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**File:** 561-24-846

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*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

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BETWEEN

**PUBLIC SERVICE ALLIANCE OF CANADA**

Complainant

and

**STATISTICS SURVEY OPERATIONS**

Respondent

Indexed as

*Public Service Alliance of Canada v. Statistics Survey Operations*

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:** Aaron Lemkow, counsel

**For the Respondent:** Chris Hutchison, counsel

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Consent order issued based on written submissions,  
filed March 29, 2022..

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**REASONS FOR DECISION**

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**WHEREAS** the complainant the Public Service Alliance of Canada (“the Complainant”) on June 16, 2017, filed an unfair labour practice complaint against the Statistical Survey Operations (“the respondent”) alleging a violation of section 5 and paragraph 186(1)(a) of the *Federal Public Sector Labour Relations Act*.

**AND WHEREAS** the parties wish to resolve this complaint without a hearing by entering into a consent order.

**THEREFORE** the parties agree on consent with the concurrence of the Board to the following recitals and order.

**Consent Order**

[1] This unfair labour practice complaint arose during collective bargaining between the Parties in 2017.

[2] The complaint alleges a violation of section 5 and paragraph 186(1)(a) of the *Federal Public Sector Labour Relations Act*, S.C. 2003, c. 22, s. 2 (“*FPSLRA*”).

[3] The *FPSLRA* preamble recognizes that “collective bargaining ensures the expression of diverse views for the purpose of establishing terms and conditions of employment”.

[4] The Parties met and tabled initial bargaining proposals in March 2017.

[5] The Complainant viewed the non-attendance of some of the Respondent’s bargaining team members in March 2017 as disrespectful.

[6] The Parties exchanged subsequent bargaining proposals in April 2017 and May 2017.

[7] The Complainant viewed some of the Respondent’s bargaining proposals as requiring concessions of its members.

[8] The federal government and bargaining agents must be on equal footing with respect to communicating with union members.

[9] A bargaining agent must be able to effectively communicate its views to its members in order to bargain on their behalf.

[10] The collective agreement between the parties contained the following provision for posting bargaining agent notices and other materials in the workplace:

*9.01 Reasonable space on bulletin boards, in convenient locations, including electronic bulletin boards where available, will be made available to the Alliance for the posting of official Alliance notices. The Alliance shall endeavour to avoid requests for posting of notices which the Employer, acting reasonably, could consider adverse to its interests or to the interests of any of its representatives. Posting of notices or other materials shall require the prior approval of the Employer, except notices related to the business affairs of the Alliance, including the names of the Alliance representatives, and social and recreational events. Such approval shall not be unreasonably withheld.*

[11] The Complainant requested permission to post its bargaining proposals in March 2017 and the bargaining proposals exchanged by both parties in May 2017 on the bulletin boards at the regional offices in Sturgeon Falls, Ontario; Winnipeg, Manitoba; and Sherbrooke, Québec.

[12] The Respondent withheld permission to post the Complainant's March 2017 bargaining proposals and its own May 2017 bargaining proposals.

[13] The Respondent did ultimately allow the Complainant's March 2017 bargaining proposal to be posted on the workplace bulletin boards, as communicated to the Complainant at the bargaining table on May 4, 2017.

[14] The Complainant requested permission to post bargaining updates prepared in March 2017 and May 2017 (found at Annex "A" and "B").

[15] The March 2017 bargaining update communicated the Complainant's aforementioned views on the Respondent's attendance.

[16] The May 2017 bargaining update communicated the Complainant's aforementioned views on the Respondent's bargaining proposals.

[17] The Respondent withheld permission to post the March 2017 and May 2017 bargaining updates.

[18] Neither the bargaining proposals nor the bargaining updates were illegal, abusive, defamatory, or fraudulent.

[19] Neither the Respondent nor its representatives would have suffered an adverse impact had it permitted the Complainant to post the bargaining proposals or bargaining updates on the workplace bulletin boards.

[20] The *FPSLRA* preamble recognizes that “commitment from the employer and bargaining agents to mutual respect and harmonious labour-management relations is essential to a productive and effective public service”.

[21] The Parties wish to give effect to the foregoing recognition by resolving this complaint without a hearing.

*(The Order appears on the next page)*

**IT IS HEREBY ORDERED THAT**

[22] The complaint is allowed.

