

**Date:** 20120528

**File:** 585-02-43

**Citation:** 2012 PSLRB 61



*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 Canadian Merchant Service Guild, as bargaining agent,  
and the Treasury Board of Canada, as employer,  
in respect of the Ships' Officers (SO) Group bargaining unit

Indexed as  
*Canadian Merchant Service Guild v. Treasury Board of Canada*

**TERMS OF REFERENCE OF THE ARBITRATION BOARD**

**To:** Ian Mackenzie, chairperson of the arbitration board;  
Joe Herbert and Anthony Boettger, arbitration board members

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

**For the Bargaining Agent:** David J. Jewitt, Counsel

**For the Employer:** Ted Leindecker, Treasury Board Secretariat

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Issued on the basis of written submissions,  
dated March 26, April 3 and April 11, 2012.

## TERMS OF REFERENCE OF THE ARBITRATION BOARD

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[1] By letter of March 26, 2012, the Canadian Merchant Service Guild (“the bargaining agent”) requested arbitration in respect of the Ships’ Officers (SO) 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 April 3, 2012, the Treasury Board 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. That letter and supporting material are attached as schedule 2.

[3] By letter of April 11, 2012, the bargaining agent provided its position on the additional terms and conditions of employment that the employer 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.

May 28, 2012.

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