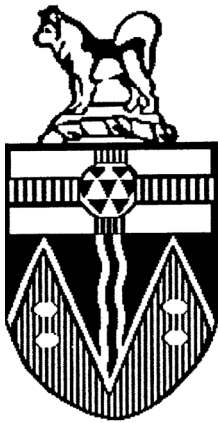


Annual Report **2018-2019**



Yukon Public Service
Labour Relations Board

Annual Report 2018-2019

YUKON PUBLIC SERVICE LABOUR RELATIONS BOARD



COMPOSITION OF THE BOARD

Chairperson: Catherine Ebbs

Vice-Chairpersons: David Paul Olsen
Margaret Shannon

Members: Stephan J. Bertrand
Nathalie Daigle
Bryan R. Gray
Chantal Homier-Nehmé
John G. Jaworski
Steven B. Katkin
James Knopp
David Orfald
Marie-Claire Perrault
Nancy Rosenberg

Adjudicators: Ian R. Mackenzie
Dan Quigley

**REPORT ON THE ADMINISTRATION
OF THE YUKON *PUBLIC SERVICE LABOUR RELATIONS ACT*
FOR THE FISCAL YEAR ENDING
MARCH 31, 2019**

INTRODUCTION

Under section 6(1) of the Yukon *Public Service Labour Relations Act* (RSY 2002, c. 185; “the Act”), the Yukon Public Service 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.”

On November 1, 2014, the Public Service Labour Relations Board at the federal level became the Public Service Labour Relations and Employment Board. In 2017, it was renamed the Federal Public Sector Labour Relations and Employment Board (“the FPSLREB”). It is an independent quasi-judicial statutory tribunal created by the *Federal Public Sector Labour Relations and Employment Board Act*, which came into force on November 1, 2014.

In fulfilling its mandate, the FPSLREB contributes to a productive and efficient workplace and helps achieve harmonious labour relations and a fair employment environment for federal public sector employers and employees and their bargaining agents. The FPSLREB has substantial expertise in labour relations and offers adjudication services as well as mediation and other dispute resolution services to help parties resolve differences without resorting to a formal hearing. It is committed to resolving labour relations and employment issues impartially and fairly.

Under an agreement with the Yukon government, the FPSLREB administers the collective bargaining and grievance adjudication systems for the Yukon public service. When performing those functions, the FPSLREB acts as the Yukon Public Service Labour Relations Board (“the Board”).

PROCEEDINGS IN 2018-2019

In 2018-2019, there were 84 proceedings under the *Act*. Of those, 17 were references to adjudication of grievances pertaining to the application or interpretation of a collective agreement or to disciplinary action, 62 constituted objections to the identification of a managerial or confidential position, 4 were policy grievances, and 1 was a complaint against the employer.

Of the 84 proceedings, 40 consisted of new cases referred to the Board during the year in review, while 44 were carried over from the previous fiscal year; 55 cases were closed in 2018-2019, and 29 will be carried forward to 2019-2020.

Grievance adjudication

Of the 17 grievances referred to adjudication, 11 pertained to the interpretation or application of a collective agreement, and 6 dealt with disciplinary matters.

Of the first 11 cases just noted, 5 remain to be scheduled, 1 was settled pending confirmation, 3 were withdrawn, and 2 were settled.

Of the other 6 cases, 2 involved terminations, and 4 involved suspensions. While 1 was settled in mediation and another was settled pending confirmation, 4 remain to be scheduled.

Four (4) policy grievances were carried over from previous fiscal years. A decision has been issued for 2 of them, while 1 was withdrawn and 1 remains to be scheduled for a hearing.

Complaint

One (1) complaint was filed against the employer, alleging a violation of the statutory freeze provision (section 41 of the *Act*). No action was taken with respect to it during the year in review as it was received a few days before the end of the period in question.

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 2018-2019, 62 objections to the identification of a managerial or confidential position were filed with the Board. Of them, at the end of the period in review, 4 were in abeyance pending discussions between the parties, 5 remained to be scheduled, 1 was awaiting a decision, and 6 were awaiting processing by the Registry. Exclusion orders were issued for the remaining 46 objections, and consequently, the files were closed.

Mediation

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

In 2018-2019, the FPSLRB's Mediation and Dispute Resolution Services held 1 mediation intervention, which resulted in the settlement of 1 file.