

Date: 20090206

File: 585-02-27

Citation: 2009 PSLRB 17



*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 Professional Institute of the Public Service of Canada, as bargaining agent,
and the Treasury Board, as employer,
in respect of the Applied Science and Patent Examination Group bargaining unit

Indexed as
Professional Institute of the Public Service of Canada v. Treasury Board

TERMS OF REFERENCE OF THE ARBITRATION BOARD

To: Yvon Tarte, chairperson of the arbitration board;
Gary Cwitco and Gray Gillespie, arbitration board members

Before: Casper M. Bloom, Q.C., Ad. E., Chairperson

For the Bargaining Agent: Jamie Dunn, Professional Institute of the Public Service
of Canada

For the Employer: Kevin Marchand, Treasury Board Secretariat

Issued on the basis of written submissions,
dated December 3, December 10 and December 19, 2008.

TERMS OF REFERENCE OF THE ARBITRATION BOARD

[1] By letter of December 3, 2008, the Professional Institute of the Public Service of Canada (“the bargaining agent”) requested arbitration in respect of the Applied Science and Patent Examination Group bargaining unit. Along with its request, the bargaining agent provided a list of the terms and conditions of employment that it wished to refer to arbitration. Those terms and conditions of employment and supporting material are attached as schedule 1.

[2] By letter of December 10, 2008, the Treasury Board (“the employer”) provided its position on the terms and conditions of employment that the bargaining agent wished to refer to arbitration. The employer also provided a list of additional terms and conditions of employment it wished to refer to arbitration. That letter and supporting material are attached as schedule 2.

[3] By letter of December 19, 2008, the bargaining agent provided its position on the additional terms and conditions of employment that the employer wished to refer to arbitration. That letter is attached as schedule 3.

[4] Accordingly, pursuant to section 144 of the *Public Service Labour Relations Act* (the “*Act*”), the matters in dispute on which the arbitration board shall make an arbitral award are those set out in schedules 1 to 3 inclusive, which are attached to this decision.

[5] 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 without delay to the Chairperson of the Public Service Labour Relations Board, who is, according to subsection 144(1) of the *Act*, the only person authorized to make such a determination.

February 6, 2009.

**Casper M. Bloom, Q.C., Ad. E.,
Chairperson
Public Service Labour Relations Board**