

Date: 20121012

File: 585-02-46

Citation: 2012 PSLRB 109



*Public Service
Labour Relations Act*

Before the Chairperson of the Public
Service Labour Relations Board

IN THE MATTER OF
THE *PUBLIC SERVICE LABOUR RELATIONS ACT*
and a dispute affecting
the Federal Government Dockyard Trades and Labour Council East, as bargaining
agent,
and the Treasury Board, as employer,
in respect of the Ship Repair - East (SR-E) bargaining unit

Indexed as
Federal Government Dockyard Trades and Labour Council East v. Treasury Board

TERMS OF REFERENCE

To: Vincent Ready, chairperson of the arbitration board;
Howard Goldblatt and Jock Climie, arbitration board members

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

For the Bargaining Agent: Lorne Brown, Federal Government Dockyard Trades
and Labour Council East

For the Employer: Kevin Marchand, Treasury Board Secretariat

Issued on the basis of written submissions,
dated July 16, 2012, August 3, 14 and 24, 2012.

TERMS OF REFERENCE

[1] By letter of July 16, 2012, the Federal Government Dockyard Trades and Labour Council East (“the bargaining agent”) requested arbitration in respect of the Ship Repair - East (SR-E) 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. By letter of July 30, 2012, the bargaining agent provided a revised Annex B for Form 8. Those terms and conditions of employment and supporting material are attached as schedule 1.

[2] By letter of August 3, 2012, the Treasury Board (“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. That letter and supporting material are attached as schedule 2.

[3] By letter of August 14, 2012, the bargaining agent provided its position on the additional terms and conditions of employment that the employer wished to refer to arbitration. It also indicated that while the parties had agreed to withdraw certain articles from collective bargaining yet these same articles were contained in the employer’s list. That letter is attached as schedule 3.

[4] By letter of August 24, 2012, the employer confirmed its withdrawal of its proposal on overtime, maintained its counter-proposal to certain allowances and maintained its position on all other terms and conditions referred to arbitration. That letter is attached 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.

[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.

October 12, 2012.

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