

Index of Canada Essential Services Cases (PSLRB & CIRB) Chronological

Case Name and Citation	Summary
Canadian Union of Public Employees, Local 301 v. Montreal (City) , [1997] 1 SCR 793, 1997 CanLII 386 (SCC), http://canlii.ca/t/1fr36	March 27, 1997 – Powers and role of the Conseil des services essentiels
Greater Moncton Airport Authority Inc. , 1999 CIRB 12 (CanLII), http://canlii.ca/t/fvd0r	April 29, 1999 – Ministerial Referral – Application of ESA provisions – Came into force after notice to bargain served – Directed to negotiate ESA
Aéroports de Montréal , 1999 CIRB 23 (CanLII), http://canlii.ca/t/20z22	June 30, 1999 – Airport firefighters – All designated essential – No reduction of service required
Atomic Energy of Canada Limited , 2001 CIRB 122 (CanLII), http://canlii.ca/t/20xcs	June 22, 2001 – Maintenance of operations – Production of Medical Isotopes – Designated essential
Nav Canada , 2002 CIRB 186 (CanLII), http://canlii.ca/t/20z4j	August 2, 2002 – Partial right to strike permitted in absence of Maintenance of Activity agreement – Cessation of training for non-licensed trainees
Nav Canada , 2002 CIRB 168 (CanLII), http://canlii.ca/t/20z3b	March 26, 2003 – Essential services designations – Air traffic control – Risk assessment required before services reduced
Chalk River Technicians & Technologists v. Atomic Energy Canada Ltd. , [2003] 3 FCR 313, 2002 FCA 489 (CanLII) http://canlii.ca/t/4hjp	December 10, 2002 – Production of medical isotopes – “immediate and serious danger” defined – “Could” pose vs. “Would” pose
Nav Canada , 2003 CIRB 214 (CanLII), http://canlii.ca/t/20x21	January 24, 2003 – Application for appointment of binding arbitration to settle cba dispute refused – Directed to complete Maintenance of Services negotiations

<p>Marine Atlantic Inc., 2003 CIRB 232 (CanLII), http://canlii.ca/t/20x37</p>	<p>May 26, 2003 – No conflict between Maintenance of activity provisions in Code with Federal Government’s constitutional obligation to maintain ferry service between North Sydney and Port aux Basques</p>
<p>Marine Atlantic Inc., 2004 CIRB 275 (CanLII), http://canlii.ca/t/20w0b</p>	<p>April 29, 2004 – Level of service – Expert evidence showing reduction of service would pose immediate and serious danger to safety/health of public – No reduction ordered</p>
<p>Public Service Alliance of Canada v. Yukon, 2004 CanLII 4810 (PSSRB), http://canlii.ca/t/1hk1m</p>	<p>July 26, 2004 – Notice of designations to employees – Expeditious method to be used</p>
<p>Canadian National Railway Company, 2005 CIRB 314 (CanLII) http://canlii.ca/t/20ts8</p>	<p>March 11, 2005 – Maintenance of activity agreement – Ministerial referral – “Immediate and serious danger” - Onus</p>
<p>Greater Toronto Airports Authority, 2005 CIRB 321 (CanLII), http://canlii.ca/t/20tsq</p>	<p>May 13, 2005 – Maintenance of Services Agreement – Interest arbitration – Tri-partite panel ordered</p>
<p>NAV CANADA, 2007 CIRB 374 (CanLII), http://canlii.ca/t/23z52</p>	<p>January 9, 2007 – Determination of Maintenance of Services for Air Traffic Control –Flow control up to 30% ordered - Reduction of training</p>
<p>NAV CANADA, 2007 CIRB 375 (CanLII), http://canlii.ca/t/20r4l</p>	<p>January 9, 2007 – Determination of maintenance of services for Operational Support Specialists – Flow Control up to 30% ordered</p>
<p>NAV CANADA, 2007 CIRB 376 (CanLII), http://canlii.ca/t/20r4n</p>	<p>January 9, 2007 – Determination of Maintenance of Services for flight service specialists</p>
<p>Public Service Alliance of Canada v. Parks Canada Agency, 2008 PSLRB 97 (CanLII) – (Park Services) http://canlii.ca/t/221m6</p>	<p>November 24, 2008 – Park Services – Essential Services – Analytical Path – Identify essential services; identify the level of services required; types of positions and number of those positions required – Board identified essential services</p>