[23] The Respondent committed an unfair labour practice by withholding permission to post the Complainant's March 2017 bargaining proposals, the Respondent's May 2017 bargaining proposals, and the bargaining updates from March 2017 and May 2017 on the workplace bulletin boards, pursuant to article 9.01 of the collective agreement, without reasonable cause.

[24] The Respondent has violated section 5 and paragraph 186(1)(a) of the *FPSLRA*.

[25] This decision is ordered posted in a prominent location for 90 days, commencing no later than five days from the date of this decision, in all employer worksites, and it also ordered posted on any electronic bulletin boards referred to in article 9.01 of the collective agreement, for the same length of time.

July 29, 2022.

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

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**Annex A****PSAC and SSO exchange proposals**

Our CAPI and CATI bargaining teams met with SSO March 17, 2017, to open this round of bargaining and exchange our initial proposals. Regrettably, the employer's team was not even half there, which we told SSO was very disrespectful to us and to the bargaining process. We expect the employer will not continue to demonstrate this attitude as we pursue bargaining.

We had a very busy week. We spent three days reviewing our bargaining input from members across the country and doing the research necessary to prepare our proposals. We met with the employer for the initial exchange. As we always do, we began by exchanging non-monetary proposals.

- **Our union's proposals for Regional Office Interviewers**
- **Our union's proposals for Field Interviewers**

You will find that we have "reserved" on a number of important issues. This means that we haven't yet presented a proposal to the employer on these issues. We will do so once we have received information from SSO about our membership and, in some cases, had an opportunity to discuss these issues with the employer at the bargaining table.

We are focused on making improvements to:

- Job security (incl. term and part-time employment)
- Hours of work
- Job classification
- Protection from harassment

We also want to improve the processes for dealing with discipline and grievances. Proposals on other important issues include discrimination, leaves of absence (union-related, bereavement, family-related responsibilities, injury on duty), designated paid holidays, personal equipment costs, mental health, and a joint-learning program. We will not accept any concessions.

We had the pleasure of meeting with our Union of National Employees (UNE) President Doug Marshall while we were in Ottawa. We discussed current problems faced by our members in the workplace and he reiterated the union's support for us making gains in this round of bargaining. We will meet to continue bargaining May 1-5. If you have any questions, don't hesitate to contact a member of our bargaining teams:

**CAPI (Field Interviewers)**

Wendy Kleywegt-Bowen (Kingston)  
Claude Andre Leduc (Montreal)  
Mary Anne Walker (Kingston)  
Linda Woods (Kelowna)

**CATI (Regional Office Interviewers)**

Anna Goldfeld (Winnipeg)  
Shalane Rooney (Sturgeon Falls)  
Alice Vallee (Sherbrooke)

Erin Sirett, PSAC Negotiator

Julie Chiasson, PSAC Research Officer

## **Annex B**

Our bargaining team met with SSO during the week of May 1. The team started the week in caucus, where we had planned to review SSO's proposals, but unfortunately the documents provided by our employer contained many errors and lacked clarity. This made it impossible for us to do our work of analyzing their proposals.

Tuesday, we were pleased to meet all members of the employer's bargaining team. We communicated the problems with their proposals and the lack of professionalism this demonstrated. In response they requested the rest of the day to review their proposals, but first, SSO's Director General Geoff Bowlby presented us with an overview of SSO operations.

### **Employer proposes concessions**

The rest of the week, we heard from our employer about the changes proposed during this round of negotiations. The union is concerned about some of these proposals. SSO wants to restrict union leave and the participation of union representatives in solving problems in the workplace. SSO has proposed eliminating the requirement for management to provide operational justification when denying leave requests, a right we won in the last arbitration. There are also proposals to limit protections against harassment and discrimination, maternity - related job modification and leave, bereavement leave and family related leave. We have been clear with the employer that we will not negotiate concessions. We are at the table to negotiate improvements for our members.

### **Status as federal public servants**

We need to tell you we encountered a serious underlying problem in meetings with our employer this week. During the last round of bargaining, our arbitral awards clearly stated that SSO employees are federal public servants, but throughout the week our employer repeatedly said that it does not acknowledge our status as public servants. The employer uses this argument to deny us working conditions comparable to other public servants including those we work alongside at Statistics Canada.

Your local representatives will be contacting you so about participating in our union's activities to make it clear to SSO that we will not stand for this.

May 9, 2017