

Annual Report 2023-2024

**YUKON PUBLIC SERVICE LABOUR
RELATIONS BOARD**



COMPOSITION OF THE BOARD

Chairperson: Edith Bramwell

Vice-Chairpersons: Marie-Claire Perrault
Amélie Lavictoire

Members: Adrian Bieniasiewicz
Pierre Marc Champagne
Caroline Engmann
Goretti Fukamusenge
Bryan R. Gray
Patricia Harewood
Chantal Homier-Nehmé
John G. Jaworski
James Knopp
Audrey Lizotte
Ian Mackenzie
David Orfald
Nancy Rosenberg

Adjudicators: Fazal Bhimji
David Jewitt
Dan Quigley

**REPORT ON THE ADMINISTRATION
OF THE YUKON PUBLIC SERVICE LABOUR RELATIONS ACT
FOR THE FISCAL YEAR ENDING
MARCH 31, 2024**

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.

The FPSLREB 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.

Through its mandate, the FPSLREB is committed to:

- supporting a fair staffing environment and harmonious labour relations within the federal public sector;
- helping parties resolve disputes in a fair, impartial, and efficient manner that respects the terms and conditions of employment; and
- eliminating barriers by leveraging technology for adjudication and dispute resolution services, to provide increased access to justice across Canada and better serve parties before the Board.

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”).

Highlights of 2023-2024

Further to the appointment of two new members in the previous fiscal year, more cases were closed than opened. As such, the Board was able to reduce its overall case inventory by 8%, from 48 files at the end of 2022-2023 to 44 files at the end of 2023-2024.

On another note, two Client Consultation Committee (CCC) meetings were held in 2023-2023. Those meetings provide an important means of collaborating with our stakeholders and also help the Board develop its case-management initiatives, policies and processes.

2023-2024 CASELOAD

Opened and closed cases

Overall, from April 1, 2023 to March 31, 2024, there were 116 active files. Of that number, 48 files were carried forward from previous fiscal years and 68 new files were opened. Seventy-three files were closed in 2023 - 2024, and 43 files will be carried forward to 2024-2025.

Further details on the current caseload are provided below.

CURRENT CASELOAD

Grievances

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.

As of the end of fiscal year 2023-2024, there were 34 grievances referred under the *Act*. Twenty-seven (27) are individual grievances, and 7 are policy grievances.

Individual grievances

Eleven (11) new individual grievances were referred to the Board in 2023-2024: 8 grievances relating to the interpretation and application of a collective agreement and 3 relating to disciplinary matters. All grievances referred in 2023-2024 will be carried forward to the next reporting period.

Six (6) individual grievances were closed in 2023-2024: 1 relating to the interpretation and application of a collective agreement and 5 relating to disciplinary measures (3 suspensions, 1 termination, and 1 disguised discipline). Of those 6 grievances, 5 were withdrawn, and another was closed following the issuance of a decision by the Board.

As of the end of fiscal year 2023-2024, there were 27 individual grievances. Of those, 16 related to the application or interpretation of a collective agreement and 11 related to disciplinary measures. See Table 1 for a breakdown of active individual grievances.

Table 1 – Individual grievances as of March 31, 2024

Individual grievances as of March 31, 2024	
Application or interpretation of a collective agreement	
No-discrimination clause	5
Hours of work	5
Duty to accommodate	3
Leave	4
Respectful workplace	1
Union rights	1

Disciplinary measures		
	Suspension without pay	5
	Termination	5
	Disguised discipline	1
	Total	27

Policy grievances

Two (2) new policy grievances were referred to the Board in 2023-2024: one involving retention bonuses and another involving management rights and responsibilities. They will both be carried forward to the next fiscal year.

Four (4) policy grievances were closed in the fiscal year. The 4 grievances related to operating irregularities, overtime compensation, leave, and a vaccination requirement. Of those 4 grievances, 3 were withdrawn and another was closed following the issuance of a decision by the Board.

As of the end of fiscal year 2023-2024, there were 7 policy grievances. The topics of these policy grievance were: hours of work (1), probation period (1), management rights and responsibilities (1), no-discrimination clause (1), interpretation and application of a policy for on-call employees (1), discrimination related to COVID-19-related leave (1) and retention bonus (1).

Status of grievances (as of March 31, 2024)

Of the overall active grievance caseload, 4 files are scheduled for a hearing, 22 remain to be scheduled, 3 are proceeding by written submissions, 2 are settled awaiting withdrawal, 1 is awaiting a decision, and 1 is open and awaiting processing and 1 is in mediation. None are held in abeyance.

Complaints

Two (2) new complaints were presented to the Board in 2023-2024 and none were closed.

As of the end of fiscal year 2023-2024, there were four (4) complaints under the Act.

Three (3) complaints relate to the duty of fair representation, 1 relates to discrimination against an employee organization. Three (3) of these complaints were referred to mediation, and one is scheduled for hearing.

Applications

In 2023-2024, the Board received 53 applications. Forty-nine (49) of those applications were objections to the identification of a managerial or confidential position and 4 were revocations. Fifteen (15) applications were carried forward from previous years, for an overall inventory of 68 applications.

Sixty-three (63) applications were closed in 2023-2024, including 50 that were filed in that same year, and 13 that were carried forward from previous years. The closed applications included 59 managerial and confidential applications for exclusion that were closed following the issuance of an order, 2 applications related to the revocation of an appointment which were withdrawn, and 2

applications were closed for administrative reasons.

As of the end of fiscal year 2023-2024, there were 5 active applications involving managerial and confidential exclusions and revocations under the *Act*. Of those, 4 related to applications for exclusions – 3 were referred this year the other carried forward from previous years, while 1 related to a revocation of an appointment referred in 2023-2024.

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 the issues in dispute. The process is facilitated by an impartial third party who has no decision-making powers, and its outcome creates no precedents.

In 2023-2024, one file was assigned to mediation and then removed from the scheduling list further to a conclusion that the case was not ready for mediation. Three (3) complaints were referred to mediation in 2023-2024, as mentioned in the complaints section of this report.

COLLECTIVE BARGAINING

A mediator was appointed to assist with the negotiation of the collective agreement. Mediation sessions were held in April and May 2023 which led to the ratification of a new collective agreement in August 2023.

