

**PARLIAMENTARY EMPLOYMENT
AND STAFF RELATIONS ACT**

THIRTEENTH ANNUAL REPORT

OF THE



**PUBLIC SERVICE STAFF
RELATIONS BOARD**

1998-1999

**PARLIAMENTARY EMPLOYMENT
AND
STAFF RELATIONS ACT**

THIRTEENTH ANNUAL REPORT

OF THE



**PUBLIC SERVICE STAFF
RELATIONS BOARD**

1998-1999

© Minister of Public Works and Government Services Canada 1999

Cat. No. SR1-1/1999

ISBN 0-662-64268-6

The Honourable Stéphane Dion, P.C., M.P.
President of the Queen's Privy Council
for Canada and Minister of Intergovernmental
Affairs
House of Commons
OTTAWA

Dear Mr. Minister,

It is my pleasure to transmit to you, pursuant to section 84 of the
Parliamentary Employment and Staff Relations Act, the Thirteenth Annual
Report of the Public Service Staff Relations Board covering the period
from 1 April 1998 to 31 March 1999 for submission to Parliament.

Yours sincerely,

Yvon Tarte
Chairperson

**PARLIAMENTARY EMPLOYMENT AND
STAFF RELATIONS ACT
Public Service Staff Relations Board
1998 – 1999**

Chairperson: Yvon Tarte *Vice-Chairperson:* P. Chodos

Deputy Chairpersons: M.-M. Galipeau, E. Henry, J.W. Potter

Full-Time Members: J.C. Cloutier, G. Giguère, R. Simpson,
J.B. Turner

Part-Time Members: S. Kelleher, Q.C., J. Korbin, D. MacLean,
K. Norman, C. Taylor, Q.C.

PRINCIPAL STAFF OFFICERS OF THE BOARD

Secretary of the Board and General Counsel: J.E. McCormick
Director, Mediation: N. Bernstein
Assistant Secretary, Operations: G. Brisson
Assistant Secretary, Corporate Services: J. Dionne

TABLE OF CONTENTS

	PAGE
INTRODUCTION	1
Organization and Functions of the Board.....	1
PROCEEDINGS BEFORE THE BOARD	2
Adjudication Proceedings	2
Arbitration Proceedings	3
MEDIATION	4
Examinations	4
TABLES	
1 Bargaining Units and Bargaining Agents under the Parliamentary Employment and Staff Relations Act	5
2 Adjudication References 1 April 1994 - 31 March 1999.....	7
3 Adjudication References Brought Forward and Received - 1 April 1994 - 31 March 1999	9

INTRODUCTION

ORGANIZATION AND FUNCTIONS OF THE BOARD

The Parliamentary Employment and Staff Relations Act provides that Part I of the Act (Staff Relations) is to be administered by the Public Service Staff Relations Board, a quasi-judicial statutory tribunal established under the Public Service Staff Relations Act. The Board consists of a Chairperson, a Vice-Chairperson, not less than three Deputy Chairpersons and such other full-time members and part-time members as the Governor in Council considers necessary.

Proceedings before the Board under the Parliamentary Employment and Staff Relations Act may include applications for certification, complaints of unfair labour practices, designation of persons employed in a managerial or confidential capacity, and interest arbitration. The Board also deals with the adjudication of grievances concerning the interpretation or application of provisions of collective agreements, disciplinary action resulting in suspension or a financial penalty, and grievances relating to any form of termination of employment other than a rejection on probation on an initial appointment. Grievances relating to demotion, appointment and classification may also be referred to adjudication; however, these are not to be determined by a Board member, but rather by an outside adjudicator selected by the parties, who will bear equally the adjudicator's remuneration and expenses. The Board also acts through its mediation and conciliation services to assist the parties when they are unable to resolve their disputes. In this way settlements may be reached without resort to formal proceedings before the Board or where no settlement is reached the number of issues in dispute may be reduced and better defined.

PROCEEDINGS BEFORE THE BOARD

During the year under review, the Board dealt with 17 cases, including six carried over from the previous year. The Board also received a request for arbitration under section 50 of the Act.

ADJUDICATION PROCEEDINGS

Section 63 of the Act provides for three kinds of adjudicable grievances. Paragraph 63(1)(a) refers to grievances arising out of the application or interpretation of collective agreements or arbitral awards. Such grievances cannot be referred without the approval and support of the bargaining agent. Paragraphs 63(1)(b) and (c) refer, respectively, to disciplinary actions resulting in suspension or a financial penalty and to termination of employment, other than rejection on probation in respect of an initial appointment. All grievances referred to above are heard by a member of the Board acting as an adjudicator. During the year, six such grievances were processed, including three carried over from the previous year. Of these cases, two were settled prior to the hearing, one was withdrawn and one is scheduled for hearing in the next fiscal year. At the request of the parties, the remaining two grievances are being held pending a decision of the Board on similar issues.

