



Federal Public Sector
Labour Relations and
Employment Board

Commission des relations
de travail et de l'emploi
dans le secteur public fédéral

PART III OF THE PARLIAMENTARY EMPLOYMENT STAFF RELATIONS ACT AND PART II OF THE CANADA LABOUR CODE

2023





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Cat. No. SV1-1E-PDF / ISSN: 2563-9331
This publication will also be available on the Board's [website](#).

Land Acknowledgment

Our offices are located on the traditional unceded, unsurrendered territory of the Anishinaabe Algonquin Nation. We also conduct hearings and mediations across Canada on various other traditional territories of Indigenous peoples.

The Algonquin people have inhabited and cared for these lands from time immemorial. We take this time to show our gratitude and respect to them. We recognize the ongoing courage, fortitude and resilience of indigenous people in the face of the continuing effects of colonization and cultural genocide, including, but not limited to, the tragic and cruel history of residential schools in this country.

We recognize that acknowledging territory is only a small step along the path of reconciliation and right relations. The Board is committed to decolonizing its processes and improving access to justice.

We all have a role to play in the ongoing process of reconciliation.



The Federal Public Sector Labour Relations and Employment Board



The Board's Composition

The *Federal Public Sector Labour Relations and Employment Board Act* establishes the Board's composition as follows:

- 1 full-time chairperson;
- not more than 2 full-time vice-chairpersons;
- not more than 12 full-time members; and
- as many part-time members as necessary to carry out the Board's powers, duties, and functions.

During the reporting period, the Board was composed of the following members:

- Edith Bramwell, Chairperson
- Marie-Claire Perrault, Vice-chairperson
- Amélie Lavictoire, Vice-chairperson

Full-time Board members

Pierre-Marc Champagne (since March 13, 2023)

Caroline Engmann

Goretti Fukamusenge (since March 13, 2023)

Bryan R. Gray

Patricia Harewood (since March 13, 2023)

Chantal Homier-Nehmé

John G. Jaworski

James Knopp

Audrey Lizotte (since August 8, 2022)

Ian R. Mackenzie

David Orfald

Nancy Rosenberg

Part-time Board members

Joanne Archibald

Fazal Bhimji (since February 3, 2023)

Guy Giguère

Guy Grégoire

David Jewitt (since February 3, 2023)

Steven B. Katkin

David P. Olsen

Renaud Paquet

Leslie Anne Reaume

Augustus Richardson

Overall Mandate of the Board

The Federal Public Sector Labour Relations and Employment Board (“the Board”) is an independent, quasi-judicial statutory tribunal that offers dispute resolution and adjudication services in key labour relations and staffing matters of the federal public sector and Parliament. It also administers the related collective bargaining and grievance adjudication processes, and it helps resolve complaints about internal appointments, appointment revocations, and layoffs.

The Board also resolves human-rights issues in areas that range from labour relations grievances and staffing complaints to unfair labour practices and collective bargaining. It is also responsible for administering public-sector-employee reprisal complaints under the *Canada Labour Code (CLC)*.

As of 2019, the Board’s mandate was broadened to include complaints from federal public sector and parliamentary employees that are related to the *Accessible Canada Act (“the ACA”)*, which establishes a framework for the proactive identification, removal, and prevention of barriers to accessibility for persons with disabilities.

Mandate of the Board under Part III of the *Parliamentary Employment and Staff Relations Act* and Part II of the *Canada Labour Code*

Since July 29, 2019, the Federal Public Sector Labour Relations and Employment Board (“the Board”) has been charged with administering Part III of the *Parliamentary Employment and Staff Relations Act (PESRA)*. This Part provides the manner in which Part II of the *Canada Labour Code (CLC)*, which relates to occupational health and safety, will apply to employees (“parliamentary employees”) and employers under *PESRA*. The parliamentary employees covered by these provisions include, but are not limited to, employees of the Library of Parliament, the House of Commons, the Senate, the Office of the Senate Ethics Officer, the Office of the Conflict of Interest and Ethics Commissioner, the Parliamentary Protective Service, and the Parliamentary Budget Officer, as well as most political staffers. Under Part III of *PESRA*, parliamentary employees have a legislative recourse mechanism for health and safety matters under Part II of the *CLC*.

Where a parliamentary employee has reasonable grounds to believe that there has been a contravention of Part II of the *CLC*, or there is likely to be an accident, injury or illness, the *CLC* provides that employee with a complaint mechanism. The complaint by a parliamentary employee may eventually be referred for investigation, following which, the appropriate authority may issue directions. The Board has the mandate to hear appeals of those directions.

A parliamentary employee may refuse to work in accordance with the occupational health and safety provisions of the *CLC*. This work refusal may lead to an investigation. The appropriate authority may issue directions, or, may render a decision finding that there is an absence of danger or that the danger falls within allowable exceptions. The Board will hear an appeal of these directions or decisions.

Furthermore, the Board will hear and determine complaints alleging that an employer has taken action against a parliamentary employee, in contravention of the *CLC*.

On January 1, 2021, changes came into force with respect to the administration and enforcement of Part II of the *CLC* (see *An Act to amend the Canada Labour Code (harassment and violence)*, *the Parliamentary Employment and Staff Relations Act* and *the Budget Implementation Act, 2017, No. 1*, S.C. 2018, c. 22). Among those changes, a protection from workplace harassment and violence was brought into Part II of the *CLC*'s occupational health and safety regime. These amendments strengthen the framework for the prevention of harassment and violence. The recourse mechanisms under Part II of the *CLC* could be used by parliamentary employees alleging violence or harassment in the workplace and the Board may be called upon to adjudicate related reprisal complaints and appeals.

Activities

The Board has no activity to report for the 2022-2023 reporting period. It has not received any appeals of Ministerial directions or decisions, and has not received any complaints filed from parliamentary employees under Part II of the *CLC*.

