

**FEDERAL PUBLIC SECTOR LABOUR RELATIONS AND EMPLOYMENT
BOARD**

BETWEEN:

THE NATIONAL POLICE FEDERATION

The Complainant

- and -

TREASURY BOARD

The Respondent

**RESPONSE TO COMPLAINT UNDER SECTION 190 OF THE *FEDERAL PUBLIC
SECTOR LABOUR RELATIONS ACT (FPSLRA)***

OVERVIEW

1. The National Police Federation's ("NPF") complaint alleges that the Respondent has altered the terms and conditions of employment that are applicable to employees in a proposed bargaining unit, contrary to s.56 of the *FPSLRA*.
2. The Complainant alleges that the Respondent changed the terms and conditions of employment relating to the qualifications members of the Royal Canadian Mounted Police (the "RCMP") must possess prior to applying for and obtaining a promotion.
3. The Respondent respectfully disagrees with the allegations presented by the Complainant and submits that there are no contraventions to s.56 of the *FPSLRA*.

4. The Respondent also respectfully submits that mediation would not be appropriate at this time.

AUTHORITY OF THE RESPONDENT

5. There is no dispute by the parties that the amendments to the Career Management Manual (CMM) outlined in paragraph 5 of the Complaint were completed and published on November 20, 2017.
6. However, the Respondent submits that by virtue of the principles under the *Financial Administration Act (FAA)*¹ and the *Royal Canadian Mounted Police Act (RCMPA)*² it was under the authority of the Respondent to make the changes to the CMM.
7. By virtue of both the *FAA* and the *RCMPA* the determination of the learning, training and development requirements are found under the powers of Deputy Heads or in the case of the RCMP under the powers of the Commissioner.
8. Section 20.2 (1)(a) of the *RCMPA* states under Commissioner's powers:
20.2 (1) The Commissioner may
(a) determine the learning, training and development requirements of members and fix the terms on which the learning, training and development may be carried out;

CONCLUSION

9. The Respondent respectfully submits that the amendments to the CMM are not a violation of s.56 or any other sections of the FPSLRA.
10. In light of the above, the complaint has no merit and the remedies sought by the Complainant should be denied.

¹ Financial Administration Act (R.S.C., 1985, c. F-11)

² Royal Canadian Mounted Police Act (R.S.C., 1985, c. R-10)

DATED AT OTTAWA, this 23rd day of March, 2018.

A handwritten signature in black ink, appearing to read 'S. Chouinard', written over a horizontal line.

Sébastien Chouinard
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