

Date: 20230113

File: 585-02-46068

Citation: 2023 FPSLREB 6

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



Before the Chairperson of the
Federal Public Sector Labour
Relations and Employment Board

IN THE MATTER OF
THE *FEDERAL PUBLIC SECTOR LABOUR RELATIONS ACT*
and a dispute affecting
the Canadian Association of Professional Employees, as bargaining agent,
and the Treasury Board, as employer,
in respect of the bargaining unit composed of all employees of the employer in the
Economics and Social Science Services group as defined in Part I of the Canada Gazette
of March 9, 2019

Indexed as
Canadian Association of Professional Employees v. Treasury Board

TERMS OF REFERENCE

To: William Kaplan, chairperson of the arbitration board;
Michael Wright and Scott Streiner, arbitration board members

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

For the Bargaining Agent: Peter Engelmann, Counsel

For the Employer: Daniel Cyr

Issued on the basis of written submissions,
dated November 10, 22 and December 2, 2022.

TERMS OF REFERENCE OF THE ARBITRATION BOARD

[1] By letter of November 10, 2022, the Canadian Association of Professional Employees (“the bargaining agent”) requested arbitration in respect of the Economics and Social Science Services (EC) bargaining unit. The bargaining unit was set out by the former Public Service Staff Relations Board in *Social Science Employees Association v. Treasury Board*, dated May 19, 1999 (PSSRB File No. 142-02-327), as amended by 2003 PSSRB 91, and as further modified by the Federal Public Sector Labour Relations and Employment Board (the “Board”) in *Treasury Board v. Canadian Association of Professional Employees*, 2019 FPSLREB 94. Along with its request, the bargaining agent provided a list of the 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 November 22, 2022, the Treasury Board (“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. That letter and supporting material are attached as schedule 2.

[3] On December 2, 2022, the bargaining agent provided its position on the additional terms and conditions of employment that the employer wished to refer to arbitration. That document is attached as schedule 3.

[4] Accordingly, pursuant to section 144 of the *Federal Public Sector Labour Relations Act* (the “Act”), the matters in dispute on which the arbitration board shall make an arbitral award are those set out in schedules 1 to 3 inclusive, which are attached to this decision.

[5] Should any jurisdictional question arise during the course of the hearing as to the inclusion of a matter in these terms of reference, that question must be submitted without delay to the Chairperson of the Board, who is, according to subsection 144(1) of the *Act*, the only person authorized to make such a determination.

January 13, 2023.

**Edith Bramwell,
Chairperson,
Federal Public Sector Labour Relations**

and Employment Board