

Date: 20211020

File: 485-SC-42083

Citation: 2021 FPSLREB 116

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



Before the
Federal Public Sector
Labour Relations and
Employment Board

IN THE MATTER OF
THE PARLIAMENTARY EMPLOYMENT AND STAFF RELATIONS ACT
and a dispute affecting
the Public Service Alliance of Canada, as bargaining agent,
and the Senate of Canada, as employer,
in respect of the Operational Group, except for employees in the Protective Services
Sub-group bargaining unit

Indexed as

Public Service Alliance of Canada v. Senate of Canada

Before: Ian R. Mackenzie, Joe Herbert, and Kathryn Butler Malette, deemed to form the Federal Public Sector Labour Relations and Employment Board

For the Bargaining Agent: Morgan Gay and Silja I. Freitag, Public Service Alliance of Canada

For the Employer: Carole Piette, counsel, and Jean-Michel Richardson, co-counsel

Decided on the basis of written submissions, filed on
September 24 and October 7, 2021.

VARIATION OF ARBITRAL AWARD

[1] The Federal Public Sector Labour Relations and Employment Board (the “Board”) issued an arbitral award on September 9, 2021 between the Senate of Canada (the “employer”) and the Public Service Alliance of Canada (the “bargaining agent”): 2021 FPSLREB 103.

[2] The Board remained seized of this matter for a period of three months, in the event that the parties encountered any difficulties implementing the arbitral award.

[3] On September 24, 2021, the employer requested a supplementary award to correct two errors in the arbitral award. The bargaining agent confirmed on October 7, 2021 that it supported the proposed corrections.

[4] Section 61 of the *Parliamentary Employment and Staff Relations Act* (R.S.C., 1985, c. 33 (2nd Supp.)) provides that the Board may, on application jointly by both parties to an arbitral award, amend any provision of that award. The Board therefore amends the arbitral award as follows.

21.12 – Leave with Pay for Family-Related Responsibilities

[5] There was a typographical error in the new clause 21.12 (d). The reference to 21.12 c) ii) should be to 21.12 b) ii). The corrected clause is therefore:

(d) Where, in respect of any period of compensatory leave, an employee is granted leave with pay for illness in the family under 21.12 b) ii) above, on production of a medical certificate, the period of compensatory leave so displaced shall either be added to the compensatory leave period, if requested by the employee and approved by the Employer, or reinstated for use at a later date.

Sessional Indeterminate Employees

[6] The employer and the bargaining agent confirmed that they had reached an agreement on paragraph (o) of the proposed new article on sessional indeterminate employees at the initial hearing. The parties’ proposals for the last sentence of paragraph (o) was therefore no longer an outstanding issue before the Board.

Accordingly, paragraph (o) is amended by removing that last sentence and now reads as follows:

o) In the event that an employee believes that his or her assigned work week as reported for superannuation purposes is inconsistent with his or her actual hours, the employee may request a review by the Employer. In the event that there are inconsistencies, the Employer will correct such inconsistencies accordingly, subject to any applicable statutory limitations.

[7] The Board remains seized of this matter in accordance with its original arbitral award (three months from September 9, 2021).

October 20, 2021

“Original signed by”

**Ian R. Mackenzie,
for the Federal Public Sector
Labour Relations and Employment Board**