

Annual Report 2017-2018

YUKON TEACHERS LABOUR RELATIONS BOARD



COMPOSITION OF THE BOARD

Chairperson: Catherine Ebbs

Vice-Chairpersons: David Paul Olsen
Margaret Shannon

Members: Stephan J. Bertrand
Nathalie Daigle
Bryan Gray
Chantal Homier-Nehmé
John G. Jaworski
Steven B. Katkin
Michael F. McNamara (until May 31, 2017)
Marie-Claire Perrault

Adjudicators: Robert Blasina
James E. Dorsey
Paul Love
Ian R. MacKenzie
Julie Nichols

**REPORT ON THE ADMINISTRATION
OF THE YUKON EDUCATION LABOUR RELATIONS ACT
FOR THE FISCAL YEAR ENDING
MARCH 31, 2018**

INTRODUCTION

Under an agreement with the Yukon government, the Federal Public Sector Labour Relations and Employment Board (FPSLREB or “the Board”) administers the collective bargaining and grievance adjudication systems for the Yukon teachers under the Yukon *Education Labour Relations Act* (“the Act”), which includes the determination of grievances arising from the application or interpretation of collective agreements or arbitral awards or from major disciplinary actions or terminations. The FPSLREB may also assist the parties in resolving any issue in dispute at any stage of a proceeding by any means that the Board considers appropriate, without prejudice to its power to determine issues that have not been settled. When performing those functions, the FPSLREB acts as the Yukon Teachers Labour Relations Board.¹

The FPSLREB is an independent quasi-judicial statutory tribunal established by the *Federal Public Sector Labour Relations and Employment Board Act (FPSLREBA)*, which came into force on November 1, 2017. The FPSLREB is responsible for administering the collective bargaining and grievance adjudication systems in the federal public service and in Parliament. It is also responsible for the resolution of staffing complaints related to internal appointments and layoffs in the federal public service. It can also receive complaints about appointments that were made to comply with an order in a previous FPSLREB decision, as well as revocations of internal appointments. The FPSLREB is also responsible for dealing with pay equity complaints filed by, or on behalf of, groups of employees pursuant to the *Canadian Human Rights Act*.

FPSLREB members hold hearings throughout Canada in relation to grievances (including those that raise human rights issues), adjudication and complaints. The FPSLREB also provides mediation and conflict resolution services to help parties resolve differences without resorting to a formal hearing.

In addition to administering the Yukon *Education Labour Relations Act* and the Yukon *Public Service Labour Relations Act*, the Board administers several labour relations and employment related statutes at the federal level, including the following:

- *Federal Public Sector Labour Relations Act*
- *Parliamentary Employment and Staff Relations Act*
- Certain provisions of Part II of the *Canada Labour Code*
- Certain provisions of the *Canadian Human Rights Act* in situations where the Board has jurisdiction to hear a grievance under the *Federal Public Sector Labour Relations Act* or a staffing complaint under the *Public Service Employment Act*.

¹ Under the *Education Labour Relations Act*, RSY 2002, c.62, the Yukon Teachers Labour Relations Board consists of the persons from time to time holding office as full-time members of the Public Service Labour Relations Board, established under the federal act. (Section 4(1)).

On November 1, 2014, the former Public Service Labour Relations Board at the federal level became the Public Service Labour Relations and Employment Board and subsequently, in 2017, the Board was re-named the Federal Public Sector Labour Relations and Employment Board.

With respect to staffing or employment matters, the FPSLREB has the authority, under the *Public Service Employment Act*, to deal with complaints in the federal public service related to internal appointments and lay-offs, the implementation of corrective measures ordered by the FPSLREB and revocations of appointments. The FPSLREB conducts hearings, settlement conferences and mediation sessions in order to resolve these complaints.

PROCEEDINGS IN 2017-2018

In 2017-2018, there were 72 active proceedings under the *Act*. Of those, 34 cases were references to adjudication of individual grievances pertaining to interpretations of collective agreements, one (1) involved a disciplinary matter, 32 constituted an objection to the identification of a managerial position, four (4) consisted of policy grievances, and one (1) of a request for preventive mediation.

Grievance adjudication

The Board dealt with 35 grievance adjudication cases during the review period. Six (6) of these were new cases received during the year in review and 29 were carried over from the previous fiscal year.

Of those 35 grievances referred to adjudication, including the grievance involving a disciplinary matter, one (1) was settled pending confirmation, two (2) have been scheduled for hearing, two (2) have been held in abeyance and 20 were withdrawn. Decisions were rendered by the Board for the 10 remaining grievances.

Among the four policy grievances before the Board in 2017-2018, three of which were filed in 2017-2018 and one carried over from a previous fiscal year, two have yet to be scheduled, one has been scheduled for hearing and one has been withdrawn.

Thirty (30) of 35 cases before the Board during the review period were closed and five (5) will be carried forward to 2018-2019.

Managerial and confidential positions

A person employed in a managerial or confidential position is one who, due to the nature of the duties being performed, meets the criteria established under the *Act* for exclusion from a bargaining unit.

In 2017-2018, the Board dealt with 32 matters of this nature, of those, 31 are awaiting decision and one is in abeyance pending the parties replies.

Mediation

Parties with matters before the Board may choose mediation as a mechanism to resolve the issues underlying their grievances or complaints referred to adjudication.

Mediation is a voluntary and confidential process that provides parties with the opportunity to find their own solutions to the issues in dispute. The process is facilitated by an impartial third party who has no decision-making powers, and its outcome creates no precedents.

In 2017-2018, assistance offered through the mediation process led to the withdrawal of six (6) grievances that had been scheduled for adjudication.