

**Date:** 20131120

**File:** 585-09-58

**Citation:** 2013 PSLRB 147



*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 the bargaining unit comprised of all of the employees of the employer in  
the Scientific and Professional category classified as Research Officers and Research  
Council Officers (“RO/RCO 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, B.A., LL.M., 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 March 19 and 26, April 9, and November 5, 2013.

## TERMS OF REFERENCE

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[1] By letter of March 19, 2013, the Professional Institute of the Public Service of Canada (“the bargaining agent”) requested arbitration in respect of the bargaining unit comprised of all of the employees of the employer in the Scientific and Professional category classified as Research Officers and Research Council Officers (“RO/RCO 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 26, 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. That letter and supporting material are attached as schedule 2.

[3] By letter of April 9, 2013, the bargaining agent informed the Board that it objected to the employer’s proposal at article 2: Staffing of Vacancies. That letter and supporting material are attached as schedule 3.

[4] After an exchange of various correspondences, by email of November 5, 2013, the bargaining agent withdrew its objection to the employer proposal at article 2: Staffing of Vacancies. Therefore, the employer’s proposal at article 2: Staffing of Vacancy in schedule 2 will be included from the Terms of Reference for arbitration.

[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 3 inclusive, which are attached to this decision. For clarity, the employer’s proposal at Article 2: Staffing of Vacancy in schedule 2 will be included from the Terms of Reference for arbitration.

[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 20, 2013.

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