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*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 National Research Council of Canada, as employer,
in respect of all of a bargaining unit comprised of the employees of the employer in
the Scientific and Professional category who are engaged in the selection, acquisition,
organization and subject analysis of recorded knowledge in libraries or documentation
centres; the provision of reference and bibliographic services; the development and
compilation of catalogues, bibliographies, indexes and other similar publications; the
development and utilization of manual and automated systems for recording, storing
and retrieving information in library systems and the provision of advice (“LS
bargaining unit”)

Indexed as
*Professional Institute of the Public Service of Canada v. National Research Council of
Canada*

TERMS OF REFERENCE

To: Ian Mackenzie, Chairperson of the arbitration board;
Larry Robbins and Guy Lauzé, arbitration board members

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

For the Bargaining Agent: Michael Urminsky, Professional Institute of the Public
Service of Canada

For the Employer: Marie-Eve Roy, National Research Council of Canada

Issued on the basis of written submissions,
dated February 25, March 8 and 26 and November 7, 2013.

TERMS OF REFERENCE

[1] By letter of February 25, 2013, the Professional Institute of the Public Service of Canada (“the bargaining agent”) requested arbitration in respect of a bargaining unit comprised of the employees of the employer in the Scientific and Professional category who are engaged in the selection, acquisition, organization and subject analysis of recorded knowledge in libraries or documentation centres; the provision of reference and bibliographic services; the development and compilation of catalogues, bibliographies, indexes and other similar publications; the development and utilization of manual and automated systems for recording, storing and retrieving information in library systems and the provision of advice (“LS 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 March 8, 2013, the National Research Council of Canada (“the employer” or “NRC”) provided its position on the terms and conditions of employment that the bargaining agent wished to refer to arbitration. The employer raised objections in response to certain terms and conditions of employment proposed by the bargaining agent in its Form 8 submission; those objections were in respect of article 23.09 - “Protection when Returning from Leave,” article 30 - “Posting and Staffing of Vacant Positions,” article 34 - “Contracting Out” and a new article - “New Classification Standard.” That letter and supporting material are attached as schedule 2.

[3] By letter of March 26, 2013, the bargaining agent informed the Board that it was withdrawing the following proposals from its request for arbitration, namely, article 23.09 - Protection when Returning from Leave, article 30 - Posting and Staffing of Vacant Positions, article 34 - Contracting Out and the new article - New Classification Standard. In that same letter, the bargaining agent objected to the employer’s proposal with respect to articles 30.01 to 30.03. That letter and supporting material are attached as schedule 3.

[4] After an exchange of various correspondences, by email of November 7, 2013, the bargaining agent withdrew its objection to the employer proposal with respect to articles 30.01 to 30.03. That email correspondence is attached as schedule 4.

[5] Since there is no objection to the employer proposal with respect to articles 30.01 to 30.03, they will be included in the Terms of Reference.

[6] 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. For clarity, the employer's proposal at article 30.01 to 30.03 shall form part of the Terms of Reference.

[7] 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**