

Federal Public Sector Labour Relations and Employment Board

IN THE MATTER OF AN ARBITRATION

BETWEEN

the Canadian Security Intelligence Service

(the employer)

AND

the Public Service Alliance of Canada

(the bargaining agent)

ARBITRAL AWARD

Board: Lorne Slotnick, chairperson of the arbitration board;
Charles Jamieson and Joe Herbert, arbitration board members

For the Bargaining Agent: Morgan Gay and Omar Burgan

For the Employer: Carole Piette

Heard at Ottawa, Ontario,
November 2, 2018.

ARBITRAL AWARD

1 This is an interest arbitration respecting a bargaining unit at the Canadian Security Intelligence Service represented by the Public Service Alliance of Canada (PSAC).

2 The PSAC bargaining unit (Intelligence Support, or IS) consists of about 95 employees performing clerical and administrative duties, mainly in Ottawa, but also in four regional offices. It is the only bargaining unit within CSIS, which has more than 3,100 unrepresented employees.

3 CSIS is a federal government agency established in 1984 to investigate activities suspected of constituting threats to the security of Canada, and to report on these to the Government of Canada. Under the *Canadian Security Intelligence Service Act* (Section 9), bargaining disputes must be resolved through arbitration.

4 This award deals with the renewal of a collective agreement that had an expiry date of March 31, 2014. The parties have agreed on an expiry date of March 31, 2018 for the renewal agreement.

5 There are three classifications in the bargaining unit - IS-02, IS-03 and IS-04 - each of which has a six-step pay grid. Nearly half the employees are at the top of the IS-04 grid, with an annual salary of \$55,860.

6 Notice to bargain was served by the employer on March 10, 2015. The parties exchanged proposals in late 2015, and met four times in 2016 and 2017. On Nov. 30, 2017, the bargaining agent submitted a request for a three-member board of arbitration.

7 During bargaining, the parties reached agreement on some changes to the collective agreement, which we order to be included in the renewal agreement.

8 In determining the remaining issues in dispute, this arbitration board has considered the factors set out in Section 148 of the *Federal Public Sector Labour Relations Act*, as well as the goal of replicating the agreement the parties would have made had bargaining been successful.

9 Any issue not addressed below is not awarded. In this regard we are not necessarily passing judgment on the merit of the declined proposal as much as

attempting to fashion a fair and incremental result for a single collective agreement. The parties are of course free to pursue those proposals in their future bargaining.

Duration

10 The parties have each proposed an agreement of four years' duration, to expire on March 31, 2018. In granting a collective agreement of four years' duration, the board is cognizant of Section 156(3) of the Act, which states:

An arbitral award may not be for a term of less than one year or more than two years from the day on which it becomes binding on the parties, unless the arbitration board determines otherwise in any case where paragraph 2(a) or (b) applies.

11 The board notes that the majority, if not all, of the collective agreements entered into between the employer and the 26 other groups in the core public administration have been for periods of four years, expiring in 2018. As such, the board is of the view that awarding a collective agreement for a period outside of the time limits is warranted and that an exception under Section 156 paragraph 2(b)(ii) is applicable.

Vacations

12 The union seeks parity in vacation entitlement with non-represented staff at CSIS. The employer wishes to maintain the current provisions.

13 We order as follows, effective the date of this award:

- 13.75 hours per month after 15 years (currently 16)
- 15.625 hours per month after 17 years (currently 18)

Pay rates

14 The employer has offered a 1.25 per cent increase in each of the first two years, 1.25 per cent in the third year with an additional 0.5 per cent market adjustment, and 1.25 per cent in the fourth year of the agreement, as well as a \$650 lump-sum "signing bonus."

15 The PSAC seeks increases of 1.75, 1.25, 1.75 and 2.75 per cent, without any lump sum. It quantifies the value of the employer's proposed lump sum at 1.5 per cent.

16 We order as follows:

- April 1, 2014 - 1.25 per cent across the board
- April 1, 2015 - 1.25 per cent across the board
- April 1, 2016 - 1.25 per cent across the board, and an additional market adjustment of 1.75 per cent per cent across the board
- April 1, 2017 - 1.25 per cent across the board.

17 Retroactivity as per existing language in the collective agreement.

18 The parties are directed to enter into a renewal collective agreement consisting of the expired agreement, changes agreed to in bargaining, and the orders made above. We will remain seized in the event of any issues arising from this award.

Lorne Slotnick, chairperson

Charles Jamieson, employer nominee - I concur

Joe Herbert, bargaining agent nominee - I concur

December 17, 2018.