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Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL
WORKERS, LOCAL 2228**

Applicant

and

TREASURY BOARD

Employer

and

**PUBLIC SERVICE ALLIANCE OF CANADA
and
PROFESSIONAL INSTITUTE OF THE PUBLIC
SERVICE OF CANADA**

Intervenors

RE: Application under Section 34 of the
Public Service Staff Relations Act

Before: Guy Giguère, Deputy Chairperson

For the Applicant: [James L. Shields, Counsel](#)

For the Employer: [Carole Bidal, Counsel](#)

For the Intervenors: [David Landry, Public Service Alliance of Canada](#)
Jock Hazeldean, Professional Institute of the Public
Service of Canada

Heard at Ottawa, Ontario,
June 5 and 6 and September 5 and 6, 2001.

DECISION

[1] On February 8, 2001, an application under section 34 of the *Public Service Staff Relations Act* (PSSRA) was filed by the International Brotherhood of Electrical Workers, Local 2228 (IBEW). This application concerns the positions of Tour Shop Technician, Tour Technician, Security Technician, Technical Tour Coordinator and Network Technician in the Tour Group Unit at the Privy Council Office (PCO). In its application, the IBEW stated that it is seeking a determination that these employees, presently included in the General Technical (GT) Group or the Computer Systems Administration (CS) Group bargaining units, are more properly included in the Electronics (EL) Group bargaining unit for which the IBEW is the certified bargaining agent.

[2] The IBEW explained in its application that all these technicians used to be included in the EL Group bargaining unit until reclassified by the employer on or about September 18, 2000. Section 34 of the PSSRA states:

34. *Where, at any time following the determination by the Board of a group of employees to constitute a unit appropriate for collective bargaining, any question arises as to whether any employee or class of employees is or is not included therein or is included in any other unit, the Board shall, on application by the employer or any employee organization affected, determine the question.*

[3] It is noted that as a result of the amalgamation of six bargaining units, the GT Group bargaining unit is now part of the larger Technical Services (TS) Group bargaining unit (see: *Public Service Alliance of Canada v. Treasury Board* (Board File No. 142-2-339)). Therefore, in this decision, all references from correspondence, evidence and arguments to GT Group have been corrected for TS Group.

[4] On February 26, 2001, Claude Leclerc, of the Professional Institute of the Public Service of Canada (PIPSC), wrote to the Board requesting that PIPSC be accorded the opportunity to make representations at the hearing since the Network Technician position is included in the CS Group bargaining unit and thus is a member of PIPSC.

[5] On March 23, 2001, Anne Clark-McMunagle, of the Public Service Alliance of Canada (PSAC), wrote to the Board to oppose the application in regard to the Tour Technician, Tour Shop Technician, Technical Tour Coordinator and Security Technician

positions. She explained that these positions belonged rightly in the TS Group bargaining unit and not in the EL Group bargaining unit as claimed in the application.

[6] On March 26, 2001, Ilam Rumstein, of the Treasury Board, wrote to the Board indicating that the employer's position was that the positions referred to in IBEW's application were accurately covered by the TS and CS Group bargaining units. However, at the outset of the hearing, Ms. Bidal informed me that, after discussions with Messrs. Hazeldean and Shields, the employer conceded that the Network Technician position classified at the CS-02 group and level should be more properly included in the EL Group bargaining unit, as before its reclassification. There were no objections. Mr. Hazeldean then left the hearing, as there were no other positions concerning PIPSC.

Evidence

[7] Stuart Paterson, Director of Informatics and Technical Services at the PCO, explained that he started as Manager of Technical Services at PCO in 1978 when the Tour Group emerged. The Technical Services Unit was comprised at the time of three employees in the EL Group and their primary duties were to install and maintain, within the PCO, "TEMPEST" computer terminals and audio-video equipment. Over the years, the time spent on tour duties increased considerably. The Tour Group Unit was formed eight years ago, as tour duties were now permanent full-time functions. The original tour duties basically consisted in recording the Prime Minister's speeches, which entailed installing a microphone, distributing the sound to the media and recording the speech. These tour functions evolved and became more wide-ranging as the Prime Minister required a secure communication link with Canada while abroad and an office set-up wherever he went.

