

Annual Report 2022-2023

YUKON TEACHERS LABOUR RELATIONS BOARD



COMPOSITION OF THE BOARD

Chairperson: Edith Bramwell

Vice-Chairpersons: Marie-Claire Perrault
Amélie Lavictoire

Members: Pierre-Marc Champagne (since March 13, 2023)
Caroline Engmann
Goretti Fukamusenge (since March 13, 2023)
Bryan R. Gray
Patricia Harewood (since March 13, 2023)
Chantal Homier-Nehmé
John G. Jaworski
James Knopp
Audrey Lizotte (since August 8, 2022)
Ian R. Mackenzie
David Orfald
Nancy Rosenberg

Adjudicators: David Jewitt
Leslie Reaume

**REPORT ON THE ADMINISTRATION
OF THE YUKON EDUCATION LABOUR RELATIONS ACT
FOR THE FISCAL YEAR ENDING
MARCH 31, 2023**

INTRODUCTION

Under section 4(1) of 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.” The federal act is defined as the *Public Service Labour Relations and Employment Board Act*, which came into force on November 1, 2014, and was later renamed the *Federal Public Sector Labour Relations and Employment Board Act* (S.C. 2013, c. 40, s. 365). Under the federal act, the former Public Service Labour Relations Board was continued as the Federal Public Sector Labour Relations and Employment Board (“the FPSLREB”), an independent quasi-judicial statutory tribunal.

The FPSLREB is an independent, quasi-judicial statutory tribunal that offers dispute-resolution and adjudication services in key labour relations and staffing matters of the federal public sector.

Through its mandate, the FPSLREB is committed to:

- Support a fair staffing environment and harmonious labour relations within the federal public sector.
- Help parties resolve disputes in a fair, impartial, and efficient manner that respects the terms and conditions of employment.
- Eliminate barriers by leveraging technology for adjudication and dispute resolution services to provide increased access to justice across Canada and better serve parties before the Board.

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 2022-2023, there were 11 active cases involving 13 files under the *Act*. Ten (10) of those cases were carried forward from previous fiscal years and 1 case was referred in the current reporting period.

Four (4) cases were closed during the reporting period. The 7 remaining cases will be carried forward to the next fiscal year and are awaiting to be scheduled for a hearing. The overall average age of a case is 23 months.

Grievance adjudication

Adjudication refers to any determination made by Board-appointed adjudicators pursuant to the *Act*. It includes the determination of grievances that arise from the application or interpretation of collective agreements or arbitral awards or from disciplinary actions or terminations.

The Board received one new grievance in 2022-2023.

Four (4) of the 11 active cases before the Board pertained to policy-related grievances and were closed in 2022-2023. Three (3) of those cases were the subject of a hearing that occurred in a previous fiscal year and one was the subject of a hearing held in the current fiscal year. The final decisions for each respective case were issued in 2022-2023. Another case involving three grievances (1 termination and 2 suspensions without pay) was also assigned to a Board Member for active case management.

At the end of the reporting period, 7 cases involving 9 individual grievances were still active and were carried forward to the next fiscal year.

Table 1 provides a breakdown of active cases as of March 31, 2023.

Table 1

Number of cases	
Grievances	7
Collective agreement	2
Disciplinary	1 (involving 3 files)
Policy	4
Total	7

At the end of the reporting period, there were 2 cases involving individual grievances related to the interpretation and application of a collective agreement. The first case concerns allegations that the bargaining agent was not consulted by the employer on new policies and directives. The second case involves an allegation that the employer breached the probationary service clause of the collective agreement. Both grievances are 15-months old and remain to be scheduled for a hearing.

At the end of the reporting period, 1 case involving 3 disciplinary grievances was awaiting to be scheduled. Two (2) of those grievances relate to suspensions and the other is a termination grievance. The first two grievances are respectively 31- and 29-months old; the termination grievance is 8-months old.

Four (4) policy grievances pertaining to contracting out (2), staffing and individual training plans are awaiting to be scheduled. The average age of those policy grievances is 29-months. The one (1) case pertaining to staffing was assigned to a Board Member.

Managerial and confidential positions

A person is employed in a managerial and confidential capacity when, due to the nature of the duties they perform, they must meet the criteria established under the *Act* for exclusion from a bargaining unit.

The Board did not deal with any such matters in 2022-2023.

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 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.