

ARBITRAL AWARD

IN THE MATTER OF A REQUEST FOR ARBITRATION

BETWEEN

PUBLIC SERVICE ALLIANCE OF CANADA

Bargaining Agent

and

SOCIAL SCIENCES AND HUMANITIES RESEARCH COUNCIL

Employer

**Re: Request for Arbitration for the Administrative and Foreign Service Category
and the Administrative Support Category Bargaining Units**

Before: Joseph W. Potter, Chairperson, and Susan Ballantyne and Sandra Budd,
Members

For the Bargaining Agent: Gaby Lévesque

For the Employer: Daniel Langevin

Heard at Ottawa, Ontario,
September 2, 2008.

ARBITRAL AWARD

[1] The Social Sciences and Humanities Research Council (SSHRC) of Canada is an arm's length federal agency that promotes and supports university-based research and training in the social sciences and humanities. The SSHRC was created by an act of Parliament in 1977, and is governed by a 22-member council that reports to Parliament through the Minister of Industry.

[2] Division 2 of Part I of the *Public Service Labour Relations Act (PSLRA)* provides the framework for collective bargaining between the SSHRC and its employees. The Public Service Alliance of Canada (PSAC) represents 170 employees in the SSHRC comprised in the Administrative and Foreign Service Category and the Administrative Support Category bargaining units.

[3] On January 31, 2005, all SSHRC represented employees were converted to one classification system. Collective bargaining has been conducted as if there were only one group of represented employees.

[4] The collective agreements expired on March 31, 2007. Proposals were exchanged in June 2007 and the parties negotiated for three days in November 2007, and a further two days in January 2008. An impasse was reached on January 22, 2008.

[5] On January 24, 2008, the PSAC requested the establishment of an arbitration board. Included in the request was a list of the terms and conditions of employment that it wished to have referred to the arbitration board.

[6] On February 11, 2008, the SSHRC provided its position on the terms and conditions of employment that it wished to have referred to the arbitration board.

[7] On March 28, 2008, the Chairperson of the Public Service Labour Relations Board issued the "Terms of Reference of the Arbitration Board", and also established the arbitration board to hear the issues in dispute.

[8] Three days of mediation in May 2008 resulted in a number of issues being resolved, but some remained outstanding and it is those unresolved issues that this arbitration board will deal with.

Issues in Dispute and the Award

Vacation Leave

[9] The PSAC sought an improvement to the current vacation leave provision and the SSHRC proposed to renew the collective agreement language.

[10] It is the award of the arbitration board that, effective the date of issue of this award, an extra two (2) days of vacation leave after seven (7) years of service and an additional one (1) day of vacation leave after twenty-seven (27) years of service, be awarded. These provisions are to be converted into hours to conform to the current structure of the collective agreement, and I will leave it to the parties to make the necessary hourly conversion.

Leave With Pay for Family-Related Responsibilities

[11] The PSAC proposed to add the word “grandchildren” to the current wording of clause 18.15(a), which defines the word “family” for the purpose of the clause.

[12] The SSHRC opposed the addition of the word “grandchildren”.

[13] The arbitration board awards that the word “grandchildren” be included in clause 18.15(a) as per the PSAC’s proposal.

Social Justice Fund

[14] The PSAC proposed the introduction of a new provision requiring the SSHRC to contribute one cent (1¢) per hour worked to the PSAC Social Justice Fund.

[15] The SSHRC opposed the introduction of this new provision.

[16] The arbitration board declines to award the proposal of the PSAC.

Rates of Pay and Duration

[17] The PSAC proposed a 3.5% economic increase each year of a two-year collective agreement, effective April 1, 2007

[18] The SSHRC proposed a 2.0% economic increase each year of a three-year collective agreement, effective April 1, 2007.

[19] Section 148 of the *PSLRA* lists factors that an arbitration board must take into consideration in rendering an award.

[20] Without restating the legislation word for word, the factors outlined in section 148 can be summarized under these headings: Recruitment and Retention, External Comparability, Internal Relativity, Fair and Reasonable Terms and Conditions of Employment and, finally, the Canadian Economy and Fiscal Considerations.

[21] The parties' submissions to the arbitration board dealt extensively with these factors, and both parties made a verbal presentation to the arbitration board drawing its attention to these factors.

[22] In deciding on the issue of "Rates of Pay and Duration", the arbitration board was both aware of, and took into consideration, the provisions of section 148 of the *PSLRA*.

[23] The arbitration board determines that there shall be a two-(2)-year arbitral award, and the economic increases shall be awarded as follows:

- April 1, 2007: 2.5%
- April 1, 2008: 2.5%

[24] Finally, all other items agreed to by the parties are hereby made part of this award. All items whether agreed to by the parties or awarded by the arbitration board are effective the date of this award, unless specified by the arbitration board or the parties otherwise.

[25] The arbitration board will remain seized of this matter in the event of any difficulties between the parties with respect to implementation.

DATED AT OTTAWA, ONTARIO, SEPTEMBER 15, 2008.

Joseph W. Potter,
Chairperson of the Arbitration Board
