

Public Service Staff
Relations Act



Before the Public Service
Staff Relations Board

BETWEEN

**FEDERAL GOVERNMENT DOCKYARDS, TRADES AND
LABOUR COUNCIL (ESQUIMALT, B.C.)**

Bargaining Agent

and

TREASURY BOARD

Employer

**RE: Amendment to Description of Bargaining Unit under Subsection 103(2)
of the Public Service Reform Act - Ship Repair-West Group**

***Before:* Yvon Tarte, Chairperson**

(Decided without a hearing)

DECISION

1. This is a proceeding relating to the obligations of the Board under subsection 103(2) of the *Public Service Reform Act (PSRA)*, S.C. 1992, c. 54, with respect to the bargaining unit comprised of all employees of the Employer in the Ship Repair Group located on the west coast, for which the Federal Government Dockyards, Trades and Labour Council (Esquimalt, B.C.) (FGDTLC (Esquimalt)) was certified as the bargaining agent on August 20, 1976 (Board File No. 146-2-162), as amended on January 22, 1981 (Board File No. 125-2-19) and on March 3, 1981 (Board Files Nos. 125-2-19 and 146-2-162), and for which the Treasury Board is the employer.

2. The following are the relevant provisions of the *PSRA*:

...

100. *In sections 101 to 107,*

"effective date", in respect of an occupational group, means the date on which the group was specified and defined as set out in a notice published pursuant to subsection 101(4);

"occupational group" means a group of employees specified and defined as set out in a notice published pursuant to subsection 101(4) and includes a subgroup of such employees.

101. (1) *The Treasury Board shall, before the sixth anniversary of the coming into force of this section, specify and define groups of employees in such manner as to include therein all employees employed in those portions of the Public Service specified in Part I of Schedule I of the Public Service Staff Relations Act and no other employees.*

(2) *Groups of employees shall be specified and defined according to the duties and responsibilities of positions.*

(3) *Groups of employees may be divided into subgroups.*

(4) *Forthwith after specifying and defining a group of employees, the Treasury Board shall cause notice of the group and of the date on which the group was specified and defined to be published in the Canada Gazette.*

...

103. (1) *Subject to subsection (2), an employee organization that, immediately before the effective date for an*

occupational group, was certified under the Public Service Staff Relations Act as the bargaining agent for a bargaining unit consisting of any or all employees in that group continues thereafter to be so certified, unless the certification is revoked under that Act.

(2) Where the certification of a bargaining agent is continued by subsection (1), the Board shall amend the description, in the certification of the agent, of the employees represented by the agent to accord with the specification and definition of the occupational group under section 101 and, where the agent represents more than one bargaining unit in the occupational group, the Board shall amalgamate those units into one bargaining unit.

...

3. The Treasury Board, pursuant to section 101 of the *PSRA*, specified and defined the occupational group known as the Ship Repair-West Group, effective March 18, 1999.

4. On March 27, 1999, the Treasury Board, in accordance with subsection 101(4) of the *PSRA*, caused to be published in the *Canada Gazette*, Part I, Volume 133, No. 13, notice that the Ship Repair-West Group had been so specified and defined.

5. FGD TLC (Esquimalt) is the employee organization that, immediately before the effective date for the Ship Repair-West Group, was certified as the bargaining agent for the bargaining unit referred to in paragraph 1.

6. The certification of FGD TLC (Esquimalt) for the bargaining unit referred to in paragraph 1 has not been revoked under the ***Public Service Staff Relations Act*** and has been continued by virtue of subsection 103(1) of the *PSRA*.

7. Pursuant to the provisions of subsection 103(2) of the *PSRA*, the Board hereby amends the description in the certification of the bargaining agent, as set out in the

certificate issued by the Board to FGD TLC (Esquimalt) on August 20, 1976, by deleting the description of the bargaining unit contained therein and substituting therefor the following:

*All employees of the Employer in the Ship Repair-West Group
as defined in Part I of the Canada Gazette of March 27, 1999.*

8. An amended certificate will be issued accordingly.

**Yvon Tarte,
for the Board**

OTTAWA, June 2, 1999