

**Date:** 2020-03-12

**File:** 590-33-40752

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IN THE MATTER OF  
THE *FEDERAL PUBLIC SECTOR LABOUR RELATIONS ACT*  
and a Request for Establishment of a Public Interest Commission affecting  
the Public Service Alliance of Canada, as Bargaining Agent,  
and the Parks Canada Agency, as Employer,  
in respect of the all the employees of the Parks Canada Agency

Indexed as  
*Public Service Alliance of Canada v. Parks Canada Agency*

**Before:** Morton Mitchnick, Chairperson; Carol Wall and Tony Boettger, Members.

**For the Bargaining Agent:** Ashley Bickerton, Negotiator and Shawn Vincent,  
Research Officer

**For the Employer:** Shirley Squires, Executive Director, Corporate Human Resources  
Melanie Kwong, Superintendent, Lake Louise Yoho Kootenay Field  
Unit  
Genevieve Ménard, Director, Human Resources Operations

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Heard at Ottawa, Ontario,  
January 27, 28 and 30, 2020.

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**PUBLIC INTEREST COMMISSION REPORT**

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**I. Introduction**

[1] This is the Report of a Public Interest Commission (“the Commission”) established under the *Federal Public Sector Labour Relations Act* with regard to negotiations for the renewal of the collective agreement between the Public Service Alliance of Canada (“the Alliance”) and Parks Canada Agency. Parks Canada itself was created as a Separate Agency out of the Core Public Administration (CPA) close to 20 years ago, and “parity” with the CPA has continued to be an issue between the parties to this collective agreement. The unit is presently comprised of some 5900 employees, in a wide variety of skills and classifications. Not surprisingly, the unit for Parks Canada has an unusually high degree of seasonal employees, and this too gives rise to issues between the parties in this round. In all, the demands tabled by the Alliance generated some 85 issues in dispute. Although substantially smaller in number, the employer also has a number of issues that it seeks to have addressed, and all in all the bargaining this round has been difficult.

[2] Up to the point where the Commission was established the parties had met in 5 sessions totalling 14 days, with essentially nothing but “house-keeping” changes being accomplished. Prior to the hearings before the Commission, however, the Alliance made a number of modifications to the list, better identifying their bargaining “priorities”, and also to align the Alliance’s demands here more closely to those at other Alliance tables. Such refinement of the list is always welcome; nonetheless, a significant number of issues remain to be dealt with, including key issues for the Alliance around the Park Wardens and Mental Health. And as elsewhere, the general issue of Wages continues to be a barrier to the parties moving forward in their bargaining. The Alliance has on the table a proposal for a three-year agreement with general increases of 3.5% each year, plus special adjustments costed at an additional .4% of the total wage base. For its part Parks Canada relies on the “replication” principle in citing the 34 collective agreements that have already been signed with other bargaining agents across the sector. Those collective agreements were comprised of a four-year deal with general increases of 7% in total, along with an additional 1% to be used as a further general increase, or for special adjustments, as required. As the parties are aware, this Chair has had occasion to consider this gap

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between the parties at other tables, and in particular at the Public Administration (PA) table the Commission wrote:

*[10] ... The Alliance notes that it is by far the biggest Union presence in the federal public sector, and that it historically has always made its own judgment with regard to settlement, notwithstanding that to which other Unions in the sector may have acceded. ...*

*[11] The employer relies heavily on the “replication” principle in support of its decision to date to hold fast to the now very extensive “pattern” existing on the wage front. That reliance is not surprising. It must be said, however, that the replication principle is largely a tool used in interest arbitration for arbitrators to attempt to provide some kind of “objective” perspective on what a settlement, based on trends in the marketplace, might be expected to look like. That is done because on the arbitration track there is no ability to test the outcome of the parties’ “subjective” perspectives by way of access to the strike/lock-out mechanism. But this is not an interest arbitration – and this Report conceivably could read quite differently if it were. Rather, the Commission in the circumstances here is limited to attempting to divine what initial modifications in the positions of the parties might open the door to an overall settlement, and to urge the parties to consider those modifications.*

*[12] The first consideration, it is clear from our dealings with this matter, must be given to the wage package. In that regard it must be added that the replication principle cannot be said to be of no significance for the parties in the situation at hand. Bargaining strength can vary by bargaining agent to bargaining agent, and indeed from bargaining unit to bargaining unit depending on the size and strategic importance of the unit. That said, the government has now arrived at good-faith settlements with a wide range of its other bargaining partners, and, notwithstanding any difference in bargaining strength, those settlements at the very least create parameters beyond which the government cannot realistically be anticipated to move in a very large way. ...*

[3] While those remarks will ultimately have application here as well, I recognize the difficulty that the Parks Canada bargaining teams face in moving forward with their negotiations at this stage, with so much of their bargaining agenda forming part of the negotiations that are taking place at other tables, and which, realistically, can only be resolved at those other tables. In light of that the Commission does not feel itself in a position to make more extensive recommendations to the parties at this time.

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[4] This Report would, however, be incomplete if it did not reflect the parties' good faith efforts to move at least some of the "local" issues forward, with the assistance of the nominees, during the "informal" portion of the meetings with the Commission. It can be hoped that negotiations can be resumed in the same positive vein once matters elsewhere have been resolved to the extent required.

March 12, 2020.

**M.G. Mitchnick,  
For the Public Interest Commission**

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