

Date: 20200218

File: 561-32-39557

Citation: 2020 FPSLREB 17

*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

PUBLIC SERVICE ALLIANCE OF CANADA

Complainant

and

CANADIAN FOOD INSPECTION AGENCY

Respondent

Indexed as

Public Service Alliance of Canada v. Canadian Food Inspection Agency

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

Before: James R. Knopp, a panel of the Federal Public Sector Labour Relations and Employment Board

For the Complainant: Andrew Raven, counsel

For the Respondent: Karl Chemsí, counsel

Ottawa, Ontario.

PRELIMINARY ORDER

[1] The following is the content of a preliminary order issued on consent pursuant to a case-management conference held on January 13, 2020:

WHEREAS the bargaining agent, the Public Service Alliance of Canada (“the complainant”), on December 19, 2018, filed a complaint pursuant to s. 190(1)(e) of the *Federal Public Sector Labour Relations Act*, S.C. 2003, c. 22, s. 2 (“the Act”) alleging that the Canadian Food Inspection Agency (“the respondent” or “the employer”), has failed to implement the provisions of a collective agreement signed on July 16, 2018, between the employer and the complainant within the period specified in the collective agreement, contrary to section 117 of the *Act*;

AND WHEREAS the respondent has admitted to the panel of the Board that it has violated section 117 of the *Act* by failing to comply with the timelines therein for implementation of all retroactive payments under the new collective agreement and has consented to the issuance of a declaration to that effect by the Board.

THEREFORE, it is hereby declared that the respondent, having failed to implement the collective agreement within the 150-day deadline identified in the terms of the collective agreement, as prescribed in section 117 of the *Act*, is in violation of the *Act*.

In order to effectively manage the determination of the outstanding issues in this complaint, the Board will remain seized of the issue as to 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.

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

Case-management conference calls will be held to provide the Board with a status report concerning the progress made by the parties.

February 18, 2020

James R. Knopp,

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