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File: 585-32-62

Citation: 2013 PSLRB 129



*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 Professional Institute of the Public Service of Canada, as bargaining agent,
and the Canadian Food Inspection Agency, as employer,
in respect of the bargaining unit composed of the Agriculture (AG), Biological Science
(BI) (including the former Scientific Regulation (SG) Group), Chemistry (CH), Commerce
(CO), Engineering and Land Survey (ELS), Purchasing and Supply (PG), Scientific
Research (SE), and Economics, Sociology and Statistics (ES) Groups in the Treasury
Board classification system.

Indexed as
*Professional Institute of the Public Service of Canada v. Canadian Food Inspection
Agency*

TERMS OF REFERENCE

To: Ian Mackenzie, chairperson of the arbitration board;
Larry Robbins and Jock Climie, arbitration board members

Before: David P. Olsen, B.A., LL.M., Acting Chairperson of the Public Service Labour
Relations Board

For the Bargaining Agent: Suzelle Brosseau, Professional Institute of the Public
Service of Canada

For the Employer: Pierre Girard, Canadian Food Inspection Agency

Issued on the basis of written submissions
dated August 6, 15, 22, 23 and 29 and October 7, 2013.

TERMS OF REFERENCE

[1] By letter of August 6, 2013, the Professional Institute of the Public Service of Canada (“the bargaining agent”) requested arbitration under section 136 of the *Public Service Labour Relations Act* (“the Act”) in respect of the bargaining unit composed of the Agriculture (AG), Biological Science (BI) (including the former Scientific Regulation (SG) Group), Chemistry (CH), Commerce (CO), Engineering and Land Survey (ELS), Purchasing and Supply (PG), Scientific Research (SE), and Economics, Sociology and Statistics (ES) Groups in the Treasury Board classification system. At its request, the bargaining agent enclosed a list of terms and conditions of employment it wished to refer to arbitration. Those terms and conditions of employment and supporting material are attached as Schedule 1.

[2] By letter of August 15, 2013, the Canadian Food Inspection Agency (“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 22, 2013, 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] By letter of August 23, 2013, the employer submitted its proposals in French as requested in Form 9 of the *Act*. The employer made four corrections it called editorial to appendices A and C of its letter dated August 15, 2013, and informed the Board that those corrections did not change the content of its initial proposals but instead reflected the language used in the current collective agreement. That letter is attached as Schedule 4.

[5] By letter of August 29, 2013, the bargaining agent informed the Board that it agreed with the first three corrections made by the employer but that it objected to the last proposal because the it believes that it does not reflect the language used in the current collective agreement. That letter is attached as Schedule 5.

[6] By letter of October 7, 2013, the employer submitted a modification to appendices A and C of its letter dated August 15, 2013, on the rate of severance pay. The employer also submitted a complete version of proposals in English and French

for appendices A and C. That letter and supporting material are attached as Schedule 6.

[7] Accordingly, pursuant to section 144 of the *Act*, the matters in dispute on which the arbitration board shall make an arbitral award are those set out in the attached Schedules 1 to 6, inclusive. For additional clarification, the employer's proposal with respect to Article E1 - Rates of Pay is also part of the matters in dispute submitted to the arbitration board.

[8] Any jurisdictional issues raised during the hearing as to the inclusion of a term or condition of employment in these terms of reference 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 17, 2013.

**David P. Olsen, B.A., LL.M.,
Acting chairperson of the
Public Service Labour Relations Board**