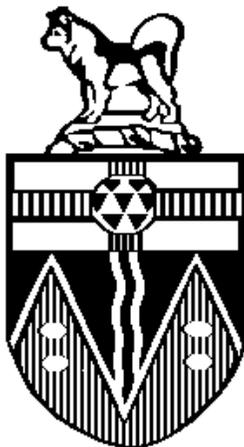


Annual Report 2019-2020

YUKON PUBLIC SERVICE LABOUR RELATIONS BOARD



COMPOSITION OF THE BOARD

Chairperson: Catherine Ebbs

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

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

Adjudicators: Dan Quigley
Leslie Reaume
George Filliter
Randy Noonan

**REPORT ON THE ADMINISTRATION
OF THE YUKON PUBLIC SERVICE LABOUR RELATIONS ACT
FOR THE FISCAL YEAR ENDING
MARCH 31, 2020**

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 Public Sector Labour Relations and Employment Board ("the FPSLREB") 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.

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 2019-2020, there were 69 active cases under the *Act*. Of those, 20 were references to adjudication of grievances related to applications or interpretations of a collective agreement or disciplinary actions, 45 were objections to the identification of a managerial or confidential position, 2 were policy grievances and 2 were complaints against the employer or bargaining agent.

Of those 69 cases, 54 consisted of new cases referred to the Board, while 15 were carried over from the previous fiscal year. Thirty (30) of the 69 files were closed in 2019-2020 and 39 will be carried forward to 2020-2021.

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 action or terminations.

There were 20 active individual grievances before the Board during the review period. Eleven (11) pertained to interpretations or applications of a collective agreement and 9 dealt with disciplinary matters. Two (2) policy grievances that were carried over from previous fiscal years were also before the Board during the review period, both of which remain to be scheduled for a hearing.

Of the 11 collective agreement cases, 9 remain to be scheduled for a hearing, 1 was settled pending confirmation and 1 was withdrawn.

Of the 9 cases involving disciplinary matters, 4 involved terminations and 5 involved suspensions. Eight (8) of those cases remain to be scheduled for a hearing and 1 was withdrawn.

Complaints

One (1) complaint was filed against the employer, alleging a violation of the statutory freeze provision (section 41 of the *Act*). It was later withdrawn as the matter was settled through the collective bargaining process.

The second complaint filed against the bargaining agent alleged the failure of the bargaining agent to properly represent the complainant. That complaint remains to be scheduled for a hearing.

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 2019-2020, 45 objections to the identification of a managerial or confidential position were filed with the Board. An order was issued for 26 of those cases, which were consequently closed. Of the remaining 19 cases, 1 was withdrawn and 18 will be carried forward to 2020-2021.

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 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.

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