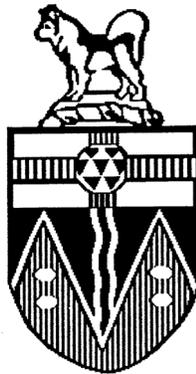


Annual Report 2018-2019

# Yukon Teachers Labour Relations Board



# Annual Report 2018-2019

## YUKON TEACHERS LABOUR RELATIONS BOARD



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### COMPOSITION OF THE BOARD

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Chairperson: Catherine Ebbs

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Vice-Chairpersons: David Paul Olsen  
Margaret Shannon

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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: James E. Dorsey  
Paul Love  
Ian R. MacKenzie

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

**INTRODUCTION**

Under the *Education Labour Relations Act* (RSY 2002, c. 62) ("the Act"), the Yukon Teachers 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" (section 4(1) of the Act).

On November 1, 2014, the Public Service Labour Relations Board at the federal level became the Public Service Labour Relations and Employment Board and, in 2017, was renamed the Federal Public Sector Labour Relations and Employment Board ("the FPSLREB"). 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. 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 Yukon teachers. When performing those functions, the FPSLREB acts as the Yukon Teachers Labour Relations Board ("the Board").

**PROCEEDINGS IN 2018-2019**

In 2018-2019, there were 20 active proceedings under the *Education Labour Relations Act*. Of those, 8 cases were references to adjudication of grievances pertaining to the application or interpretation of a collective agreement, 1 involved a disciplinary matter, 8 involved objections to the identification of a managerial or confidential position, 2 consisted of policy grievances, and 1 consisted of a request for preventive mediation.

Thirteen (13) of those 20 cases were closed, and 7 will be carried forward to 2019-2020.

**Grievance adjudication**

The Board dealt with 8 grievance adjudication cases during the review period. Three (3) were new cases received during the year in review, and 5 were carried over from the previous fiscal year.

Of those 8 grievances referred to adjudication, 1 was withdrawn pending confirmation, 1 has been held in abeyance, 1 remains to be scheduled for a hearing, 2 were settled, and 3 were withdrawn.

The 2 policy grievances before the Board in 2018-2019 were carried forward from a previous fiscal year and have yet to be scheduled for a hearing.

## **Managerial and confidential positions**

A person employed in a managerial and 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, the Board dealt with 8 matters of this nature. Orders were issued in 7 cases, while the remaining one was withdrawn.

## **Mediation**

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

In 2018-2019, the Board received a single request for assistance, which resulted in a mediation that resolved the grievance that had been scheduled for adjudication.

## **Collective bargaining**

In October 2018, the Yukon Teacher's Association advised the Board that it was seeking the Chairperson's declaration of a deadlock in its negotiations with the territorial government. The declaration was issued, following which the bargaining agent selected arbitration as the dispute resolution process.

Despite an arbitrator being appointed, with the mutual agreement of the parties, the Chairperson then appointed a mediator to help them reach a settlement. In December, the mediator met with the parties and successfully helped them renew their collective agreement. The parties signed a memorandum of settlement for a 3-year collective agreement expiring on June 30, 2021.