

**Date:** 20131121

**File:** 585-09-57

**Citation:** 2013 PSLRB 154



*Public Service  
Labour Relations Act*

Before the Chairperson of the 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 National Research Council of Canada, as employer,  
in respect of all of the employees of the employer in the Information Services Group in  
the Administrative and Foreign Service Category ("IS 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

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Issued on the basis of written submissions,  
dated February 25, March 12 and 27 and November 7, 2013.

## TERMS OF REFERENCE

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[1] By letter of February 25, 2013, the Professional Institute of the Public Service of Canada (“the bargaining agent”) requested arbitration in respect of all of the employees of the employer in the Information Services Group in the Administrative and Foreign Service Category (“IS 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 12, 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 16.09 - “Protection when Returning from Leave,” article 22 - “Posting and Staffing of Vacant Positions,” article 27 - “Contracting Out” and a new article - “New Classification Standard.” That letter and supporting material are attached as schedule 2.

[3] By letter of March 27, 2013, the bargaining agent informed the Board that it was withdrawing the following proposals from its request for arbitration, namely, article 16.09 - Protection when Returning from Leave, article 22 - Posting and Staffing of Vacant Positions, article 27 - 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 22.01 to 22.03. 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 22.01 to 22.03. That email correspondence is attached as schedule 4.

[5] Since there is no objection to the employer proposal with respect to articles 22.01 to 22.03, 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 22.01 to 22.03 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**