

Date: 20090714

File: 485-SC-41

Citation: 2009 PSLRB 85



*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 Public Service Alliance of Canada, as bargaining agent,
and the Senate of Canada, as employer,
in respect of all employees of the Employer in the Operational Group, except for
employees in the Protective Services Sub-group

Indexed as
Public Service Alliance of Canada v. Senate of Canada

TERMS OF REFERENCE OF THE ARBITRATION BOARD

To: Ian Mackenzie, Joe Herbert and Ron LeBlanc,
Members of the Board for the purposes of the arbitration in the above-cited matter

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

For the Bargaining Agent: Morgan Gay, Public Service Alliance of Canada

For the Employer: Carole Piette, Counsel

Issued on the basis of written submissions,
dated May 22, June 1, 15 and 23, 2009.

TERMS OF REFERENCE OF THE ARBITRATION BOARD

[1] By letter of May 22, 2009, pursuant to section 50 of the *Parliamentary Employment and Staff Relations Act (PESRA)*, the Public Service Alliance of Canada (“the bargaining agent”) requested arbitration in respect of all employees of the Employer in the Operational Group, except for employees in the Protective Services Sub-group. 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] Pursuant to Section 51 of the *PESRA*, the Senate of Canada (“the employer”) by letter of June 1, 2009, 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 June 15, 2009, the bargaining agent provided its position on the additional terms and conditions of employment that the employer wished to refer to arbitration. In that same letter, the bargaining agent also raised an objection regarding several items that the employer wished to refer to arbitration, claiming that these had been settled during conciliation. That letter is attached as schedule 3.

[4] By letter of June 23, 2009, the employer responded to the bargaining agent’s objection clarifying the items that had been withdrawn and those remaining to be referred to arbitration. That letter is attached as schedule 4.

[5] 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 schedules 1 to 4 attached hereto.

July 14, 2009

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