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File: 585-24-48

Citation: 2015 PSLREB 71



*Public Service Labour Relations
and Employment Board Act and
Public Service Labour Relations Act*

Before a panel of the
Public Service Labour Relations
and Employment Board

BETWEEN

PUBLIC SERVICE ALLIANCE OF CANADA

and

STATISTICS SURVEY OPERATIONS

Applicants

Indexed as

Public Service Alliance of Canada and Statistics Survey Operations

In the matter of an application to amend any provision of an arbitral award under section 159 of the *Public Service Labour Relations Act*

Before: Catherine Ebbs, a panel of the Public Service Labour Relations and Employment Board

For the Public Service Alliance of Canada: Gail Lem, Public Service Alliance of Canada

For the Statistics Survey Operations: Gloria A. Tatone Blaker, Statistics Survey Operations

Decided on the basis of written submissions,
filed July 7, 2015

REASONS FOR DECISION

[1] The Arbitration Board issued its award with respect to this Request for Arbitration for the Regional Offices (RO) bargaining unit on March 30, 2015.

[2] At paragraph 17 of its award, the Arbitration Board, in regard to the definition of an “assigned work week” in Article 2 of the collective agreement, determined that the following shall be added to that definition:

“In the event that an employee believes that his/her assigned workweek is inconsistent with his/her actual hours, the employee may request a review of the Employer.”

[3] The Arbitration Board further directed the parties *“...to negotiate language to ensure that the Employer corrects inconsistencies between employees’ assigned workweeks and employees’ actual hours worked. Corrections are to be made on a go forward basis.”*

[4] The Arbitration Board indicated that it would remain seized should the parties be unable to agree on language to reflect the Board’s direction.

[5] On July 7, 2015, the parties submitted a joint request to the Public Service Labour Relations and Employment Board seeking two amendments to the arbitral award in accordance with Section 159 of the *Public Service Labour Relations Act*. Section 159 states that:

“The Board may, on the joint application of both parties to whom an arbitral award applies, amend any provision of the arbitral award if it considers that the amendment is warranted having regard to circumstances that have arisen since the making of the arbitral award, or of which the arbitration board did not have notice when the award was made, or to any other circumstances that the Board considers relevant.”

[6] The parties first requested that the current French translated text found in paragraph 17 of the French RO Arbitral Award on the “assigned workweek”: *« Si l’employé/e estime que sa semaine designée de travail n’est pas compatible avec ses heures réelles, l’employé/e peut demander une révision de l’Employeur. »* be deleted and replaced with the following text previously agreed to and which has been in effect at

SSO for the FI Bargaining Unit: « *Advenant qu'un employé/e est d'avis que sa semaine désignée de travail ne reflète pas ses heures réelles de travail, l'employé/e peut demander une revue de ses heures à l'Employeur.* » The English version of paragraph 17 of the arbitral award does not change.

[7] The second amendment sought by the parties pertained to the Arbitration Board's direction to the parties that they negotiate language to correct inconsistencies between employees' assigned work weeks and employees' actual hours worked. The parties advised the Board that they had reached the following negotiated settlement for the definition of "assigned workweek":

"In the event that the review confirms such inconsistencies, the Employer will make every reasonable effort to correct such inconsistencies accordingly, on a go forward basis, for the following pay period."

[8] The parties requested that the agreed to language on the "assigned workweek" and the revised French language at paragraph 17 be incorporated and made part of the RO Arbitral Award.

[9] The parties shared with the Board that they "believe that these requested amendments will provide consistency in the application of the terms and conditions of employment at SSO for the employees, SSO managers, the Union and the Employer."

[10] For all of the reasons, the board makes the following order:

Order

[11] The Board approves the requested amendments to the Arbitral Award pursuant to Section 159 of the *Public Service Labour Relations Act*.

August 13, 2015.

**Catherine Ebbs,
A panel of the
Public Service Labour Relations and Employment Board**