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File: 585-18-33

Citation: 2010 PSLRB 41



*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 United Food and Commercial Workers, Local 1400, 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 in the
Operational Category employed at the Canadian Forces Base, Moose Jaw, Saskatchewan

Indexed as
*United Food and Commercial Workers, Local 1400 v. Staff of the Non-Public Funds,
Canadian Forces*

TERMS OF REFERENCE OF THE ARBITRATION BOARD

To: Sydney Baxter, single member arbitration board

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

For the Bargaining Agent: Norm Neault, United Food and Commercial Workers,
Local 1400

For the Employer: Adrian Scales, Staff of the Non-Public Funds, Canadian Forces

Issued on the basis of written submissions,
dated March 11, March 18, and March 22, 2010.

TERMS OF REFERENCE OF THE ARBITRATION BOARD

[1] On March 11, 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 in the Operational Category employed at the Canadian Forces Base, Moose Jaw, Saskatchewan. Along with its request, the employer 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 facsimile of March 18, 2010, the United Food and Commercial Workers, Local 1400 (“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 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] On March 22, 2010, the employer provided its position on the additional terms and conditions of employment that the bargaining agent 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.

March 23, 2010.

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