

Date: 20061002

File: 466-HC-351

Citation: 2006 PSLRB 107



*Parliamentary Employment and
Staff Relations Act*

Before an adjudicator

BETWEEN

ALAIN DAGUERRE

Grievor

and

HOUSE OF COMMONS

Employer

Indexed as
Daguerre v. House of Commons

In the matter of a grievance referred to adjudication

REASONS FOR DECISION

Before: Barry Done, adjudicator

For the Grievor: Georges Marceau, counsel

For the Employer: Carole Piette, counsel

Decided without a hearing

REASONS FOR DECISION

Grievance referred to adjudication

[1] Alain Daguerre (the grievor), is employed as a constable in the Security Services Division of the House of Commons (the employer). His position is classified as SSG-G and is included in the Protective Services bargaining unit, the bargaining agent for which is the Security Services Employees Association.

[2] This grievance generally concerns the scheduling of vacation leave. More specifically, the grievor alleges that the employer did not make every reasonable effort to grant his vacation leave request in accordance with seniority.

[3] Subclause 15.04(c) of the relevant collective agreement provides: “. . . vacation leave will be granted in accordance with seniority in rank.”

[4] The grievor applied for a four-day vacation leave to begin on a Thursday and to continue through Sunday. Only two days were approved – Thursday and Friday.

[5] The employer has a policy on the maximum number of employees that can be absent on vacation leave at a given time. On weekdays that number is six, while on weekends it is three.

[6] The grievor's request for his vacation leave to continue through Saturday and Sunday was denied as according to the policy, the maximum number of employees who were permitted to be absent on that weekend had already had their leave requests approved.

[7] One of those three employees was junior in rank to the grievor.

[8] The grievor grieved on October 5, 2004, and referred his grievance to adjudication on May 2, 2005, as he was unable to resolve his grievance through the internal grievance process.

[9] The adjudication hearing was scheduled for two days; June 1 and 2, 2006. However, the Public Service Labour Relations Board was advised on May 30, 2006, that the parties had reached a tentative settlement and wanted a teleconference call with the assigned adjudicator.

[10] That teleconference call was held on June 1, 2006, and involved Ms. Piette, counsel for the employer, Mr. Marceau, counsel for the bargaining agent, and myself.

[11] The parties confirmed that they had reached a settlement, and jointly requested that I issue a decision which includes the terms of their settlement. I agreed to this request, and those terms are reproduced below:

...

The parties agree to file the following settlement agreement with the Board and ask the Board to issue an order in the following terms:

1. *Grievance HC-466-351, which was to be heard by an adjudicator on June 1 and 2, 2006, has been settled voluntarily and amicably by the parties.*
2. *The parties recognize the importance of maximizing approval of vacation leave requests.*
3. *The employer undertakes not to establish minimum thresholds for the approval of leave on weekends and weekdays.*
4. *The complainant withdraws this grievance.*

...

[12] For all of the above reasons, I make the following order:

(The Order appears on the next page)

Order

[13] I allow the grievance to the extent that I order that the employer not establish minimum thresholds for the approval of vacation leave on weekends and weekdays.

October 2, 2006.

**Barry Done,
adjudicator**