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



Before a panel of 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 House of Commons, as employer,
in respect of the bargaining unit composed of all employees of the employer in the
Operational Group, except for part-time cleaners classified at the CSG-K level and all
employees of the employer in the Postal Services Sub-Group in the Administrative
Support Group

Indexed as
Public Service Alliance of Canada v. House of Commons

Before: Edith Bramwell, a panel of the Federal Public Sector Labour Relations and
Employment Board

To: Christopher Rootham, Joe Herbert, and Luc Presseau, deemed to form the
Federal Public Sector Labour Relations and Employment Board

For the Bargaining Agent: Morgan Gay, Public Service Alliance of Canada

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

Issued on the basis of written submissions,
dated July 28, August 10, 16, September 13, 26, 27 and October 3, 2023.

TERMS OF REFERENCE

[1] By letter of July 28, 2023, the Public Service Alliance of Canada (“the bargaining agent”) requested arbitration pursuant to section 50 of the *Parliamentary Employment and Staff Relations Act* (the “Act”), in respect of the bargaining unit composed of all employees of the House of Commons (“the employer”) in the Operational Group, except for part-time cleaners classified at the CSG-K level and all employees of the employer in the Postal Services Sub-Group in the Administrative Support Group. The bargaining unit was set out in two decisions of the former Public Service Staff Relations Board in *Public Service Alliance of Canada v. House of Commons* (Board File No. 442-H-8, dated May 8, 1987) and *Public Service Alliance of Canada v. House of Commons* (Board File No. 442-H-11, dated September 30, 1987), and as modified by the Federal Public Sector Labour Relations and Employment Board (“the Board”) in *Public Service Alliance of Canada v. House of Commons*, 2019 FPSLRB 109. Along with its request, the bargaining agent provided a list of terms and conditions of employment that it wished to refer to arbitration. Those terms and conditions of employment and supporting material are attached as Schedule 1.

[2] By letter of August 10, 2023, the employer provided its position on the terms and conditions of employment that the bargaining agent wished to refer to arbitration. The employer also provided a list of additional terms and conditions of employment it wished to refer to arbitration. The employer objected to the following bargaining agent proposals: Article 1.02 – Purpose and Scope of Agreement; Article 18.05 – Scheduling of Vacation Leave with Pay; Articles 20.03 to 20.08 – Maternity and Parental Leave; Article 21.01 – Sick Leave Credits; Article 32 – Grievance Procedure; Article 41 – Employment / Job Security; Appendix C – Seasonal Certified Indeterminate (SCI) Employees; and Appendix XX – Memorandum or Agreement in Respect to Operational Requirements. That letter and supporting material are attached as Schedule 2.

[3] By e-mail of August 16, 2023, the bargaining agent provided its position with respect to the additional matters referred to arbitration by the employer and to the employer’s objection. That e-mail is attached as Schedule 3.

[4] By email of September 13, 2023, the bargaining agent indicated that, following discussions between the parties, several items were resolved. It provided the Board with revised proposals with respect to the terms and conditions of employment that it

still wanted to refer to arbitration. The email and supporting material are attached as Schedule 4.

[5] By letter of September 26, 2023, the employer provided its position on the bargaining agent's revised proposals, along with an amended list of the additional terms and conditions of employment it wished to refer to arbitration. The employer objected to the following bargaining agent proposals: Article 18.05 – Scheduling of Vacation Leave with Pay; Article 32 – Grievance Procedure; and Appendix C – Seasonal Certified Indeterminate (SCI) Employees. That letter and supporting material are attached as Schedule 5.

[6] On September 27, 2023, the bargaining agent advised the Board that it had inadvertently omitted in their revised proposals filed on September 13, 2023, to include the amended language being proposed for Appendix XX - Memorandum of Agreement in Respect to Operational Requirements. That document is attached as Schedule 6.

[7] By letter of October 3, 2023, the employer provided its position with respect to the bargaining agent's revised proposal on Appendix XX – Memorandum of Agreement in Respect to Operational Requirements. As before, it objected to the referral to arbitration of this proposal. In its letter, the employer also indicated that the parties have come to an agreement concerning some of the additional terms and conditions of employment that the employer wished to refer to arbitration. These documents are attached as Schedule 7.

[8] Accordingly, pursuant to s. 52 of the *Act*, the matters in dispute on which the Federal Public Sector Labour Relations and Employment Board shall make an arbitral award are those set out in Schedules 1 to 7 inclusive, which are attached to these terms of reference.

January 22, 2024.

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