

IN THE MATTER OF AN INTEREST ARBITRATION
under the
Public Service Staff Relations Act

BETWEEN:

PUBLIC SERVICE ALLIANCE OF CANADA

(the "Union")

- and -

THE SOCIAL SCIENCES AND HUMANITIES
RESEARCH COUNCIL OF CANADA (SSHRC)

("SSHRC")

Re: Administrative and Foreign Service Category
Administrative Support Category

Before: M.G. Mitchnick - Chair
Joe Herbert - Alliance Nominee
Sandra Budd - SSHRC Nominee

Appearances:

For the Alliance: Lynn Whittaker

For the Employer: Gloria Tatone Blaker



Hearings held in Ottawa, Ontario on January 8 and 9, 2005.

AWARD

The Social Sciences and Humanities Research Council (SSHRC) is an arm's-length federal agency that promotes and supports university-based research and training in the social sciences and humanities. Created by an act of Parliament in 1977, SSHRC is governed by a 22-member Council that reports to Parliament through the Ministry of Industry.

Part II of Schedule I of the *Public Service Staff Relations Act (PSSRA)* provides the framework for collective bargaining between the SSHRC and its employees. The Public Service Alliance of Canada (PSAC) represents two bargaining units, 98 employees in the Administrative and Foreign Service Category and 44 employees in the Administrative Support Category. The two collective agreements have essentially common language, and a common expiry date of May 31st, 2003.

The SSHRC derives its authority with respect to personnel management, organization, classification, and compensation from the *Social Sciences and Humanities Research Council Act*, *The Public Service Staff Relations Act (PSSRA)* and the *Financial Administration Act (FAA)*. Although this is a mature bargaining relationship, the parties came to arbitration with some 50 items in their respective collective agreements still in dispute. In the course of the board's mediation the issues were reduced for the most part to what really has been keeping the parties apart, **Wages**, and more specifically the conversion wage grid.

To understand why Wages this round was an insoluble item, it is necessary to appreciate the history of the "Common Administrative Services Directorate". The Directorate was formed in 1994 to combine various Administrative services for SSHRC and the Natural Sciences and Engineering Research Council (NSERC). It involves approximately 160 employees of the two agencies, on a direct cost-sharing/recovery

basis. As one would expect under such a common-service arrangement, the attempt throughout the period of the Common Directorate's existence has been to maintain parity and equity between the two groups. There is also a high degree of mobility between the two groups. The employees at SSHRC (these bargaining units) are represented by PSAC. The employees at NSERC are non-Union. More often than not, the terms and conditions for the NSERC employees are not set until the unionized groups at SSHRC have completed their bargaining. In the present round, however, the reverse has taken place. As a result of certain adverse findings regarding the Treasury Board classification plans under the *Canadian Human Rights Act*, SSHRC and NSERC, who used identical classification plans, embarked on the development of a new classification plan. Given their common administration and wage history, the new system was developed jointly by the two Councils, with employee input from both groups. When the new Hay Classification System was ready, NSERC proceeded to implement it and deal directly with the conversion costs. In carrying out that initiative, NSERC established Minimum and Maximum rates that were in fact higher than what has existed under the previous Plans. While accepting the principles and uniform pay-bands established by the new, jointly-developed Plan, SSHRC has refused to adopt the higher rates put in place by NSERC unilaterally.

The SSHRC bargaining team has maintained that position throughout its bargaining this round (creating the impasse), and has maintained it as well before this board. Its position cannot, however, be sustained. An interest board under the *Public Service Staff Relations Act* has to respond to the evidence of appropriate comparator groups, at least where that evidence is compelling. It is difficult to imagine a more compelling case of "comparability" than the present one. The employees of SSHRC and the employees of NSERC perform similar jobs, under a common administration, with a history of exact parity on wage rates. In the Common Directorate many of the employees notionally employed by one or the other of the Councils in fact perform the *same* duties.

Simply put, when NSERC decided to move ahead and establish the rates under the new Classification Plan for its own employees, the die was cast for the SSHRC employees. The only variation that the board is persuaded to grant to the employer is that implementation for the SSHRC group is not to take place retroactively, in order to preserve for this unionized group the consistency of a fixed-increment system, along with the benefit to PSAC's members that slotting at the closest, equal or next higher increment-level will ultimately bring. While the Union was prepared, in the circumstances, to accept the rates, additional steps, and increment differentials that have already been implemented for NSERC employees (notwithstanding the Union's earlier challenges), the one innovation they were adamant about rejecting was the move away from a fixed-increment system.

On the matter of **Wages**, therefore, the board awards adjustments to all classifications in both bargaining units to take place as follows:

- Effective June 1, 2003 - Economic increase of 2.083% to current rates
- Effective April 1, 2004 - Economic increase of 2.25%
- Effective January 31, 2005 - Conversion of all employees to the following new Wage Grid:

ANNUAL RATES OF PAY ON CONVERSION

EFFECTIVE: January 31, 2005

GR-01						
32229	33132	34059	35013	35993	36624	
GR-02						
35049	36100	37184	38299	39448	40287	
GR-03						
38120	39340	40598	41898	43238	44325	
GR-04						
41457	42867	44324	45832	47390	48773	

GR-05						
45865	47517	49227	50999	52836	54602	
GR-06						
50874	52808	54814	56897	59060	61295	
GR-07						
56176	58424	60760	63191	65718	68347	68508
GR-08						
61040	63604	66275	69059	71959	74982	75358
GR-09						
67240	70198	73287	76512	79878	83393	84050
GR-10						
75665	78994	82470	86099	89887	93842	94581

Effective April 1, 2005 - Economic increase of 2.4%

Effective April 1, 2006 - Economic increase of 2.5%

The expiration date of the collective agreement will be March 31st, 2007. The parties are directed to make the adjustments to Article 27 and SSHRC's Conversion Policy consequent upon the board's award.

The board further awards that the 5-day reclamation period in both Articles 18.02(C) and 18.05(C) be revised to 30 days.

The board notes the acknowledgment by the employer that the issue of Term Employees may be placed by the Alliance on the Joint Labour-Management agenda.

All other items agreed to by the parties are hereby made part of this award. All items whether agreed by the parties or awarded by the board are effective the date of the board's award, unless specified by the board or the parties otherwise.

The board will remain seized of this matter in the event of any difficulties between the parties with respect to implementation.

Dated at Toronto, Ontario, this 20th day of January, 2005

“M. G. Mitchnick”

FOR THE BOARD