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File: 485-HC-34

Citation: 2007 PSLRB 97



*Parliamentary Employment and
Staff Relations Act*

Before the Chairperson
Public Service Labour Relations Board

IN THE MATTER OF
THE *PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT*
and a dispute affecting
the Communications, Energy and Paperworkers Union of Canada, Local 102-0, as
bargaining agent,
and the House of Commons, as employer,
in respect of the employees in the Technical Group

Indexed as
*Communications, Energy and Paperworkers Union of Canada, Local 102-0 v.
House of Commons*

TERMS OF REFERENCE FOR ARBITRATION

To: Ms. Mary Anne Griffith, Mr. Dale Clark and Mr. Ian Mackenzie,
Members of the Board for the purposes of the arbitration in the above-cited matter

For the Bargaining Agent: David Migicovsky, Counsel

For the Employer: Carole Piette, Counsel

(Decided without an oral hearing)

TERMS OF REFERENCE FOR ARBITRATION

[1] By letter dated July 25, 2007, pursuant to section 50 of the *Parliamentary Employment and Staff Relations Act (PESRA)*, the Communications, Energy and Paperworkers Union of Canada, Local 102-0 (the Bargaining Agent) requested arbitration for the bargaining unit consisting of “all employees of the Employer in the Technical Group”.

[2] With its letter dated July 25, 2007, the Communications, Energy and Paperworkers Union of Canada, Local 102-0 provided a list of the terms and conditions of employment that it wished to have referred to arbitration. That letter, the terms and conditions of employment and supporting material are attached hereto as SCHEDULE I.

[3] By letter dated August 2, 2007, the House of Commons (the Employer) provided additional terms and conditions of employment that it wished to have referred to arbitration pursuant to Section 51 of the *Parliamentary Employment and Staff Relations Act*. In addition, pursuant to Article 55(2), the Employer raised an objection as to the Board’s jurisdiction on two of the Bargaining Agent’s proposals concerning “Job Postings”. That letter, the terms and conditions of employment and supporting material are attached hereto as SCHEDULE II.

[4] By letter dated August 9, 2007, the Communications, Energy and Paperworkers Union of Canada, Local 102-0 provided a response to the Employer’s letter of August 2, 2007. That letter is attached hereto as SCHEDULE III.

[5] On August 23, 2007, the representative for the House of Commons clarified the employer’s objection to the Board’s jurisdiction to render a decision on two proposals advanced by the Bargaining Agent. That letter is attached hereto as SCHEDULE IV.

[6] By letter of September 4, 2007 the Communications, Energy and Paperworkers Union of Canada, Local 102-0 provided comments regarding the Employer’s objection to the bargaining agent’s original proposals on “job postings”. That letter is attached hereto as SCHEDULE V.

[7] Accordingly, pursuant to section 52 of the *PESRA*, the panel of the Board established for the purpose of the arbitration in this matter is to render an arbitral award on those matters in dispute that are set out as outstanding in SCHEDULE I to

SCHEDULE V attached hereto, subject to its determination on the employer's objection as set out in SCHEDULE IV and the Bargaining Agent's response to the objection set out in SCHEDULE V.

September 13, 2007.

**Casper Bloom, Q.C., Ad. E.,
Chairperson**