[8] Mr. Paterson explained that the equipment is now more complex, such as cellular telephones, but it does not require knowledge of electronics technology. Fifteen years ago wordprocessors were used and they would necessitate knowledge of electronics technology, as they often needed to be repaired on a tour duty. However, personal computers are now all integrated and laptops are built for travelling. If they malfunction, a spare computer will be used and the defective computer will be returned to the manufacturer when the technicians are back in Ottawa. Mr. Paterson stated that equipment failure is mostly mechanical; a board may pop up or a connector

might loosen up. Rarely is it an electronic failure, such as a circuit, transistor or integrated circuit failure. There is nothing that can be done on tour to fix such electronic failures, as the technicians do not have the service manuals or service equipment. Tour technicians are instructed by the employer not to attempt electronic repairs while on tour and at home. The reasoning is that there is no time on the road for this and it is more efficient to replace the equipment.

[9] Mr. Paterson testified that now the duties of technicians in the Tour Group Unit have gone from the application of electronics technology in the EL Group to TS Group, which are the set-up and operation of equipment. At first, the technicians that were hired had an electronics diploma. Afterwards, the employer found out that these technicians did not have the skills to set up and operate the equipment. The employer then decided to hire technicians that had experience in setting up and operating the equipment.

[10] Dave Cameron was hired as a Tour Technician because of his extensive experience and knowledge of sound and light equipment. There was a need for this knowledge and experience as the sound recordings of the Prime Minister's speeches at the time were not of a broadcast quality level. As well, the lighting was not up to TV standards.

[11] The next person hired was Ken Brooman, Tour Technician, who had experience with professional sound and light companies.

[12] André Laurin, Tour Technician, was hired to move the equipment, which had increased significantly in number by that time, and he was taught how to set it up and operate it.

[13] Todd Pilon was hired as a Tour Technician because of his experience as a former cameraman. His expertise was needed to record the Prime Minister's messages. Mr. Paterson explained that when the Prime Minister is unable to attend an event, Mr. Pilon would then assist in recording a video message from the Prime Minister. Mr. Pilon is also experienced in TV lighting and how to set up and operate equipment.

[14] The five technicians that had been hired previously because of their knowledge of electronic equipment had to be trained by these new employees to learn the skills to operate and set up the recording and broadcasting equipment.

[15] Mr. Paterson stated that back in 1998-99, Mario Faubert, Technical Tour Coordinator, came to see him as employees in the EL Group at the Department of Foreign Affairs and International Trade had been reclassified from EL-04 to EL-05 and he wanted to know if the EL positions at the PCO Tour Group Unit could be reclassified similarly. Mr. Paterson explained that this started the process of reclassification for employees of the EL Group in the Tour Group Unit. Mr. Paterson then requested that a desk audit be done and a consultant was hired to evaluate the job description of the Tour Group Unit technician positions. This was completed around April 2000. Mr. Paterson then met with the employees, with the updated job description, and told them that there were indications from the desk audit that a number of positions would be more properly included in the TS Group. The employees were asked to review their work description. He went over the work description with the employees to determine if there was an element of application of electronics technology that had been left out of the work description. He discussed this with the employees but they were unable to come up with any evidence of the application of electronics technology that was still present in their duties but had been left out of the work description. Afterwards six out of the ten technicians grieved their reclassification and work descriptions, as they were unhappy with being in the TS Group.

[16] Mr. Cameron, whose substantive position is now Tour Shop Technician, testified that the updated work description of Tour Shop Technician, signed on September 6, 2000 (Employer's book - Annex 3), did not accurately reflect his duties as there was no reference to the design and construction of electronic equipment. The key activities of the updated work description for the Tour Shop Technician are:

- *Performs at headquarters a modification, repair and parts supply service for the operations of the Tour Unit.*
- *Designs and constructs specialized equipment for Tours such as flight cases, input/output panels for amplifier racks, multi-conductor cable systems, modular power supply boxes, translation interface boxes, multi-feed boxes, rigging for sound and light equipment and lecterns.*
- *Keeps records of work performed and the status of equipment; cares for and performs basic maintenance functions on Tour's equipment when in ITSD headquarters.*
- *Provides assistance to move, install and operate sound & light systems for events in the NCR, and frequently join a travelling team to support technical requirements abroad.*