<p>Marine Atlantic Inc., 2008 CIRB 431 (CanLII), http://canlii.ca/t/2dpf9,</p>	<p>December 8, 2008 – Ship-based unlicensed personnel - Non-compliance with notice specifying required maintenance of services – Board has no jurisdiction to hear matter – Earlier order did not set levels of staffing – Reconsideration of earlier decision refused</p>
<p>Public Service Alliance of Canada v. Treasury Board (Border Services, Program and Administrative Services and Operational Groups), 2009 PSLRB 37 (CanLII) http://canlii.ca/t/23788</p>	<p>March 24, 2009 – Board retains jurisdiction to determine ESA after CBA signed</p>
<p>City of Ottawa, 2009 CIRB 447 (CanLII), http://canlii.ca/t/fvd01</p>	<p>April 17, 2009 – Ministerial referral – Process for determining “immediate and serious danger to health/safety of public – Three issues identified – Mitigating efforts made sufficient</p>
<p>Public Service Alliance of Canada v. Canada (Treasury Board), 2009 PSLRB 55 (CanLII) http://canlii.ca/t/23rgt</p>	<p>April 28, 2009 – PM-01 Citizen Services Officers – Service Canada – EI, CPP, OAS/GIS services to be maintained</p>
<p>Public Service Alliance of Canada v. Canada (Treasury Board), 2009 PSLRB 56 (CanLII) http://canlii.ca/t/23spm</p>	<p>April 29, 2009 – PM-02 Assistant Bankruptcy Analyst – Office of Supt of Bankruptcy – Functions not necessary for public safety or security</p>
<p>Treasury Board v. Professional Institute of the Public Service of Canada, 2009 PSLRB 120 (CanLII) http://canlii.ca/t/26g1w</p>	<p>October 2, 2009 – Computer Systems Group at Elections Canada – Defining essential services – No essential service</p>
<p>Treasury Board v. Professional Institute of the Public Service of Canada, 2009 PSLRB 128 (CanLII) http://canlii.ca/t/26kcc</p>	<p>October 14, 2009 - Computer Systems Group at CBSA – Defining essential services (Judicial review quashed (2011 FCA 143 (CanLII))</p>
<p>Public Service Alliance of Canada v. Treasury Board, 2009 PSLRB 155 (CanLII) http://canlii.ca/t/27425</p>	<p>November 20, 2009 – Border Services Officers – Identification of Essential Services</p>

<p>Treasury Board v. Professional Institute of the Public Service of Canada, 2010 PSLRB 15 (CanLII) http://canlii.ca/t/289rm</p>	<p>January 28, 2010 – Computer Systems Group at Public Safety Canada – Identification of essential services</p>
<p>Canada (Treasury Board) v. P.I.P.S.C., 2010 PSLRB 60 http://canlii.ca/t/2b0mj</p>	<p>May 7, 2010 – Computer Systems Group – Power of Board to define “essential services” in ESA – Board powers confirmed (Upheld Judicial Review at 2011 FCA 20 (CanLII))</p>
<p>Public Service Alliance of Canada v. Treasury Board (Program and Administrative Services Group), 2010 PSLRB 88 (CanLII) http://canlii.ca/t/2ckxp</p>	<p>August 19, 2010 – Board has power to consider allegation that employer violated principle of administrative law or due process in determination of levels – can order relevant disclosure</p>
<p>Canada Revenue Agency v. Public Service Alliance of Canada, 2010 PSLRB 101 (CanLII), http://canlii.ca/t/2czm9</p>	<p>September 22, 2010 – Taxpayer Service Agents – GSTC – Service Centres – Information on entitlements and changes to recipient information – Onus on Employer – Board describes essential functions</p>
<p>Canada (Attorney General) v. Professional Institute of the Public Service of Canada, 2011 FCA 20 (CanLII) http://canlii.ca/t/2fg3x</p>	<p>January 19, 2011 – Judicial Review of PSLRB’s May 7, 2010 decision (2010 PSLRB 60) upheld</p>
<p>Professional Institute of the Public Service of Canada v. Canadian Food Inspection Agency, 2011 PSLRB 16 (CanLII) http://canlii.ca/t/fkgrpq</p>	<p>February 8, 2011- Veterinary Medicine group – CFIA – Defined essential services for veterinary Medicine group</p>
<p>Professional Institute of the Public Service of Canada v. Canada (Attorney General), 2011 FCA 143 (CanLII) http://canlii.ca/t/fl895</p>	<p>April 26, 2011- Judicial Review – PSLRB – Computer Systems Group at CBSA – Identification of essential services too vague – Matter returned to PSLRB</p>
<p>Public Service Alliance of Canada v. Treasury Board (Program and Administrative Services Group), 2011 PSLRB 102 (CanLII) http://canlii.ca/t/fn0gv</p>	<p>August 9, 2011 – Disclosure – Employer assigned level of essential services – PM-01 Citizen Service Officers – Service Canada Centres – Disclosure ordered</p>
<p>Canada (Attorney General) v. Public Service Alliance of Canada, 2011 FCA 257 (CanLII), http://canlii.ca/t/fn6dt</p>	<p>September 19, 2011 – Judicial review – 2010 PSLRB 88 (CanLII) – Decision upheld</p>

<p>Professional Institute of the Public Service of Canada v. Canada (Canadian Food Inspection Agency), 2012 FCA 19 (CanLII), http://canlii.ca/t/fpszh</p>	<p>January 20, 2012 – Judicial review of Vet Med decision (2011 PSLRB 16) – Union selects arbitration to resolve cba – is jr moot – Motion to dismiss JR dismissed</p>
<p>Professional Institute of the Public Service of Canada v. Canada (Canadian Food Inspection Agency), 2012 FCA 228 (CanLII) http://canlii.ca/t/fss0j</p>	<p>September 4, 2012 – Judicial Review - 2011 PSLRB 16 - February 8, 2011 Decision – Site visit proper – Procedural objections not raised in timely manner – Board decision reasonable</p>