

IN THE MATTER OF AN INTEREST ARBITRATION
UNDER THE *PUBLIC SERVICE LABOUR RELATIONS ACT*

BETWEEN

UNITED FOOD AND COMMERCIAL WORKERS UNION, LOCAL 864

("the Union")

and

STAFF OF THE NON-PUBLIC FUNDS, CANADIAN FORCES

("the Employer")

ARBITRAL AWARD

Before: Sydney Baxter, single member of the Arbitration Board

Appearances:

For the Union: Bev Dawson and Carl Flanagan

For the Employer: Sonja Gonsalves and Adrian Scales

Heard at Fredericton, New Brunswick,
November 19-20, 2013.

ARBITRAL AWARD

[1] The bargaining unit consists of all employees in the Operational Category employed at CFB Gagetown save and except Managers.

[2] The bargaining unit currently consists of 28 full-time employees and 35 part-time employees employed in the following industries:

Fitness, Sports and Recreation

Golf Operations

Retail Operations

Museum Operations

[3] The most recent Collective Agreement between the parties expired on February 28, 2012. The parties began negotiations during the week of March 20, 2012. The parties were able to resolve, through negotiations, all outstanding non-monetary and monetary issues, including the duration and pay notes, but excluding the wage grids. The parties agreed to resolve the issue of wage grids by arbitration.

[4] On August 7, 2013, the Union requested arbitration pursuant to Section 136 of the *Public Service Labour Relations Act* (the "Act").

[5] On September 19, 2013, the Acting Chairperson, Mr. David P. Olsen, appointed me to adjudicate this matter pursuant to the provisions of the *Act* as a single member of the arbitration board (the "Board") in this matter.

[6] Arbitration hearings were scheduled for November 19 and 20, 2013, in Fredericton, New Brunswick.

[7] Prior to the arbitration hearings, the parties exchanged briefs, copies of which were submitted to the Board, providing the Board with the opportunity to review the parties' positions prior to the scheduled hearing dates.

[8] At the outset of the hearing on November 19, 2013, the Board afforded the parties the opportunity to submit additional argument and to elaborate on their positions contained in the briefs.

[9] After hearing the submissions of the parties, it appeared obvious that they were still far apart in their positions with respect to the pay grids. Therefore, the Board

urged the parties, with the Board's assistance, to reflect on their positions in an effort to reach a compromise that might satisfy both parties.

[10] However, by mid day on November 20, 2013, it appeared obvious to the Board that the parties could not reach a meeting of the minds. That being said, the Board commends both parties on the stellar effort they made in significantly narrowing the gap with regards to their initial respective positions.

[11] Therefore, it is left to the Board to decide the appropriate wage grid.

[12] In arriving at its award, the Board considered submissions of the parties in light of the factors enumerated in section 148 of the *Act*, which provides the following:

- (a) *the necessity of attracting competent persons to, and retaining them in, the public service in order to meet the needs of Canadians;*
- (b) *the necessity of offering compensation and other terms and conditions of employment in the public service that are comparable to those of employees in similar occupations in the private and public sectors, including any geographic, industrial and other variations that the arbitration board considers relevant;*
- (c) *the need to maintain appropriate relationships with respect to compensation and other terms and conditions of employment as between different classification levels within an occupation and as between occupations in the public service;*
- (d) *the need to establish compensation and other terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the services rendered; and*
- (e) *the state of the Canadian economy and the Government of Canada's fiscal circumstances.*

[13] Further, the Board reviewed the comparator positions which were referred to by the parties, as well as the amended wage grids which the parties submitted during the course of the two-day hearing.

[14] The parties were in agreement that the new Collective Agreement should be for a duration of three (3) years.

[15] The Board, therefore, determines that the three (3) year wage grid for the bargaining unit employees is the following:

01-Mar-12	START	END PROB	12 MOS	18 MOS	24 MOS	36 MOS
1	\$10.13	\$10.21	\$10.28	\$10.36	\$10.43	\$10.59
2	\$10.23	\$10.31	\$10.38	\$10.46	\$10.54	\$10.69
3	\$10.33	\$10.41	\$10.48	\$10.56	\$10.64	\$10.80
4	\$10.44	\$10.51	\$10.59	\$10.67	\$10.75	\$11.01
5	\$10.55	\$10.62	\$10.90	\$11.92	\$12.62	\$13.35
6	\$11.57	\$11.98	\$12.48	\$13.63	\$14.72	\$15.56
7	\$15.57	\$16.36	\$17.11	\$17.66	\$18.15	\$19.02

01-Mar-13	START	END PROB	12 MOS	18 MOS	24 MOS	36 MOS
1	\$10.13	\$10.21	\$10.48	\$10.57	\$10.64	\$10.91
2	\$10.23	\$10.31	\$10.59	\$10.67	\$10.75	\$11.01
3	\$10.33	\$10.41	\$10.69	\$10.77	\$10.85	\$11.13
4	\$10.44	\$10.51	\$10.80	\$10.89	\$10.97	\$11.37
5	\$10.55	\$10.62	\$11.12	\$12.16	\$12.87	\$13.78
6	\$11.57	\$11.98	\$12.73	\$13.90	\$15.02	\$16.07
7	\$15.57	\$16.36	\$17.45	\$18.01	\$18.52	\$19.59

01-Mar-14	START	END PROB	12 MOS	18 MOS	24 MOS	36 MOS	48 MOS
1	\$10.13	\$10.21	\$10.59	\$10.67	\$10.85	\$11.23	\$11.60
2	\$10.23	\$10.31	\$10.69	\$10.77	\$10.97	\$11.34	\$11.71
3	\$10.33	\$10.41	\$10.80	\$10.88	\$11.07	\$11.46	\$11.83
4	\$10.44	\$10.51	\$10.91	\$10.99	\$11.24	\$11.74	\$12.12
5	\$10.55	\$10.62	\$11.23	\$12.28	\$13.19	\$14.23	\$14.69
6	\$11.57	\$11.98	\$12.86	\$14.04	\$15.39	\$16.59	\$17.13
7	\$15.57	\$16.36	\$17.63	\$18.19	\$18.89	\$20.18	\$20.84

28-Feb-15	START	END PROB	12 MOS	18 MOS	24 MOS	36 MOS	48 MOS
1	\$10.13	\$10.21	\$10.59	\$10.67	\$10.85	\$11.23	\$11.97
2	\$10.23	\$10.31	\$10.69	\$10.77	\$10.97	\$11.34	\$12.09
3	\$10.33	\$10.41	\$10.80	\$10.88	\$11.07	\$11.46	\$12.22
4	\$10.44	\$10.51	\$10.91	\$10.99	\$11.24	\$11.74	\$12.51
5	\$10.55	\$10.62	\$11.23	\$12.28	\$13.19	\$14.23	\$15.17
6	\$11.57	\$11.98	\$12.86	\$14.04	\$15.39	\$16.59	\$17.69
7	\$15.57	\$16.36	\$17.63	\$18.19	\$18.89	\$20.18	\$21.51

[16] The Board shall remain seized of this matter in the event the parties have any difficulty in implementing this award.

December 9, 2013.

Sydney Baxter,
Single member of the
Arbitration Board