- *Provides general maintenance and troubleshooting of a wide variety of A/V, broadcast production equipment and communications equipment for the Tour group.*
- *Packs, labels and ships diplomatic tour equipment including communications equipment, office communications equipment, radio communications equipment and Audio/Lighting equipment.*
- *Cares for own issue of equipment and supports ITSD and Tour Unit operations by providing basic maintenance and administrative support including as assigned from time to time: configuring, and expediting repair and maintenance of all Radio Communications equipment; Configuring, and expediting repair and maintenance of all secure phones and fax equipment; maintenance of Tour office supplies, foreign travel accessories and expediting acquisitions and services.*
- *Researches and evaluates new equipment for use by the Tour group.*

[17] Mr. Cameron explained that in the first bullet “parts supply service” refers to duties that include replacing transformers, electronic components, specialized chips and lamps. The words “and electronic equipment” should be added to the second bullet - “Designs and constructs specialized equipment” - since designing and constructing multi-conductor cable systems involves electronic cable soldering and knowledge of electronics. Also, in the second bullet, the designing and constructing of “translation interface boxes” and “multi-feed boxes” involve electronic circuit and equipment. With respect to the third bullet, Mr. Cameron explained that he took offence with the words “performs basic maintenance functions” as the service he performs is far beyond replacing components on a board, as this is electronic equipment. With respect to the fifth, seventh and eight bullets, this involves a variety of equipment, which includes electronic equipment.

[18] During cross-examination, Mr. Cameron testified that the multi-feed boxes referred to in the second bullet were originally designed by Mr. Paterson but he did make some changes to them. He further explained that the multi-feed boxes did not involve an active electronic device but a passive one. Mr. Cameron was asked to give examples of electronic equipment that he had designed. He explained that he designed a power supply for the telephones that involved figuring voltage available for this, researching the transformer, purchasing material and assembling it. He also explained that he would prepare video racks for turnkey operations and these would be prepared in the Tour Shop. He testified that he has no electronic degree but he has

experience in the electronics field. The equipment is not all repaired on tour; it is most often brought back. He would not repair cell phones as they are returned to the manufacturer. On a tour, malfunctioning equipment will often be swapped but he will repair broken connectors and he would reset the connector of a studio mixer because there is no spare studio mixer of that quality. Resetting the connector involves opening up the case and tightening a screw from the inside. The secure equipment would not be serviced by Tour Technicians. There is a service agreement for the fax machines. Mr. Cameron testified during cross-examination that he would check out the shredder. He designed the input/output panel for the amplifier rack in 1986-87; he built a multi-conductor cable system within the last year; he built a modular power supply in 1999; and he recently did some modifications to the translation interface boxes. He explained that he would supervise telephone technicians from the local contractor when on tour as well as supervising co-op students here in Ottawa.

[19] Mr. Paterson testified that the employer's expectation in regard to the duties of the Tour Shop position is that the equipment that was used on a tour will have to be checked by the Tour Shop Technician to see if it needs to be repaired. If it does, the Tour Shop Technician will repair non-electronic equipment, if he feels he can repair it. However, for electronic equipment, he is expected to send it out to the manufacturer. The reason is that the technician does not have the background in electronics to fix it and, even if he did, it is not practical as it is better to send it out to the manufacturer. Management does not totally discourage technicians' attempts to repair equipment because it gives them an opportunity to develop their knowledge but they are made aware that this is not a requirement of these positions.

[20] Mr. Paterson disputed Mr. Cameron's testimony explaining that his duties did not involve the application of electronics theory or knowledge, as the equipment that he designed or repaired involved either a mechanical, electrical or passive electronic device.

[21] Mario Faubert has been a Technical Tour Coordinator since 1993 and was previously a Tour Technician. He explained that as a Technical Tour Co-ordinator he would be involved in the planning stages of the Prime Minister's travels regarding the technical and logistics requirements. He described the various equipment that he will set up along with the tour technicians when the Prime Minister is travelling. His key

activities are found in his work description at Annex 1 of the Employer's book. These are stated as:

