

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

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

<p><b>Marine Atlantic Inc.</b>, 2003 CIRB 232 (CanLII), <a href="http://canlii.ca/t/20x37">http://canlii.ca/t/20x37</a></p>	<p><b>May 26, 2003</b> – 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><b>Marine Atlantic Inc.</b>, 2004 CIRB 275 (CanLII), <a href="http://canlii.ca/t/20w0b">http://canlii.ca/t/20w0b</a></p>	<p><b>April 29, 2004</b> – 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><b>Public Service Alliance of Canada v. Yukon</b>, 2004 CanLII 4810 (PSSRB), <a href="http://canlii.ca/t/1hk1m">http://canlii.ca/t/1hk1m</a></p>	<p><b>July 26, 2004</b> – Notice of designations to employees – Expeditious method to be used</p>
<p><b>Canadian National Railway Company</b>, 2005 CIRB 314 (CanLII) <a href="http://canlii.ca/t/20ts8">http://canlii.ca/t/20ts8</a></p>	<p><b>March 11, 2005</b> – Maintenance of activity agreement – Ministerial referral – “Immediate and serious danger” - Onus</p>
<p><b>Greater Toronto Airports Authority</b>, 2005 CIRB 321 (CanLII), <a href="http://canlii.ca/t/20tsq">http://canlii.ca/t/20tsq</a></p>	<p><b>May 13, 2005</b> – Maintenance of Services Agreement – Interest arbitration – Tri-partite panel ordered</p>
<p><b>NAV CANADA</b>, 2007 CIRB 374 (CanLII), <a href="http://canlii.ca/t/23z52">http://canlii.ca/t/23z52</a></p>	<p><b>January 9, 2007</b> – Determination of Maintenance of Services for Air Traffic Control –Flow control up to 30% ordered - Reduction of training</p>
<p><b>NAV CANADA</b>, 2007 CIRB 375 (CanLII), <a href="http://canlii.ca/t/20r4l">http://canlii.ca/t/20r4l</a></p>	<p><b>January 9, 2007</b> – Determination of maintenance of services for Operational Support Specialists – Flow Control up to 30% ordered</p>
<p><b>NAV CANADA</b>, 2007 CIRB 376 (CanLII), <a href="http://canlii.ca/t/20r4n">http://canlii.ca/t/20r4n</a></p>	<p><b>January 9, 2007</b> – Determination of Maintenance of Services for flight service specialists</p>
<p><b>Public Service Alliance of Canada v. Parks Canada Agency</b>, 2008 PSLRB 97 (CanLII) – (Park Services) <a href="http://canlii.ca/t/221m6">http://canlii.ca/t/221m6</a></p>	<p><b>November 24, 2008</b> – 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><b>Marine Atlantic Inc.</b>, 2008 CIRB 431 (CanLII), <a href="http://canlii.ca/t/2dpf9">http://canlii.ca/t/2dpf9</a>,</p>	<p><b>December 8, 2008</b> – 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><b>Public Service Alliance of Canada v. Treasury Board (Border Services, Program and Administrative Services and Operational Groups)</b>, 2009 PSLRB 37 (CanLII) <a href="http://canlii.ca/t/23788">http://canlii.ca/t/23788</a></p>	<p><b>March 24, 2009</b> – Board retains jurisdiction to determine ESA after CBA signed</p>
<p><b>City of Ottawa</b>, 2009 CIRB 447 (CanLII), <a href="http://canlii.ca/t/fvd01">http://canlii.ca/t/fvd01</a></p>	<p><b>April 17, 2009</b> – Ministerial referral – Process for determining “immediate and serious danger to health/safety of public – Three issues identified – Mitigating efforts made sufficient</p>
<p><b>Public Service Alliance of Canada v. Canada (Treasury Board)</b>, 2009 PSLRB 55 (CanLII) <a href="http://canlii.ca/t/23rgt">http://canlii.ca/t/23rgt</a></p>	<p><b>April 28, 2009</b> – PM-01 Citizen Services Officers – Service Canada – EI, CPP, OAS/GIS services to be maintained</p>
<p><b>Public Service Alliance of Canada v. Canada (Treasury Board)</b>, 2009 PSLRB 56 (CanLII) <a href="http://canlii.ca/t/23spm">http://canlii.ca/t/23spm</a></p>	<p><b>April 29, 2009</b> – PM-02 Assistant Bankruptcy Analyst – Office of Supt of Bankruptcy – Functions not necessary for public safety or security</p>
<p><b>Treasury Board v. Professional Institute of the Public Service of Canada</b>, 2009 PSLRB 120 (CanLII) <a href="http://canlii.ca/t/26g1w">http://canlii.ca/t/26g1w</a></p>	<p><b>October 2, 2009</b> – Computer Systems Group at Elections Canada – Defining essential services – No essential service</p>
<p><b>Treasury Board v. Professional Institute of the Public Service of Canada</b>, 2009 PSLRB 128 (CanLII) <a href="http://canlii.ca/t/26kcc">http://canlii.ca/t/26kcc</a></p>	<p><b>October 14, 2009</b> - Computer Systems Group at CBSA – Defining essential services (Judicial review quashed (2011 FCA 143 (CanLII))</p>
<p><b>Public Service Alliance of Canada v. Treasury Board</b>, 2009 PSLRB 155 (CanLII) <a href="http://canlii.ca/t/27425">http://canlii.ca/t/27425</a></p>	<p><b>November 20, 2009</b> – Border Services Officers – Identification of Essential Services</p>

