

Annual Report 2019-2020

YUKON TEACHERS 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: James E. Dorsey
Paul E. Love
Ian R. MacKenzie
Randy Noonan
Leslie Reaume

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

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*). 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 Yukon teachers. When performing those functions, the FPSLREB acts as the Yukon Teachers Labour Relations Board ("the Board").

CASELOAD

In 2019-2020, there were 11 active cases under the *Act*. Of those, 4 cases were references to adjudication of grievances pertaining to applications or interpretations of a collective agreement, 1 involved a disciplinary matter and 6 consisted of policy grievances.

Three (3) of the 11 cases were closed and 8 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 5 active individual grievances before the Board during the review period, including 4 that pertained to applications or interpretations of a collective agreement and 1 disciplinary suspension. Of those 5 grievances, 2 were withdrawn, 1 has been held in abeyance and 2 remain to be scheduled for a hearing.

There were 6 active policy grievances before the Board during the review period, including 3 that were referred to adjudication in the fiscal year in review and 3 that were carried over from a previous fiscal year. Of those same grievances, 1 was withdrawn and the remaining 5 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.

The Board did not deal with any matters of this nature in 2019-2020.

Mediation

Parties with matters before the Board may choose mediation to resolve their underlying grievance issues or their complaints that have been 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 mediation requests during the reporting period.