



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

HOSPITALITY AND SERVICE TRADE UNION, LOCAL 261

Applicant

and

STAFF OF NON-PUBLIC FUNDS, CANADIAN FORCES

Employer

RE: Application for Certification - Employees of the
National Defence Headquarters Cafeteria

Before: P. Chodos, Deputy Chairperson

For the Applicant: Sean McGee, Counsel

For the Respondent: Gerry Green, Director Personnel Administration,
Canadian Forces Personnel Support Agency

Heard at Ottawa, Ontario,
September 2, 1997

DECISION

1. This is an application for certification made by the Hospitality and Service Trade Union, Local 261 pursuant to section 28 of the Public Service Staff Relations Act.
2. At the commencement of the hearing of this matter the representatives of the parties advised that there were no outstanding issues in dispute between the parties. The employer chose not to call any evidence in respect of this matter.
3. The applicant, through its Secretary-Treasurer and Business Manager, Ms. Karen Grella, submitted copies of the union's constitution and the local's charter issued by the union, as well as the local's by-laws. Ms. Grella testified that the purpose of the union is, among other things, to represent employees in negotiations with their employer. Ms. Grella noted that no managers are permitted to join the union. She also stated that Frank Grella, the former Secretary-Treasurer of the union, had been duly authorized to make this application in accordance with the by-laws of the applicant.
4. The Board finds that the applicant is an "employee organization" as defined in section 2 of the Act.
5. The Board further finds that Frank Grella, the person representing the applicant in the making of the application, has been authorized to make the application.
6. The terminal date fixed by the Secretary, pursuant to the *P.S.S.R.B. Regulations and Rules of Procedure*, was May 9, 1997. In accordance with section 21 of the *P.S.S.R.B. Regulations and Rules of Procedure*, the employer posted an appropriate number of notices of the application for certification in specified form where they would most likely come to the attention of the employees affected by the application. Pursuant to the Board's Regulations, the notice among other things stated that any employee or group of employees affected by the application and intending to make representations in opposition to the application was required to file, in writing, with the Board, by the terminal date, a concise statement of opposition, signed by the employee or each of a group of employees. No statements expressing opposition to the application were filed with the Board.

7. The Board finds that all employees of the Staff of the Non-Public Funds, Canadian Forces at the National Defence Headquarters employed in the cafeteria, save and except persons above the rank of supervisor, office and clerical staff constitute a unit appropriate for collective bargaining.

8. Based on the list filed by the employer, as of the date of the application, there were 26 employees in the above described bargaining unit. The applicant submitted 18 signed application for membership cards, 16 of which correspond to names on the employer's list. Therefore, the applicant has evidence of membership of the majority of the employees in the bargaining unit as of the date of the application.

9. In the circumstances, the Board is satisfied that a majority of the employees in the bargaining unit wish the applicant to represent them as their bargaining agent. Accordingly, the Board hereby certifies the applicant as bargaining agent for the bargaining unit described in paragraph 7, above, and a certificate will be issued.

**P. Chodos,
Deputy Chairperson.**

OTTAWA, September 22, 1997.