

*Federal Public Sector Labour Relations and
Employment Board Act and
Federal Public Sector Labour Relations Act*



*Before a panel of the
Federal Public Sector Labour
Relations and Employment Board*

BETWEEN

CANADIAN ASSOCIATION OF PROFESSIONAL EMPLOYEES

Complainant

and

TREASURY BOARD

Respondent

PRELIMINARY ORDER

WHEREAS the complainant bargaining agent, the Canadian Association of Professional Employees, filed a complaint pursuant to s. 190(l)(e) of the *Federal Public Sector Labour Relations Act* (the *Act*) alleging that the respondent, Treasury Board, has failed to implement the provisions of collective agreements between the employer and the complainant within the period specified in the collective agreements, contrary to section 117 of the *Act*;

AND WHEREAS the respondent has admitted to the panel of the Board that it has violated section 117 of the *Act* by failing to comply with the timelines therein for implementation of the new collective agreements, and has consented to the issuance of a declaration to that effect by the Board.

THEREFORE, it is hereby declared that the respondent, having failed to implement the Economics and Social Scientists (EC) Group and Translators (TR) Group collective agreements within the 150 day deadline identified in the terms of the collective agreements, as prescribed in section 117, is in violation of the *Act*.

In order to effectively manage the determination of the outstanding issues in this complaint, including whether the violation of section 117 constitutes an unfair labour practice in accordance with s. 190 of the Act,

- The Board will remain seized of the matter to determine whether or not the violation of section 117 in these circumstances constituted an unfair labour practice pursuant to section 190 of the Act and to determine the appropriate remedy based on the facts of this case.
- To that end the respondent is ordered to produce to the complainant, by the dates specified below, the documents identified, and is to confirm the delivery of these documents to the Board:

By close of business **October 11, 2019**, the respondent shall confirm to the complainant an accurate number of employees comprising the EC and TR bargaining groups. The respondent shall also confirm whether the EC and TR collective agreements signed May 24, 2017 have been fully implemented and as of what date.

If implementation is not complete, the respondent shall advise the complainant of the number of employees for whom the said collective agreements have not been implemented.

- Further updates shall be provided by the respondent for each of the bargaining groups on **November 22, 2019** and **December 20, 2019**.
- The parties are encouraged to meet in the meantime to resolve all outstanding matters and to come to a mutually agreeable resolution in this matter.
- Two case management conference calls will be held on **October 21, 2019, at 8:30 a.m.** and **January 8, 2020 at 9:00 a.m.** and an in-person case management conference on **December 2, 2019 at 9:00 a.m.** to provide the Board with a status report concerning the progress, if any, made by the parties. Please find the following information to join the case management conference calls:

Conference ID: 9118047
Local Dial-in number (613) 960-7514
Toll-free Dial-in number 1 (877) 413-4790

- The in-person case management conference will be held at the following location:

C.D. Howe Building, 240 Sparks Street, West Tower, 7th Floor, Room 722

- Hearing dates to deal with the outstanding elements of the complaint as provided above will be set at the conclusion of the production process if required.

Ottawa, Ontario
September 4, 2019



Margaret J.A. Shannon
A panel of the Federal Public Sector Labour
Relations and Employment Board