- *Plans and undertakes advance trips to national and international sites for official visits to determine the technical feasibility and detailed technical and logistic requirements for scheduled events. Includes obtaining radio frequency clearances necessary for the installation of antenna for communications to support the official visits. Examines proposed facilities for official visits to ensure that cryptographic equipment shall be activated in accordance with "TEMPEST" requirements, and ascertains the nature of available telephone and power connections and names of key contacts. Consults with the Manager Tour on special needs and estimates resource requirements, and develops a logistics plan for the deployment of available equipment and assigned team members.*
- *Installs, controls and operates unique complex technical systems or facilities comprising a wide variety of A/V and broadcast production equipment and various secure (encryption) and non-secure Communication equipment to support activities of the Prime Minister of Canada and Delegation, senior Ministers and officials of the Privy Council Office.*
- *Troubleshoots, repairs, extemporizes alternative hook-ups /configurations or replaces, to counter equipment /software failures.*
- *Installs, troubleshoots and tests assigned Tour computer hardware and software used by the Prime Minister's office for official tours.*
- *Ensures consistency and continuity in the level of technical services provided to the Prime Minister and officials for assigned events and tour segments both domestically and internationally.*
- *Provides training and advice to clients within the Prime Minister's Office and the Privy Council Office on the use and care of various electronic equipment.*
- *Consults with technical counterparts and officials of foreign governments on technical support to presentations, production techniques and aesthetics of events and functions.*
- *Collaborates with embassy staff, RCMP, External Affairs, and senior officials from the Prime Minister's Office to determine program for official visits, protocol, and foreign Government constraints as part of the requirements identification and tour planning process.*
- *Plans and organizes the transportation of required tour equipment including secure communications equipment, office communications equipment, radio communications equipment and Audio/Lighting equipment for specific*

trips and events attended by the Prime Minister of Canada.

- Maintains daily schedule of Tour unit staff.*
- Cares for own issue of equipment and supports ITSD and Tour Unit operations by providing basic maintenance and administrative support including as assigned from time to time: Configuring, and expediting repair and maintenance of all Radio Communication equipment; Configuring and expediting repair and maintenance of all Computers and peripherals; Configuring and expediting repair and maintenance of all secure phones and fax equipment; maintenance of Tour office supplies, foreign travel accessories; Care of vehicles; and expediting services.*

[22] Mr. Faubert testified regarding the second bullet, that he “installs, controls and operates” electronic systems. As for the third bullet, this involves various electronic equipment such as a radio frequency repeater, fax machines, computers, etc. Mr. Faubert testified that his duties were contained in the occupational group definition for the EL Group published in the *Canada Gazette*, Part I, of March 27, 1999, at pages 821 and 822. The EL Group definition reads as follows:

Electronics Group Definition

The Electronics Group comprises positions that are primarily involved in the application of electronics technology to the design, construction, installation, inspection, maintenance and repair of electronic and associated equipment, systems and facilities and the development and enforcement of regulations and standards governing the use of such equipment.

Inclusions

Notwithstanding the generality of the foregoing, for greater certainty, it includes positions that have, as their primary purpose, responsibility for one or more of the following activities:

- 1. the inspection, certification and licensing of telecommunications, radio communications and broadcasting equipment installations;*
- 2. the examination and certification of radio operators and related personnel;*
- 3. the development and enforcement of international and domestic radio regulations, agreements and equipment standards, and the examination of related applications and technical briefs for radio and television stations;*

4. *the detection, investigation and suppression of radio and television interference;*
5. *the design, construction, installation, testing, inspection, maintenance, repair or modification of electronic equipment systems or facilities, including the preparation of related standards.*
6. *the conduct of experimental, investigative or research and development projects in the field of electronics, under the leadership of an engineer or a scientist;*
7. *the planning and delivery of a quality assurance program for electronic systems and equipment;*
8. *the development direction and conduct of training in the above activities; and*
9. *the leadership of any of the above activities.*

Exclusions

Positions excluded from the Electronics Group are those whose primary purpose is included in the definition of any other group or those in which one or more of the following activities is of primary importance:

1. *the operation of electronic equipment for the purpose of monitoring radio aids to navigation;*
2. *the use of manual and trade skills in the manufacture, fabrication and assembly of equipment;*
3. *the electrical and electronics work performed as part of the repair, modification and refitting of naval vessels and their equipment; and*
4. *the testing or inspection of electronic equipment to ensure fair measurement.*

[23] Mr. Faubert testified that bullets 1, 4, 5, 6 and 7 of the inclusions to the EL Group definition describe activities, which he carried out in his position as Technical Tour Coordinator. He explained that his duties involve installing radio equipment, monitoring TV interference and, as described in bullet 7, he is responsible for the functioning of the equipment to the satisfaction of the clients.