The Board also processed eleven grievances referred under paragraphs 63(1)(d), (e) and (f) of the Act, three of which were carried over from the previous year. These cases are heard and determined by an adjudicator selected by the parties and include grievances concerning demotion of employees, denials of appointment and classification.

One grievance was withdrawn by the bargaining agent prior to the hearing. Two grievances dealing with classification were settled by the parties during the course of the hearing.

The remaining eight grievances are scheduled to be heard in the next fiscal year.

ARBITRATION PROCEEDINGS

Binding arbitration is the only method available for the resolution of interest disputes; there is no right to strike under the Act. With the expiry of the freeze, collective bargaining has resumed and the Board has received four notices to bargain for various bargaining units.

A request for the establishment of an Arbitration Board under section 50 of the Act was received by the Board in June 1998 for the Research and Library Sciences Group. The Arbitration Board was established in July 1998 and met on numerous occasions in November 1998. An arbitral award was issued in December 1998 (Board file 485-LP-15).

MEDIATION

Under the Act, arbitration is the only method of resolving collective bargaining disputes. Where appropriate, the mediation services of the Public Service Staff Relations Board provides conciliation and mediation services to assist the parties in resolving disputes prior to the arbitration process.

During 1998-99 mediation services of the Board were requested by the House of Commons and the Security Services Employees Association to provide facilitation services during the negotiations on behalf of the security guards. The parties utilized an interest-based bargaining process, which resulted in a settlement.

The Public Service Staff Relations Board also provides a grievance mediation program. Mediation was sought on one occasion to help resolve one grievance. It was resolved with the assistance of a Board mediator.

Mediation services also worked with the House of Commons and the 4 bargaining agents representing House employees in re-establishing an effective joint union-management consultation process.

EXAMINATIONS

When an employer requests a managerial or confidential exclusion to which the bargaining unit objects, an examination officer is authorized to inquire into the employee's duties and report to the Board. The officer explores the possibility of agreement with the parties and, in the absence of such agreement, conducts an examination. The Board subsequently makes a determination based on the examiner's report and submissions of the parties. Officers were not involved in any such cases this year.

1

Bargaining Units and Bargaining Agents under the Parliamentary Employment and Staff Relations Act

Bargaining Unit	Bargaining Agent
(HOUSE OF COMMONS AS EMPLOYER)	
Technical Group	Communications, Energy and Paperworkers Union of Canada
Protective Services Group	House of Commons Security Services Employees Association
Procedural Sub-group and Analysis/ Reference Sub-group in the Parliamentary Programs Group	Professional Institute of the Public Service of Canada
Operational Group (except part-time cleaners classified at the OP A level)	Public Service Alliance of Canada
Reporting Sub-group and Text Processing Sub-group in the Parliamentary Programs Group	Public Service Alliance of Canada
Postal Services Sub-group in the Administrative Support Group	Public Service Alliance of Canada
(SENATE OF CANADA AS EMPLOYER)	
Legislative Clerk Sub-group in the Administrative Support Group	Professional Institute of the Public Service of Canada
Protective Service Sub-group in the Operational Group	Senate Protective Service Employees Association
Operational Group (except for employees in the Protective Service Sub-group and part-time cleaners in the General Services Sub-group)	Public Service Alliance of Canada

Bargaining Unit

Bargaining Agent

(LIBRARY OF PARLIAMENT AS EMPLOYER)

Library Science (Reference)
and Library Science (Cataloguing)
Sub-groups in the Research and Library
Services Group

Public Service Alliance of
Canada

Administrative and Support Group

Public Service Alliance of
Canada

Library Technician Sub-group in the
Research and Library Services Group

Public Service Alliance of
Canada

Research Officer and Research
Assistant Sub-groups in the
Research and Library Services Group

Social Science Employees
Association

2

Adjudication References 1 April 1994 - 31 March 1999

	Interpretations [Para. 63(l)(a)]	Discipline [Paras. 63(l) (b) & (c)]	Party & Party [Sec. 70]	Sub- Total	Paras. 63(l) (d), (e) & (f)	Total
1998-1999	1	2	0	3	8	11
1997-1998	1	1	0	2	2	4
1996-1997	3	2	0	5	1	6
1995-1996	5	2	4	11	21	32
1994-1995	35	1	0	36	11	47

Cumulative Totals 24 December 1986 — 31 March 1999

	239	40	9	288	191	479
--	-----	----	---	-----	-----	-----

3

Adjudication References Brought Forward and Received 1 April 1994 — 31 March 1999

Fiscal Year	Brought Forward	Received	Overall Total	Dispositions Total
1999-2000	10			
1998-1999	6	11	17	7
1997-1998	3	4	7	1
1996-1997	50	6	56	53
1995-1996	39	32	71	21
1994-1995	23	47	70	31
