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File: 561-02-39392

Citation: 2019 FPSLREB 69

*Federal Public Sector Labour
Relations and Employment Board
Act and Federal Public Sector
Labour Relations Act*



Before a panel of the Federal Public
Sector Labour Relations and
Employment Board

BETWEEN

PROFESSIONAL ASSOCIATION OF FOREIGN SERVICE OFFICERS

Complainant

and

TREASURY BOARD

Respondent

Indexed as

Professional Association of Foreign Service Officers v. Treasury Board

In the matter of a complaint made under section 190 of the *Federal Public Sector Labour Relations Act*

Before: David Olsen, a panel of the Federal Public Sector Labour Relations and Employment Board

For the Complainant: Andrew Raven, counsel

For the Respondent: Karl Chemsy, counsel

Ottawa, Ontario.

PRELIMINARY ORDER

[1] The following is the content of a preliminary order issued on consent pursuant to a pre-hearing conference held on June 12, 2019:

WHEREAS the complainant bargaining agent, the Professional Association of Foreign Service Officers, filed a complaint pursuant to s. 190(1)(e) of the Federal Public Sector Labour Relations Act (the Act) alleging that the respondent employer, Treasury Board, has failed to implement the provisions of collective agreements between the employer and the complainant within the period specified in the collective agreements, contrary to section 117 of the Act;

AND WHEREAS the respondent has acknowledged in its response that it did not fully implement all retroactive payments under the Foreign Service collective agreement by the October 17, 2018, deadline.

THEREFORE it is hereby declared that the respondent, having failed to implement the Foreign Service collective agreement within the 120 day deadline identified in the terms of the collective agreement, as prescribed in section 117, is in violation of the Act.

In order to effectively manage the determination of the outstanding issues in this complaint, including whether the violation of section 117 constitutes an unfair labour practice in accordance with s. 190 of the Act,

The Board will remain seized of the matter to determine whether or not the violation of section 117 in these circumstances constituted an unfair labour practice pursuant to section 190 of the Act and to determine the appropriate remedy based on the facts of this case.

To that end a prehearing teleconference call will be held on June 28, 2019, at 11 AM at which time the respondent shall confirm to the complainant whether the Foreign Service collective agreement signed June 19, 2018, has been fully implemented and as of what date.

If implementation is not complete, the respondent shall advise the complainant of the number of employees for whom the said collective agreement has not been implemented.

The parties are encouraged to meet in the meantime to resolve all outstanding matters and to come to a mutually agreeable resolution in this matter.

During the prehearing telephone conference scheduled for June 28, 2019, the parties will provide the board with a status report

concerning the progress of any made to resolve all outstanding matters including the determination of the appropriate remedy.

Hearing dates to deal with the outstanding elements of the complaint as provided above will be set at the conclusion of the production process if required.

July 10, 2019.

**David Olsen,
a panel of the Federal Public Sector
Labour Relations and Employment Board**