

In the Matter of a Dispute

Between

the Canadian Nuclear Safety Commission (Employer)

and

The Professional Institute of the Public Service of Canada (Institute)

Under the Public Service Labour Relations Act (PSLRA)

Before: M.B. Keller, Arbitrator

Appearances: André Champagne, for the Employer
Jamie Dunn, for the Institute

Hearing in Ottawa, June 15, 2009

AWARD

By letter dated June 11, 2009, I was appointed chairperson of a Board of Arbitration to deal with the dispute between the parties. The appointment letter had appended to it, at Schedules 1-3, the Terms of reference as established by the Chairperson of the Public Service Labour Relations Board. The issues in dispute, to be resolved by me, are listed at paragraph 7 of Schedule 1.

A hearing was held on June 15, 2009, at which time representatives of the parties made their submissions with respect to the issues in the dispute. I have considered the presentations of the parties, and reviewed their submissions. I note, two important facts. First, the parties had already reached a tentative agreement on November 26, 2008, which failed to be ratified in accordance with the Act. This is important because, generally, for sound labour relations principles, arbitrators are not generally inclined to alter agreements reached by the parties in face to face negotiations. Arbitrators have, and may do so, but that is the exception rather than the rule.

Second, on a review of the respective positions between the parties on the issues in dispute before me, I note the positions of the parties are identical. Given the above two circumstances, it is my view that it would not be appropriate to deviate from what the parties have independently proposed. Accordingly, with respect to the issues in dispute, I Award that which the parties have put before me.

Dated at Ottawa, this 30th day of June 2009.

M.B. Keller, Arbitrator