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File: 485-HC-55

Citation: 2015 PSLREB 89

*Parliamentary Employment
and Staff Relations Act*



Before the Chairperson of the
Public Service Labour Relations
and Employment Board

IN THE MATTER OF
THE *PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT*
and a dispute affecting
the Public Service Alliance of Canada, as bargaining agent,
and the House of Commons, as employer,
in respect of the bargaining unit composed of all employees of the employer in the
reporting sub-group and text processing sub-group in the
Parliamentary Programs Group

Indexed as
Public Service Alliance of Canada v. House of Commons

To: Stephan Bertrand, Joe Herbert and Kathryn Butler Malette, deemed to form
the Public Service Labour Relations and Employment Board

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

For the Bargaining Agent: Larry Rousseau and Morgan Gay, Public Service Alliance
of Canada

For the Employer: Carole Piette, Counsel

Issued on the basis of written submissions,
dated September 30, October 7 and 16, 2015.

[1] By letter of September 30, 2015, the Public Service Alliance of Canada (“the bargaining agent”) requested arbitration pursuant to section 50 of the *Parliamentary Employment and Staff Relations Act* (the “Act”) in respect of the bargaining unit composed of all employees of the employer in the reporting sub-group and text processing sub-group in the Parliamentary Programs Group. Along with its request, the bargaining agent provided a list of the terms and conditions of employment it wished to refer to arbitration. Those terms and conditions of employment and supporting material are attached as schedule 1.

[2] By letter of October 7, 2015, the House of Commons (“the employer”) provided its position on the terms and conditions of employment that the bargaining agent wished to refer to arbitration. The employer also provided a list of additional terms and conditions of employment it wished to refer to arbitration. As well, the employer objected to the referral to arbitration of the bargaining agent pursuant to article 5(3) and 55(2) of the *Parliamentary Employment and Staff Relations Act* (the “Act”), in relation to its following proposals:

Article 2 – definition of “casual employee” in Interpretation and definitions;

Article 9 – Technological change, specifically subclause 9.07;

Subsection 24.09(b) of Article 24 Hours of Work and Overtime;

Article 35 Job Security;

Those aspects of Article 40 Part-time, seasonal certified indeterminate (SCI) and casual employees, that relate to casual employees;

Article 41 Seniority; and

Appendix F – Memorandum of Agreement Re: Seasonal certified indeterminate (SCI) Employees, specifically paragraphs 10 and 14 and those aspects that relate to casual employees.

That letter and supporting material are attached as schedule 2.

[3] By letter of October 16, 2015, the bargaining agent asserted “... that its proposals are consistent with the Board’s jurisdiction” That letter is attached as schedule 3.

[4] Accordingly, pursuant to section 52 of the *Act*, the matters in dispute on which the Public Service Labour Relations and Employment Board shall make an arbitral award are those set out in schedules 1 to 3 inclusive, which are attached to this decision, including any objections contained therein.

November 23, 2015.

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