



Federal Public Sector
Labour Relations and
Employment Board

Commission des relations
de travail et de l'emploi
dans le secteur public fédéral

Part III of the
Parliamentary Employment Staff Relations Act
and Part II of the *Canada Labour Code*

2020-2021

Annual Report

The Federal Public Sector Labour Relations and Employment Board

The Board's Composition

The *Federal Public Sector Labour Relations and Employment Board Act* establishes the Board's composition as follows:

- 1 full-time chairperson;
- not more than 2 full-time vice-chairpersons;
- not more than 12 full-time members; and
- as many part-time members as necessary to carry out the Board's powers, duties, and functions.

During the reporting period, the Board was composed of the following members:

Catherine Ebbs, Chairperson
David P. Olsen, Vice-Chairperson
Margaret T.A. Shannon, Vice-Chairperson

Full-time Board members

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

Part-time Board members

Joanne Archibald
Dan Butler
Paul Fauteux
Linda Gobeil
Ian R. Mackenzie
Renaud Paquet
Augustus Richardson

Overall Mandate of the Board

The Federal Public Sector Labour Relations and Employment Board ("the Board") is an independent, quasi-judicial statutory tribunal that offers dispute resolution and adjudication services in key labour relations and employment areas of the federal public sector and Parliament. It also administers the related collective bargaining and grievance adjudication processes, and it helps resolve complaints about internal appointments, appointment revocations, and layoffs.

The Board also resolves human-rights issues in areas that range from labour relations grievances and staffing complaints to unfair labour practices and collective bargaining. It is also responsible for administering public-sector-employee reprisal complaints under the *Canada Labour Code (CLC)*.

As of 2019, the Board's mandate was broadened to include complaints from federal public sector and parliamentary employees that are related to the *Accessible Canada Act* ("the *ACA*"), which establishes a framework for the proactive identification, removal, and prevention of barriers to accessibility for persons with disabilities.

Mandate of the Board under Part III of the *Parliamentary Employment and Staff Relations Act* and Part II of the *Canada Labour Code*

Since July 29, 2019, the Federal Public Sector Labour Relations and Employment Board ("the Board") has been charged with administering Part III of the *Parliamentary Employment and Staff Relations Act (PESRA)*. This Part provides the manner in which Part II of the *Canada Labour Code (CLC)*,

which relates to occupational health and safety, will apply to employees (“parliamentary employees”) and employers under *PESRA*. The parliamentary employees covered by these provisions include, but are not limited to, employees of the Library of Parliament, the House of Commons, the Senate, the Office of the Senate Ethics Officer, the Office of the Conflict of Interest and Ethics Commissioner, the Parliamentary Protective Service, and the Parliamentary Budget Officer, as well as most political staffers. Under Part III of the *PESRA*, parliamentary employees have a legislative recourse mechanism for health and safety matters under Part II of the *CLC*.

Where a parliamentary employee has reasonable grounds to believe that there has been a contravention of Part II of the *CLC*, or there is likely to be an accident, injury or illness, the *CLC* provides that employee with a complaint mechanism. The complaint by a parliamentary employee may eventually be referred for investigation, following which, the appropriate authority may issue directions. The Board has the mandate to hear appeals of those directions.

A parliamentary employee may refuse to work in accordance with the occupational health and safety provisions of the *CLC*. This work refusal may lead to an investigation. The appropriate authority may issue directions, or, may render a decision finding that there is an absence of danger or that the danger falls within allowable exceptions. The Board will hear an appeal of these directions or decisions.

Furthermore, the Board will hear and determine complaints alleging that an employer has taken action against a parliamentary employee, in contravention of the *CLC*.

On January 1, 2021, changes came into force with respect to the administration and enforcement of Part II of the *CLC* (see *An Act to amend the Canada Labour Code (harassment and violence)*, the *Parliamentary Employment and Staff Relations Act* and the *Budget Implementation Act, 2017, No. 1*, S.C. 2018, c. 22). Among those changes, a protection from workplace harassment and violence was brought into Part II of the *CLC*'s occupational health and safety regime. These amendments strengthen the framework for the prevention of harassment and violence. The recourse mechanisms under Part II of the *CLC* could be used by parliamentary employees alleging violence or harassment in the workplace and the Board may be called upon to adjudicate related reprisal complaints and appeals.

Activities

The Board has no activity to report for the 2020-2021 reporting period. It has not received any appeals of Ministerial directions or decisions, and has not received any complaints filed from parliamentary employees under Part II of the *CLC*.