

**Date:** 20230215

**File:** 585-02-44668

**Citation:** 2023 FPSLREB 17

*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 Merchant Service Guild, as bargaining agent,  
and the Treasury Board, as employer,  
in respect of the bargaining unit composed of all employees of the employer in the  
Ships' Officers Group as defined in Part 1 of the *Canada Gazette* of March 27, 1999

Indexed as  
*Canadian Merchant Service Guild v. Treasury Board*

#### **TERMS OF REFERENCE**

To: William Kaplan, chairperson of the arbitration board;  
Joe Herbert and J.D. Sharp, arbitration board members

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

**For the Bargaining Agent:** Samantha Lamb, counsel

**For the Employer:** Daniel Cyr, Treasury Board of Canada Secretariat

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Issued on the basis of written submissions,  
dated May 3, 6 and 16, 2022.

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**TERMS OF REFERENCE OF THE ARBITRATION BOARD**

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[1] By letter of May 3, 2022, the Canadian Merchant Service Guild (“the bargaining agent”) requested arbitration in respect of the Ships’ Officers (SO) bargaining unit. It was certified as the bargaining agent on December 10, 1968, and the bargaining unit was amended by the former Public Service Staff Relations Board in *Canadian Merchant Service Guild v. Treasury Board*, dated May 31, 1999 (PSSRB File No. 142-02-333). 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 May 6, 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 May 16, 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] On June 13, 2022, the parties were notified that the Chairperson of the Federal Public Sector Labour Relations and Employment Board (“the Board”) would delay establishing an arbitration board pending the outcome of a complaint submitted by the employer pursuant to section 190 of the *Federal Public Sector Labour Relations Act* (the “Act”). On January 19, 2023, that complaint was dismissed in *Treasury Board v. Canadian Merchant Service Guild*, 2023 FPSLREB 7. On January 24, 2023, the parties were notified that the Chairperson of the Board would now be establishing an arbitration board for arbitration of the matters remaining in dispute.

[5] Accordingly, pursuant to section 144 of 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.

[6] 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.

February 15, 2023.

**Edith Bramwell,  
Chairperson, Federal Public Sector Labour  
Relations and Employment Board**