

Date: 20070109

File: 585-9-06

Citation: 2007 PSLRB 03



*Public Service
Labour Relations Act*

Before the Chairperson
Public Service Labour Relations Board

IN THE MATTER OF
THE *PUBLIC SERVICE LABOUR RELATIONS ACT*
and a dispute affecting
the Research Council Employees' Association, as bargaining agent,
and the National Research Council Canada, as employer,
in respect of the employees in the Administrative and Foreign Service Category
engaged in the provisions of internal management services

Indexed as
Research Council Employees' Association v. National Research Council Canada

TERMS OF REFERENCE OF THE ARBITRATION BOARD

To: Joseph Potter, chairperson of the arbitration board;
Robert McIntosh and Peter Devitt, arbitration board members

For the Bargaining Agent: Joan Van Den Bergh, Research Council Employees'
Association

For the Employer: Gerry Bauder, National Research Council Canada

(Decided without an oral hearing)

TERMS OF REFERENCE OF THE ARBITRATION BOARD

[1] On October 18, 2006, the Research Council Employees' Association requested the establishment of an arbitration board in respect of all the employees of the employer in the Administrative and Foreign Service Category engaged in the provision of internal management services and referred to subsection 140(1) of the *Public Service Labour Relations Act* (the *Act*) for so doing.

[2] Included with its request of October 18, 2006, the Research Council Employees' Association provided a list of the terms and conditions of employment that it wished to have referred to the arbitration board. The terms and conditions of employment and supporting material are attached hereto as SCHEDULE I.

[3] By letter of October 30, 2006, the National Research Council Canada provided its position on the terms and conditions of employment that the Research Council Employees' Association wished to have referred to the arbitration board. The National Research Council Canada also provided a list of additional terms and conditions of employment it wished to have referred to the arbitration board. That letter and supporting material are attached hereto as SCHEDULE II.

[4] The Research Council Employees' Association by letter of November 16, 2006, informed the Board that an error had been made in the submission in this matter. That letter is attached hereto as SCHEDULE III.

[5] By letter dated December 13, 2006, the National Research Council Canada provided additional comments on Article 31.1.2.(b) dealing with Transitional Provisions. That letter is attached hereto as SCHEDULE IV.

[6] Accordingly, pursuant to section 144 of the *Act*, the matters in dispute on which the arbitration board shall render an arbitral award in this dispute are those set out as outstanding in SCHEDULE I to SCHEDULE IV inclusive attached hereto.

[7] Should any jurisdictional question arise during the course of the hearing as to the inclusion of a matter in these terms of reference, that question must be submitted forthwith to me because the Chairperson of the Public Service Labour Relations Board

is, according to the provisions of subsection 144(1) of the *Act*, the only person authorized to make such a determination.

January 9, 2007.

**Casper Bloom,
Chairperson**