[24] During cross-examination, Mr. Faubert explained, in regard to bullet 1 of the inclusions to the EL Group definition, that he will inspect equipment to ensure it works but he is not involved in certification or licensing of communication equipment. As for bullet 4, whenever there is a problem in a foreign country, he will not be able to suppress the radio or television interference. As for bullet 5, as Technical Tour Coordinator, a quarter of his time is spent in planning and the rest is spent setting up, testing and, if needed, repairing the electronic equipment. He explained, in regard to bullet 5, that on the road there is no time for designing and making equipment. The

equipment to be set up will always be the same but, since no two rooms are similar, it will vary and that is his primary duty while on tour.

[25] In his testimony, Mr. Paterson also disputed Mr. Faubert's testimony. Specifically, he explained that the Tour Technician and Technical Tour Co-ordinator would not, contrary to what is stated in bullet 1 of the inclusions to the EL Group definition, inspect electronic equipment. As for bullet 5, they do not design or construct electronic equipment but they do the set-up, which does not necessitate the application of electronics technology. As well, they do not repair or maintain electronic equipment except at the mechanical level. Mr. Paterson explained that the Tour Technicians do use electronic equipment but they do not apply electronic knowledge in their position.

[26] Mr. Faubert stated that he was unhappy with his reclassification in the TS Group as it has meant a decrease in what he is paid for overtime work. He also explained that the EL Group bargaining unit's collective agreement was negotiated in September 2000 and that as a result, his basic pay would be higher if he was still in the EL Group.

Arguments

For the Applicant

[27] Mr. Shields submitted that two technicians, Messrs. Faubert and Cameron, testified that their primary duties involved the application of electronics technology to the design, construction, inspection, maintenance and repair of electronic and associated equipment systems and facilities. Therefore, the positions of technicians in the Tour Group Unit should thereby be excluded under bullet 9 of the exclusions listed for the TS Group definition (page 807 of the *Canada Gazette*, Part I, March 27, 1999). Mr. Shields also submitted that the position of Communications Technician at the PCO has traditionally been and continues to be included in the EL Group (Applicant's book, Tab X). A comparison of the duties of the Communications Technician and the other technicians recently reclassified in the GT Group demonstrates that the core functions of these positions relate to the application of electronics technology.

[28] Mr. Shields further reviewed the evidence and jurisprudence of the Board regarding applications under section 34 of the PSSRA. He argued that it was astounding that Mr. Paterson downplayed all the duties related to electronics

technology and the abilities of the technicians. These technicians took issue with this downplaying and at least six out of the 10 reclassified employees grieved their reclassification and corresponding work descriptions.

[29] Mr. Shields concluded by submitting that, in making a determination under section 34, the Board should examine the duties as described by the witnesses who actually performed the duties and compare these with the occupational group definitions published in the *Canada Gazette*, Part I, March 27, 1999 (Applicant's book, Tab W) for the TS Group, which apply to the GT Group, and EL Group. Determination should not be made on the basis of the Treasury Board's classification.

[30] In support of his arguments, Mr. Shields relied on the following decisions: *Communications, Energy and Paperworkers Union of Canada v. House of Commons* (Board file 447-HC-4); *International Brotherhood of Electrical Workers, Local 2228 v. Treasury Board, Federal Government Dockyard Trades and Labour Council East, Federal Government Dockyard Chargehands Association and Federal Government Dockyards, Trades and Labour Council (Esquimalt, B.C.)* (Board files 147-2-51 and 142-2-323); *International Brotherhood of Electrical Workers, Local 2228 v. Treasury Board and Public Service Alliance of Canada* (Board file 147-2-112).

For the Employer

[31] Ms. Bidal submitted that the onus is on the applicant and no oral testimony was presented in regard to the Security Technician position. Therefore, it is the employer's position that there is insufficient evidence regarding the Security Technician's duties to conclude that this position should fall into the EL Group. As for the other technician positions, the applicant has not met the onus. Ms. Bidal explained that the application of electronics technology requires some education or some background in electronics theory. Some of the incumbents do not have this and for those who do, they use it only once in a while and it is not part of their duties.

