

Date: 20090610

File: 585-03-30

Citation: 2009 PSLRB 72



*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 Canadian Nuclear Safety Commission, as employer,
in respect of the bargaining unit comprising all employees, regardless of pay band, at
the RL-5 to RL-7 levels who are not excluded from collective bargaining by law or
determination of the Board

Indexed as
*Professional Institute of the Public Service of Canada v. Canadian Nuclear Safety
Commission*

TERMS OF REFERENCE OF THE ARBITRATION BOARD

To: Brian Keller, arbitration board

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: André Champagne, counsel, Canadian Nuclear Safety
Commission

Issued on the basis of written submissions,
dated May 27, June 3 and June 8, 2009.

TERMS OF REFERENCE OF THE ARBITRATION BOARD

[1] By letter of May 27, 2009, the Professional Institute of the Public Service of Canada (“the bargaining agent”) requested arbitration in respect of the bargaining unit comprising all employees, regardless of pay band, at the RL-5 to RL-7 levels who are not excluded from collective bargaining by law or determination of the Board. Along with its request, the bargaining agent provided a list of the terms and conditions of employment that it wished to refer to arbitration. The bargaining agent also indicated that the parties have agreed in accordance with Section 139 to have the matters heard by an arbitration board consisting of a single member and provided the name of Mr. Brian Keller of Nepean. Those terms and conditions of employment and supporting material are attached as schedule 1.

[2] By letter of June 3, 2009, the Canadian Nuclear Safety Commission (“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. The employer also confirmed that the parties have agreed on an arbitration board consisting of a single member and that that person be Mr. Brian Keller. That letter and supporting material are attached as schedule 2.

[3] By letter of June 8, 2009, the bargaining agent informed the Board that it had no further comments to provide on the terms and conditions of employment identified as being outstanding in previous correspondence. 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.

June 10, 2009.

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