

Date: 20131121

File: 585-09-64

Citation: 2013 PSLRB 152



*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 Research Council Employees' Association, as bargaining agent,
and the National Research Council of Canada, as employer,
in respect of the Administrative and Foreign Service Category engaged in the planning,
execution and control of data processing services involving the use of computers ("CS
bargaining unit")

Indexed as
Research Council Employees' Association v. National Research Council of Canada

TERMS OF REFERENCE

To: Ian Mackenzie, chairperson of the arbitration board;
Georges Nadeau and Guy Lauzé, arbitration board members

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

For the Bargaining Agent: Christopher Rootham, counsel

For the Employer: Caroline Richard, counsel

Issued on the basis of written submissions,
dated October 30, November 7, 8 and 13, 2013.

TERMS OF REFERENCE

[1] By letter of October 30, 2013, the Research Council Employees' Association ("the bargaining agent" or "RCEA") requested arbitration pursuant to section 136 of the *Public Service Labour Relations Act* (the "Act") in respect of the Administrative and Foreign Service Category engaged in the planning, execution and control of data processing services involving the use of computers ("CS bargaining unit"). Along with its request, the bargaining agent provided a list of the 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 November 7, 2013, the National Research Council 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's letter stated that "as the RCEA maintains its objection to the NRC proposal on Severance Pay, the PSLRB still needs to make a determination in that regard." 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 November 8, 2013, the Public Service Labour Relations Board ("PSLRB") clarified that "no jurisdictional objection has been registered in relation to that employer proposal although severance pay has been identified as a term or condition of employment for which arbitration is requested in relation to the CS group...". That letter is attached as schedule 3.

[4] By letter of November 13, 2013, the bargaining agent provided its position on the additional terms and conditions of employment the employer wished to refer to arbitration. That letter is attached as schedule 4.

[5] 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 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.

November 21, 2013.

**David P. Olsen,
Acting Chairperson of the
Public Service Labour Relations Board**