

Annual Report 2020-2021

YUKON PUBLIC SERVICE LABOUR RELATIONS BOARD



COMPOSITION OF THE BOARD

Chairperson: Catherine Ebbs

Vice-Chairpersons: David P. Olsen
Margaret T.A. Shannon

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

Adjudicators: George Filliter
Ian R. Mackenzie
Randy Noonan
Dan Quigley
Leslie Reaume

**REPORT ON THE ADMINISTRATION
OF THE YUKON PUBLIC SERVICE LABOUR RELATIONS ACT
FOR THE FISCAL YEAR ENDING
MARCH 31, 2021**

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.” The federal act is defined as the *Public Service Labour Relations and Employment Board Act*, which came into force on November 1, 2014, and was later renamed the *Federal Public Sector Labour Relations and Employment Board Act* (S.C. 2013, c. 40, s. 365). Under the federal act, the former Public Service Labour Relations Board was continued as the Federal Public Sector Labour Relations and Employment Board (“the FPSLREB”), an independent quasi-judicial statutory tribunal.

Through 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 is a recognized leader in the labour relations field that offers adjudication, mediation, and other dispute resolution services to help parties resolve their differences without resorting to a formal hearing.

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”).

CASELOAD

In 2020-2021, there were 51 active cases under the *Act*; 24 were new cases, and 27 were carried over from the previous fiscal year. Twenty-five (25) of the 51 cases were closed in 2020-2021, and 26 will be carried forward to 2021-2022.

Of those 51 active cases, 22 were grievances related to applications or interpretations of a collective agreement or disciplinary actions, 27 were objections to the identification of a managerial or confidential position, and 2 were complaints against the employer or bargaining agent.

Grievance adjudication

Adjudication refers to any determination made by Board-appointed adjudicators pursuant to the *Act*. It includes the determination of grievances arising from the application or interpretation of collective agreements or arbitral awards or from disciplinary actions or terminations.

There were 22 grievances before the Board during the reporting period. Of those, 10 pertained to the interpretation or application of a collective agreement, 10 dealt with disciplinary matters and 2 were policy grievances carried over from the previous fiscal year. Both policy grievances remain to be scheduled for a hearing.

Of the 10 disciplinary grievances, 6 pertained to terminations of employment; 1 has already been scheduled for a hearing, and the other 5 remain to be scheduled. Four (4) of the 10 disciplinary grievances pertained to suspensions; 2 are to be scheduled for a hearing, 1 is in mediation, and 1 is scheduled for a hearing.

All 10 collective agreement grievances remain to be scheduled for a hearing.

Complaints

Two (2) complaints were filed concerning the duty of fair representation and are scheduled for a hearing.

Managerial and confidential positions

A person is employed in a managerial or confidential capacity when, due to the nature of the duties they perform, they must meet the criteria established under the *Act* for exclusion from a bargaining unit.

In 2020-2021, 22 objections to the identification of a managerial or confidential position were filed with the Board. An order was issued for the 22 cases, which were consequently closed.

Mediation

When a proceeding is brought before the Board, mediation is offered to help the parties resolve their differences without resorting to a formal hearing. The parties may also request the Board's assistance in resolving a dispute before a matter is referred to adjudication.

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

The Board did not receive any new mediation requests during the reporting period.