

Date: 20090121

File: 485-HC-38

Citation: 2009 PSLRB 4



*Parliamentary Employment and
Staff Relations Act*

Before the
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, 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 v.
House of Commons*

TERMS OF REFERENCE FOR ARBITRATION

To: Marie-Josée Bédard, Dale Clark and Ron Leblanc,
Members of the Board for the purposes of the arbitration in the above-cited matter

For the Bargaining Agent: David Migicovski, Counsel

For the Employer: Carole Piette, Counsel

Issued on basis of written submission
dated November 24 and December 1, 2008

TERMS OF REFERENCE FOR ARBITRATION

[1] By letter dated November 24, 2008, pursuant to section 50 of the *Parliamentary Employment and Staff Relations Act (PESRA)*, the Communications, Energy and Paperworkers Union of Canada requested arbitration for the bargaining unit consisting of all employees of the Employer in the Technical Group. In that same letter, Counsel for the bargaining agent 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.

[2] The House of Commons, pursuant to section 51 of the *PESRA*, provided additional terms and conditions of employment that it wished to have referred to arbitration in their letter of December 1, 2008. In its submission, the employer raised a statutory objection to the inclusion of the bargaining agent's proposal at Article 8.1.4(a) and (b)- New Language to Address Job Postings, stating that this proposal contravened Article 55(2) of the *PESRA*. That letter, the terms and conditions of employment and supporting material are attached hereto as SCHEDULE II.

[3] 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 deal with all matters in dispute set out above including the employer's objection, and to render an arbitral award on those matters in dispute that are set out as outstanding in SCHEDULE I and SCHEDULE II attached hereto.

January 21, 2009.

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