

**Date:** 20120522

**File:** 585-02-41

**Citation:** 2012 PSLRB 59



*Public Service  
Labour Relations Act*

Before the Chairperson  
Public Service Labour Relations Board

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IN THE MATTER OF  
THE *PUBLIC SERVICE LABOUR RELATIONS ACT*  
and a dispute affecting  
the Professional Institute of the Public Service of Canada, as bargaining agent,  
and the Treasury Board, as employer,  
in respect of the Research (RE) Group bargaining unit

Indexed as  
*Professional Institute of the Public Service of Canada v. Treasury Board*

**TERMS OF REFERENCE OF THE ARBITRATION BOARD**

**To:** Ian Mackenzie, chairperson of the arbitration board;  
Robert Luce and Jock Climie, arbitration board members

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

**For the Bargaining Agent:** Michel Gingras, the Professional Institute of the Public  
Service of Canada

**For the Employer:** Kevin Marchand, Treasury Board Secretariat

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Issued on the basis of written submissions,  
dated January 28, February 7, 21, 23, 27 and March 5, 2012.

## TERMS OF REFERENCE OF THE ARBITRATION BOARD

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[1] By letter of January 28, 2012, the Professional Institute of the Public Service of Canada (“the bargaining agent”) requested arbitration in respect of the Research (RE) 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 February 7, 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 February 21, 2012, the bargaining agent commented on two of the additional terms and conditions of employment that the employer wished to refer to arbitration. On their Form 10, the bargaining agent requested that the Board obtain from the employer a full and complete pay proposal as well as its position on retroactivity as in the words of the bargaining agent “The Treasury Board has failed to provide fully and completely the proposals concerning the award to be made”. That letter and supporting material are attached as schedule 3.

[4] By letter of February 23, 2012, the Board wrote to the employer advising that the employer’s Form 9 and specifically Annex C - Article 47 - Duration and Annex C - Appendix A - Annual Rates of Pay did not constitute proper proposals for the purposes of the *Public Service Labour Relations Act*. The Board instructed the employer to provide to the Board and to the bargaining agent, its position on duration and annual rates of pay. That letter is attached as schedule 4.

[5] By letter of February 27, 2012, the employer provided, as requested, their position on the two areas of contention and submitted an updated Annex C. That letter and supporting material are attached as schedule 5.

[6] By letter of March 5, 2012, the bargaining agent provided its position on the updated Annex C submitted by the employer. That letter is attached as schedule 6.

[7] By letter of March 9, 2012, the employer provided another updated Annex C which includes the final amended language for proposed rates of pay. That letter and supporting material are attached as schedule 7.

[8] 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 7 inclusive, which are attached to this decision.

[9] 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.

May 22, 2012.

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