[32] It is the employer's position that many of the duties of the technicians are highly technical and involve electronic equipment but they do not require the application of electronics technology. For example, cell phones and fax machines are electronic equipment but if they break they will be sent out to the manufacturer. Mr. Paterson testified that repairs are rarely done on the road as employees are

instructed not to attempt to repair them. When some of the repairs are done on the road, the failures are mechanical.

[33] It is the employer's position that management's view is very important because management is setting up the duties and requirements of these positions. Ms. Bidal explained that the TS Group definition, (Applicant's book, pages 807 to 809) describes more accurately the duties of the technicians. Therefore, the positions should remain in the TS Group bargaining unit and the application should be dismissed.

[34] In support of her arguments, Ms. Bidal relied on the following decisions: *Federal Government Dockyards Trades and Labour Council (Esquimalt) v. Treasury Board* (Board file 147-2-25); *Professional Institute of the Public Service of Canada v. Treasury Board and Public Service Alliance of Canada* (Board file 147-2-52).

For the Intervor – PSAC

[35] Mr. Landry submitted that the primary duties of these technician positions are the recording of the Prime Minister's speeches and therefore they have to ensure the quality of light and good functioning of the broadcasting and recording equipment. These primary duties have nothing to do with the application of electronics technology to the design, construction, installation, inspection, maintenance and repair of electronic and associated equipment. These primary duties clearly fall within the definition and inclusions found in the TS Group definition (pages 807 and 808 of the *Canada Gazette*, Part I, March 27, 1999), which states:

Technical Services Group Definition

The Technical Services Group comprises positions that are primarily involved in the performance, inspection and leadership of skilled technical activities.

Inclusions

Notwithstanding the generality of the foregoing, for greater certainty, it includes positions that have, as their primary purpose, responsibility for one or more of the following activities:

- 1. the planning, design and making of maps, charts, drawings, illustrations and art work;*
- 2. the design of three-dimensional exhibits or displays within a predetermined budget and pre-selected theme;*

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3. *the conduct of analytical, experimental or investigative activities in the natural, physical and applied sciences; the preparation, inspection, measurement and analysis of biological, chemical and physical substances and materials; the design, construction, modification and assessment of technical systems and equipment or the calibration, maintenance and operation of instruments and apparatus used for these purposes; and the observation, calculation recording and the interpretation, presentation and reporting of results of tests or analyses, including;*
 - (a) the performance of activities involving the application of the principles, methods, and techniques of engineering technology and a practical knowledge of the construction, application, properties, operation and limitations of engineering or surveying systems, processes, structures, buildings or materials, and machines or devices;*
 - (b) the planning of approaches, the development or selection and application of methods and techniques, including computer software, to conduct analytical, experimental or investigative activities; the evaluation and interpretation of results; and the preparation of technical reports;*
 - (c) the observation and recording of events and the analysis of information relating to such fields as meteorology, hydrography, or oceanography and the presentation of the results of such studies; and the provision of data and information relating to meteorology;*
 - (d) the monitoring and investigating of environmental hazards or the provision of advice on those issues impacting upon compliance with public health legislation; and*
 - (e) the design, development or application of tests, procedures and techniques in support of the diagnosis, treatment and prevention of human and animal diseases and physical conditions;*
 4. *the application of statutes, regulations and standards affecting agricultural, fishery and forestry products;*
 5. *the capture and development of images involving the operation and use of cameras, accessories and photographic processing and reproduction equipment;*
 6. *the operation of television cameras and video recording systems and equipment;*
 7. *the inspection and evaluation of quality assurance systems, processes, equipment, products, materials and associated components including electronic equipment used in trade measurement; the development, recommendation or enforcement of*

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- statutes, regulations, standards, specifications or quality assurance policies, procedures and techniques; and the investigation of accidents, defects and/or disputes;
8. the construction and repair of prostheses and orthoses;
 9. the writing of standards, specifications, procedures or manuals related to the above activities;
 10. the performance of other technical functions not included above; and
 11. the planning, development and conduct of training in, or the leadership of, any of the above activities.

Exclusions

Positions excluded from the Technical Services Group are those whose primary purpose is included in the definition of any other group or those in which one or more of the following activities is of primary importance.

