

**Date:** 20121107

**File:** 485-HC-50

**Citation:** 2012 PSLRB 121



*Parliamentary Employment  
and Staff Relations Act*

Before a panel of the Public  
Service Labour Relations Board

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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 House of Commons, as employer,  
in respect of the bargaining unit comprised of all employees of the employer in the  
Operational Group, except for part-time cleaners classified at the OP A level.

Indexed as  
*Public Service Alliance of Canada v. House of Commons*

**TERMS OF REFERENCE**

**To:** Steven Katkin, Jacques Sabourin and Joe Herbert, deemed to form the Public  
Service Labour Relations Board

**Before:** Casper M. Bloom, Q.C., Ad. E., a panel of the Public Service Labour Relations  
Board

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

**For the Employer:** Carole Piette, Counsel

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Issued on the basis of written submissions,  
dated June 26, July 6, and August 15, 27 and 30, 2012.

## TERMS OF REFERENCE

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[1] By letter of June 26, 2012, the Public Service Alliance of Canada (“the bargaining agent”) requested arbitration in respect of the bargaining unit comprised of all employees of the employer in the Operational Group, except for part-time cleaners classified at the OP A level (“the bargaining unit”). 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] By letter of July 6, 2012, the House of Commons (“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. As well, the employer objected to the referral to arbitration of the bargaining agent proposal at Article 41.02 Employment Security pursuant to Article 55(2) of the *Parliamentary Employment and Staff Relations Act* (“PESRA”) which provides that “no award shall deal with standards, processes and procedures regarding lay-offs”. That letter and supporting material are attached as schedule 2.

[3] By letter of August 15, 2012, 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 informed the Board that the parties had reached an agreement concerning the employer proposals for Appendix F and Article 38.01(k) stating these matters were no longer in dispute. The bargaining agent advised that it was withdrawing its proposal at Article 41.02. However, the bargaining agent maintained its objection to the employer’s position concerning Appendix E, particularly Section 10 (Overtime Compensation) “as it does not reflect the position taken by the Employer in bargaining”. That letter is attached as schedule 3.

[4] By letter of August 27, 2012, the employer submitted its comments to the bargaining agent’s letter of August 15, 2012, and its agreement with the bargaining agent to the various proposals that are no longer in dispute. The employer maintained its position concerning Appendix E, specifically Section 10 (Overtime Compensation) in that the parties were unable to reach agreement and takes the position that the language remains unchanged. The employer raised a further objection concerning the bargaining agent’s proposal at Appendix XX - Gratuities-Catering stating that the matter was never the subject of negotiations between the parties and therefore in

accordance with section 55(2) of PESRA cannot be dealt with by the arbitration board. That letter is attached as schedule 4.

[5] By letter of August 30, 2012, the bargaining agent provided its position on the employer's letter of August 27, 2012 and maintained its position that Gratuities should be included as part of their proposals. That letter is attached as schedule 5.

[6] Accordingly, pursuant to section 52 of the *Parliamentary Employment and Staff Relations Act*, the matters in dispute on which the Public Service Labour Relations Board shall make an arbitral award are those set out in schedules 1 to 5 inclusive, which are attached to this decision.

November 7, 2012.

**Casper M. Bloom, Q.C., Ad. E.,  
a panel of the Public Service  
Labour Relations Board**