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File: 485-HC-58

Citation: 2016 PSLREB 22

*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 Operational Group, except for part-time cleaners classified
at the OP A level.

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

For the Employer: Carole Piette

Issued on the basis of written submissions,
dated January 28, 2016, February 5, 2016, and February 11, 2016.

TERMS OF REFERENCE

[1] By letter of January 28, 2016, 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 Operational Group, except for part-time cleaners classified at the OP A level (“the bargaining unit”). 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 February 5, 2016, 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’s proposals pursuant to articles 5(3) and 55(2) of the Act, in relations to its following:

Article 2 - Interpretation and Definitions;

Article 38 - Part-Time and Casual Employees

Article 41- Employment Security; and

Appendix D - Part-Time, Seasonal Certified Indeterminate (SCI) and Casual Employees.

That letter and supporting material are attached as schedule 2.

[3] By letter of February 11, 2016, the bargaining agent provided its position on the additional terms and conditions of employment the employer wished to refer to arbitration. With respect to the objections raised by the employer, the bargaining agent asserted that “...its proposals are within 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.

March 17, 2016.

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