

# Annual Report 2021-2022

## YUKON PUBLIC SERVICE LABOUR RELATIONS BOARD



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### COMPOSITION OF THE BOARD

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Chairperson: Edith Bramwell

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Vice-Chairpersons: Marie-Claire Perrault (Since April 30, 2021)  
Amélie Lavictoire (since July 5, 2021)  
David P. Olsen (until April 29, 2021)  
Margaret T.A. Shannon (until April 20, 2021)

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Members: Nathalie Daigle  
Caroline Engmann (since September 13, 2021)  
Bryan R. Gray  
Chantal Homier-Nehmé  
John G. Jaworski  
Steven B. Katkin (until April 30, 2021)  
James Knopp  
Ian R. MacKenzie (since September 8, 2021)  
David Orfald  
Nancy Rosenberg

Adjudicators: George Filliter  
Randy Noonan  
Dan Quigley  
Leslie Reaume

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**REPORT ON THE ADMINISTRATION  
OF THE YUKON PUBLIC SERVICE LABOUR RELATIONS ACT  
FOR THE FISCAL YEAR ENDING  
MARCH 31, 2022**

**INTRODUCTION**

Under section 6(1) of the Yukon *Public Service Labour Relations Act* (RSY 2002, c 185; “the Act”), the Yukon Public Service 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 the Yukon public service. When performing those functions, the FPSLREB acts as the Yukon Public Service Labour Relations Board (“the Board”).

**CASELOAD**

In 2021-2022, there were 59 active cases under the Act; 24 were new cases, and 35 were carried over from the previous fiscal year. Twenty-four (24) of the 59 cases were closed in 2021-2022, and 35 will be carried forward to 2022-2023.

Of those 59 active cases, 23 were grievances related to applications or interpretations of a collective agreement or disciplinary actions, 28 were objections to the identification of a managerial or confidential position, 6 were policy grievances and 2 were complaints against the employer or bargaining agent.

**Grievance adjudication**

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

There were 29 grievances before the Board during the reporting period. Of those, 11 concerned the interpretation or application of a collective agreement, 12 dealt with disciplinary matters and 6 were policy grievances. The policy grievances have not yet been scheduled for a hearing.

Of the 12 disciplinary grievances, 6 pertained to terminations of employment; 1 has already been scheduled for a hearing, and the other 5 remain to be scheduled. Four (4) of the 10 disciplinary grievances pertained to suspensions; 1 is being held in abeyance, 1 is awaiting scheduling for a hearing, 1 is settled and will be withdrawn after the settlement agreement is implemented, and 1 is scheduled for a hearing. Of the other two (2) disciplinary grievances, one remains to be scheduled and the second is in the process of being acknowledged.

Of the 11 collective agreement cases, 10 remain to be scheduled for a hearing and one was closed following a settlement.

## **Complaints**

Two (2) complaints were carried over from previous years, both of which concern the duty of fair representation. One remains to be heard and the second was closed after a settlement agreement.

## **Managerial and confidential positions**

A person is employed in a managerial or 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.

In 2021-2022, 17 objections to the identification of a managerial or confidential exclusion were filed with the Board. An order was issued for 16 of those 17 cases, which were consequently closed. Six (6) additional orders were issued with respect to cases received in previous years. Six (6) objections to the identification of a managerial or confidential position will be carried over to the next fiscal year: four remain to be scheduled for a hearing, one is being held in abeyance and one is in the process of being acknowledged.

## **Mediation**

When a proceeding is brought before the Board, mediation is offered to help the parties resolve their differences without resorting to a formal hearing. The parties may also request the Board's assistance in resolving a dispute before a matter is 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 received one new mediation request during the reporting period and the grievance was settled with the assistance of the Board's mediation services.