

Public Service Staff
Relations Act



Before the Public Service
Staff Relations Board

BETWEEN

ANGELA VAUTOUR

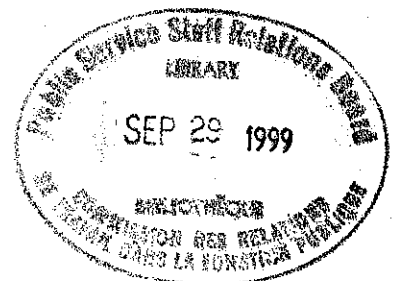
Grievor

and

TREASURY BOARD
(Parks Canada)

Employer

**EXPEDITED ADJUDICATION
DECISION**



Before: J. Barry Turner, Board Member

For the Grievor: C. La Bissonnière, Public Service Alliance of Canada

For the Employer: Keith Willis

Heard at Ottawa, Ontario,
September 22, 1999.

REASONS FOR DECISION

The relevant facts are set out in the Agreed Statement of Facts filed by the parties which states the following:

1. *The grievor was first hired as an indeterminate seasonal employee, May 31, 1991.*
2. *Her seasonal employment each year for the following five years commenced approximately June 8, and ended approximately September 8.*
3. *The grievor requested, and was granted maternity leave for the period of August 27 to September 8, 1995, the last day of her seasonal employment for 1995.*
4. *In summary, the relevant considerations of article 21.03 of the collective agreement provide the following with respect to those entitled to leave benefits in conjunction with UI payments, while on maternity leave without pay:*
 - authorized maximum 26 weeks maternity leave without pay,*
 - for the two week waiting period prior to eligibility for employment insurance: 93% of the weekly rate of pay, less any other monies earned during this period*
 - up to a maximum of 15 weeks, payment equivalent to the difference between UI benefits and 93% of the weekly rate of pay, less any other monies earned*
5. *The grievor seeks the top up of maternity benefits for the 15 week period, which were denied by the department.*

This matter was originally scheduled to be heard at adjudication in June 1997 but was postponed.

Clause M-21.03(D) of the Master Agreement between the Public Service Alliance of Canada and the Treasury Board reads:

Maternity Leave Without Pay

...

- (D) *In respect of the periods of maternity leave, maternity leave allowance payments made according to the*

Supplementary Unemployment Benefit Plan will consist of the following:

- (i) where an employee is subject to a waiting period of two (2) weeks before receiving unemployment insurance maternity benefits, an allowance of ninety-three percent (93%) of her weekly rate of pay for each week of the two-week waiting period less any other monies earned during this period; and/or*
- (ii) up to a maximum of fifteen (15) weeks, payment equivalent to the difference between the UI benefits the employee is eligible to receive and ninety-three percent (93%) of her weekly rate of pay, less any other monies earned during the period which may result in a decrease in UI benefits to which the employee would have been eligible if no extra monies had been earned during this period.*
- (iii) (a) for a full-time employee the weekly rate of pay referred to in clause M-21.03(D)(i) and (ii) shall be the weekly rate of pay, to which she is entitled for the classification prescribed in her certificate of appointment of her substantive position, on the day immediately preceding the commencement of the maternity leave;*
 - (b) for a part-time employee the weekly rate of pay referred to in clause M-21.03(D)(i) and (ii) shall be the full-time weekly rate of pay for the classification prescribed in her certificate of appointment of her substantive position multiplied by the fraction obtained by dividing the employee's assigned hours of work averaged over the last six (6) -month period of continuous employment by the regularly scheduled full-time hours of work for the employee's classification on the day immediately preceding the commencement of the maternity leave.*
- (iv) where an employee becomes eligible for a pay increment or an economic adjustment during the benefit period, payments under clause M-21.03(D)(i) or (ii) shall be adjusted accordingly.*

Ms. Vautour is requesting that she be compensated 'top-up' for maternity leave allowance payments for a 15-week period following September 8, 1995, according to the Master Agreement, clause M-21.03(D).

Even though Ms. La Bissonnière made a reasoned argument on behalf of the grievor, who was a seasonal employee and who still maintained her employment status with Parks Canada after September 8, 1995 since Ms. Vautour intended to return to Parks again in 1996, she was neither a full-time or part-time employee as defined under clause M-21.03(D) of her Master Agreement. After September 8, 1995, the grievor went on seasonal lay-off status and was no longer on maternity leave without pay. The Master Agreement does not recognize this employment status, and is not meant to extend her employment after September 8, 1995. It is restricted in this case to full-time and part-time employees only.

Even though I sympathize with the grievor's situation, I cannot re-write the Master Agreement to suit her status after September 8, 1995.

For these reasons, this grievance is denied.

**J. Barry Turner,
Board Member.**

OTTAWA, September 24, 1999.

The first part of the paper discusses the importance of the study and the objectives of the research. It also mentions the scope of the study and the limitations. The second part of the paper discusses the methodology used in the study. It mentions the data sources and the statistical methods used. The third part of the paper discusses the results of the study. It mentions the findings and the conclusions. The fourth part of the paper discusses the implications of the study. It mentions the policy implications and the future research. The fifth part of the paper discusses the conclusion. It mentions the main findings and the recommendations.



The study was conducted in a systematic and rigorous manner. The data was collected from a representative sample of the population. The statistical methods used were appropriate for the data and the research objectives. The results of the study are presented in a clear and concise manner. The findings are discussed in detail and the implications are highlighted. The study contributes to the existing knowledge in the field and provides valuable insights for policy makers and researchers. The study also identifies the limitations and suggests areas for future research. The study is a valuable contribution to the field and provides a solid foundation for further research.

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