

Date: 20120927

File: 485-SC-51

Citation: 2012 PSLRB 101



*Parliamentary Employment
and Staff Relations Act*

Before a panel of the 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 the Operational Group of the Senate, except for employees in the
Protective Services Sub-Group bargaining unit

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

TERMS OF REFERENCE

To: Michael Bendel, Joe Herbert and Jacques Sabourin, 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

Issued on the basis of written submissions,
dated July 6, July 17, August 15 and 30, 2012.

TERMS OF REFERENCE

[1] By letter of July 6, 2012, the Public Service Alliance of Canada (“the bargaining agent”) requested arbitration in respect of the Operational Group of the Senate, except employees in the Protective Services Sub-Group 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 17, 2012, the Senate of Canada (“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 two bargaining agent proposals: Article 39.02: Job Security and a new article dealing with the contracting out of bargaining unit work. 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 responded to the two employer objections by withdrawing its proposal on Article 39.02 and maintaining its proposal for a new article on contracting out. That letter is attached as schedule 3.

[4] By letter of August 30, 2012, the employer submitted their comments to the bargaining agent’s letter of August 15, 2012, and their agreement with the bargaining agent to the various proposals that are no longer in dispute. That letter is attached as schedule 4.

[5] 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 4 inclusive, which are attached to this decision.

September 27, 2012.

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