mediation is a voluntary and confidential process that provides parties with the opportunity to find their own solutions to issues in dispute. The process is facilitated by an impartial third party who has no decision-making powers, and its outcome creates no precedents.

The Board did not receive any mediation requests during the reporting period.