<p><b>Treasury Board v. Professional Institute of the Public Service of Canada, 2010 PSLRB 15 (CanLII)</b> <a href="http://canlii.ca/t/289rm">http://canlii.ca/t/289rm</a></p>	<p><b>January 28, 2010</b> – Computer Systems Group at Public Safety Canada – Identification of essential services</p>
<p><b>Canada (Treasury Board) v. P.I.P.S.C., 2010 PSLRB 60</b> <a href="http://canlii.ca/t/2b0mj">http://canlii.ca/t/2b0mj</a></p>	<p><b>May 7, 2010</b> – 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><b>Public Service Alliance of Canada v. Treasury Board (Program and Administrative Services Group), 2010 PSLRB 88 (CanLII)</b> <a href="http://canlii.ca/t/2ckxp">http://canlii.ca/t/2ckxp</a></p>	<p><b>August 19, 2010</b> – 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><b>Canada Revenue Agency v. Public Service Alliance of Canada, 2010 PSLRB 101 (CanLII),</b> <a href="http://canlii.ca/t/2czm9">http://canlii.ca/t/2czm9</a></p>	<p><b>September 22, 2010</b> – Taxpayer Service Agents – GSTC – Service Centres – Information on entitlements and changes to recipient information – Onus on Employer – Board describes essential functions</p>
<p><b>Canada (Attorney General) v. Professional Institute of the Public Service of Canada, 2011 FCA 20 (CanLII)</b> <a href="http://canlii.ca/t/2fg3x">http://canlii.ca/t/2fg3x</a></p>	<p><b>January 19, 2011</b> – Judicial Review of PSLRB’s May 7, 2010 decision (2010 PSLRB 60) upheld</p>
<p><b>Professional Institute of the Public Service of Canada v. Canadian Food Inspection Agency, 2011 PSLRB 16 (CanLII)</b> <a href="http://canlii.ca/t/fkgrpq">http://canlii.ca/t/fkgrpq</a></p>	<p><b>February 8, 2011-</b> Veterinary Medicine group – CFIA – Defined essential services for veterinary Medicine group</p>
<p><b>Professional Institute of the Public Service of Canada v. Canada (Attorney General), 2011 FCA 143 (CanLII)</b> <a href="http://canlii.ca/t/fl895">http://canlii.ca/t/fl895</a></p>	<p><b>April 26, 2011-</b> Judicial Review – PSLRB – Computer Systems Group at CBSA – Identification of essential services too vague – Matter returned to PSLRB</p>
<p><b>Public Service Alliance of Canada v. Treasury Board (Program and Administrative Services Group), 2011 PSLRB 102 (CanLII)</b> <a href="http://canlii.ca/t/fn0gv">http://canlii.ca/t/fn0gv</a></p>	<p><b>August 9, 2011</b> – Disclosure – Employer assigned level of essential services – PM-01 Citizen Service Officers – Service Canada Centres – Disclosure ordered</p>
<p><b>Canada (Attorney General) v. Public Service Alliance of Canada, 2011 FCA 257 (CanLII),</b> <a href="http://canlii.ca/t/fn6dt">http://canlii.ca/t/fn6dt</a></p>	<p><b>September 19, 2011</b> – Judicial review – <b>2010 PSLRB 88 (CanLII)</b> – Decision upheld</p>

<p><b>Professional Institute of the Public Service of Canada v. Canada (Canadian Food Inspection Agency)</b>, 2012 FCA 19 (CanLII), <a href="http://canlii.ca/t/fpszh">http://canlii.ca/t/fpszh</a></p>	<p><b>January 20, 2012</b> – 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><b>Professional Institute of the Public Service of Canada v. Canada (Canadian Food Inspection Agency)</b>, 2012 FCA 228 (CanLII) <a href="http://canlii.ca/t/fss0j">http://canlii.ca/t/fss0j</a></p>	<p><b>September 4, 2012</b> – Judicial Review - 2011 PSLRB 16 - February 8, 2011 Decision – Site visit proper – Procedural objections not raised in timely manner – Board decision reasonable</p>