1. the planning, conduct or evaluation of control, mapping or charting surveys; and the planning or conduct of legal surveys of real property;
2. the planning, design, construction or maintenance of physical or chemical processes, systems, structures or equipment; and the development or application of engineering standards or procedures;
3. the performance of manual tasks such as cleaning laboratory equipment, assisting in morgue and autopsy tasks, and the care and feeding of laboratory animals;
4. the performance of administrative activities such as program, human resources or financial management and planning that do not require the application of principles outlined in the inclusions; and the administrative management of buildings, grounds and associated facilities;
5. the conduct of experimental, investigative or research and development work in the field of electronics;
6. the leadership of activities related to maintenance and repair functions not requiring knowledge identified in the inclusions;
7. the operation of duplicating or reproduction machines, motion picture projection machines and accessories and process cameras in support of an offset printing or duplicating process;
8. the planning, development, installation and maintenance of information technology and processing systems to manage, administer or support government programs and activities;
9. the application of electronics technology to the design, construction, installation, inspection, maintenance and repair of electronic and associated equipment, systems

and facilities and the development and enforcement of regulations and standards governing the use of such equipment.

Also excluded are positions in which experience as an aircraft pilot and a valid pilot's licence are mandatory.

[36] Mr. Landry stated that the primary duties of the technicians would fall specifically within the inclusion in bullets 3, 3(a), 3(b), 5, 6 and bullet 10.

Reasons for Decision

[37] Under section 34 of the PSSRA, the Board must determine whether the positions of the technicians were properly included in the TS bargaining unit or if they should be more appropriately included in the EL Group bargaining unit. As it is well established in the Board's jurisprudence, to make this determination the Board must look at the primary duties of the positions in question and compare the definitions of the two groups and determine in which group the primary duties are best fitted.

[38] The evidence before me is that, over the years, the electronic equipment used on tour duty has evolved to the point where it is no longer necessary or practical to have the technicians repair it. The defective equipment is swapped with spare equipment carried on the tour. When the travel team returns to Ottawa the equipment is sent back to the manufacturer. As such, the duties of the technicians have changed and when it hires new technicians the employer is seeking skills and experience in operating the equipment rather than an electronics diploma as in the past.

[39] The primary duties of the Tour Technician are to record and broadcast speeches of the Prime Minister and set up an office and a secure communication link with Ottawa when the Prime Minister is travelling. The primary duties of the Technical Tour Coordinator are to plan the technical and logistic requirements, record and broadcast the Prime Minister's speeches and set up an office with a secure communication link with Ottawa when the Prime Minister is travelling. The overwhelming evidence is that these primary duties do not necessitate the application of electronics technology as listed in the EL Group definition found in the *Canada Gazette*, Part I, of March 27, 1999.

[40] The primary duties of the Tour Shop Technician in Ottawa are to design, repair and maintain the tour equipment and to frequently help the travelling team. The evidence is that as far as electronic equipment is concerned, it is not repaired while on tour but sent out for repair to the manufacturer when the travelling team is back in Ottawa. When repairs are done by the Tour Shop Technician, the problems to be fixed involve either a passive electronic equipment or a mechanical problem, which do not necessitate the application of electronics technology as found in the definition for the EL Group.

[41] As for the designing of electronic equipment, the evidence is that very little has been done in that respect over the years. The equipment mostly involves either a mechanical, electrical or passive electronic device. As for maintenance of the equipment, I do not have evidence that it involves the application of electronics technology as found in the EL Group definition and the evidence points to the maintenance being more of a mechanical/technical adjustment.

[42] I did not receive any testimony in regard to the Security Technician position. The documents submitted by the parties on this position do not convince me that the primary duties of this position involve the application of electronics technology as found in the EL Group definition.

[43] I therefore find that the employer has properly placed the Tour Shop Technician, Tour Technician and Technical Tour Co-ordinator positions in the Tour Group Unit in the TS Group and, as such, the application submitted by the IBEW is dismissed in this regard.

[44] As for the position of Network Technician reclassified in the CS Group, the employer has conceded that it should be more properly included in the EL group bargaining unit and therefore the application is upheld for this position.

**Guy Giguère,
Deputy Chairperson**

OTTAWA, November 27, 2001