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*Public Service
Labour Relations Act*



Before a panel of the Public
Service Labour Relations Board

BETWEEN

TREASURY BOARD (SHARED SERVICES CANADA)

Applicant

and

CANADIAN ASSOCIATION OF PROFESSIONAL EMPLOYEES

Respondent

Indexed as
*Treasury Board (Shared Services Canada) v. Canadian Association of
Professional Employees*

In the matter of a request for the Board to exercise any of its powers under section 36
of the *Public Service Labour Relations Act*

REASONS FOR DECISION

Before: Renaud Paquet, a panel of the Public Service Labour Relations Board

For the Applicant: Don Graham, Treasury Board Secretariat

For the Respondent: Claude Vézina, Canadian Association of Professional
Employees

Decided on the basis of written submissions,
filed February 21, 2013.

Application before the Board

[1] On February 21, 2013, Don Graham, Executive Director of Labour Relations, Compensation and Labour Relations Sector, Treasury Board of Canada Secretariat, wrote to Guy Lalonde, Executive Director of the Public Service Labour Relations Board (“the Board”), to seek the Board’s “. . . approval to communicate the Shared Services Canada (SSC) grievance procedure to all SSC employees via e-mail [*sic*] notification and posting on their departmental Extranet website.”

[2] In his letter, Mr. Graham pointed out that subsections 65(1) and (2) of the *Public Service Labour Relations Board Regulations* (“the *Regulations*”) outline the level of notice and the posting requirements for an employer with respect to the grievance procedure. Subsection 65(1) clearly states that an employer “shall notify” employees of the names and titles of those whose decision on a grievance constitutes a “level” in the grievance procedure as well as the name and title of the individual to whom a grievance could be presented. Subsection 65(2) states that the employer “. . . shall post copies of the notice in conspicuous places where they are most likely to come to the attention of its employees.” While subsection 65(1) simply refers to notifying employees, subsection 65(2), by its reference to “conspicuous places,” clearly refers to physically posting a paper notice. However, subsection 65(3), as was pointed out, provides a mechanism by which the Board can “. . . authorize an employer to communicate the information . . .” by another means if the information is more likely to come to employees’ attention by that means.

[3] The applicant stated that the SSC’s extranet is accessible to all employees and that it would ensure that the information about the departmental grievance procedure remained posted for employees’ ease of reference. It also stated that the SSC would send an email three times a year notifying employees of the electronic posting so that all employees, including new ones, would be aware of the procedure.

[4] In his letter, Mr. Graham also addressed the practical issues about notifying employees, pointing out that, as the SSC is a new department that was created from 43 different organizations, there were logistical problems in posting the grievance procedure in approximately 300 work locations across Canada.

[5] Finally, attached to the letter of February 21, 2013, was a memorandum of understanding (MOU) signed by Sylvain Dufour, Director General of Human Resources and Workplace, SSC, and Claude Vézina, Labour Relations Officer, Canadian

Association of Professional Employees (CAPE; “the respondent”), dated October 29 and November 13, 2012. The MOU simply states the following:

The parties recognize and accept that given the logistical challenges in posting the grievance procedure in over 300 locations, Shared Services Canada will inform its employees of the grievance process applicable to them via e-mail [sic]. This will represent the most efficient and effective means of reaching its employees.

[6] The Treasury Board of Canada Secretariat provided a copy of Mr. Graham’s letter to Mr. Vézina. The CAPE did not object. Therefore, the Board considers that this is a joint application by both the applicant and the respondent.

[7] Although this decision applies only to those SSC employees represented by the CAPE, Mr. Graham’s letter indicated that the SSC had also reached similar agreements with four of the five bargaining agents representing SSC employees. Separate decisions have been issued for each bargaining agent.

[8] After duly considering the joint request, I determined that the application should succeed, for the reasons outlined later in this decision.

[9] As noted, subsection 65(3) of the *Regulations* explicitly provides the Board with the authority to authorize an employer to use an alternate means of communication. I find that the parties have provided a logical, considered and reasonable justification for their request. In the present workplace, electronic communication has not only become routine but has also become the primary method of communication. I find that the parties are correct in their assessment that communicating electronically will provide a notification method that meets the requirements of the *Regulations* and that will provide the employees concerned in this application with notification that is at least equal to, if not superior to, posting paper notices on bulletin boards or other places. As the SSC pointed out, the number of work locations across the country presented particular challenges in terms of ensuring that the notifications were posted where required.

[10] Furthermore, section 36 of the *Public Service Labour Relations Act (PSLRA)* provides as follows:

36. The Board administers this Act and it may exercise the powers and perform the functions that are conferred or imposed on it by this Act, or as are incidental to the attainment of the objects of this Act, including the making of orders requiring compliance with this Act, regulations made under it or decisions made in respect of a matter coming before the Board.

[11] I find that, pursuant to section 36 of the *PSLRA*, the parties' proposal accords with the attainment of the objects of the *PSLRA*, as set out in its preamble, in that it reflects the collaborative efforts of the parties and recognizes the respondent's role in representing employees' interests and in that it is an example of the parties' commitment to mutual respect and harmonious labour relations.

[12] For all of the above reasons, the Board makes the following order:

(The Order appears on the next page)

Order

[13] I order the applicant and the respondent to give effect to the MOU that they signed on October 29 and November 13, 2012.

[14] I order SSC to post the information required by subsections 65(1) and (2) of the *Regulations* on its extranet and that it maintain the posting.

[15] I order SSC to notify all members of the respondent who are SSC employees of the information set out in subsections 65(1) and (2) of the *Regulations* via email, to be sent to all those employees, within four weeks of the date on which this decision is issued.

[16] I order SSC to continue to notify all members of the bargaining agent who are SSC employees, three times per year via email, of the electronic posting about the grievance procedure on its extranet.

July 23, 2013.

**Renaud Paquet,
a panel of the Public Service
Labour Relations Board**