

Date: 20101110

File: 585-18-34

Citation: 2010 PSLRB 120



*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 Public Service Alliance of Canada, as bargaining agent,
and the Staff of the Non-Public Funds, Canadian Forces, as employer,
in respect of the bargaining unit composed of all employees of the employer included
in the Operational Category employed at the Canadian Forces Base, Montréal, Québec,
including all employees of the Operational Category previously employed at the
Canadian Forces Base, St-Jean, Québec

Indexed as
Public Service Alliance of Canada v. Staff of the Non-Public Funds, Canadian Forces

TERMS OF REFERENCE OF THE ARBITRATION BOARD

To: Georges Nadeau, chairperson of arbitration board;
Roger Vaillancourt and Jock Climie, members of arbitration board

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

For the Bargaining Agent: Jovanika Ivic, Public Service Alliance of Canada

For the Employer: Sonia Gonsalves, Staff of the Non-Public Funds, Canadian Forces

Decided on the basis of written submissions
filed September 20 and 28 and October 5 and 12, 2010.

[1] On September 20, 2010, the Staff of the Non-Public Funds, Canadian Forces (“the employer”) requested arbitration in respect of the bargaining unit composed of all employees of the employer included in the Operational Category and employed at the Canadian Forces Base, Montréal, Québec, including all employees of the Operational Category previously employed at the Canadian Forces Base, St-Jean, Québec. Along with its request, the employer attached 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 to this decision as schedule 1.

[2] By letter dated September 28, 2010, the Public Service Alliance of Canada (“the bargaining agent”) provided its position on the terms and conditions of employment that the employer wished to refer to arbitration. The bargaining agent also attached a list of additional terms and conditions of employment that it wished to refer to arbitration. That letter and supporting material are attached to this decision as schedule 2.

[3] By letter dated October 5, 2010, the employer provided its position on the additional terms and conditions of employment that the bargaining agent wished to refer to arbitration and requested that clause 16.09 not be taken into account in the arbitral award in respect of this matter further to an agreement on that proposal dated June 2, 2010. That letter is attached to this decision as schedule 3.

[4] The bargaining agent’s letter of October 12, 2010 confirms that the parties have resolved clause 16.09. That letter is attached to this decision as schedule 4.

[5] 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 4 inclusive, which are attached to this decision, with the exception of those issues relating to clause 16.09, which have been resolved between the parties and are no longer at issue.

[6] 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.

November 10, 2010.

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