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Citation: 2004 PSSRB 6



Public Service Staff  
Relations Act

Before the Public Service  
Staff Relations Board

BETWEEN

NATIONAL ENERGY BOARD

Employer-Applicant

and

PUBLIC SERVICE ALLIANCE OF CANADA AND PROFESSIONAL INSTITUTE OF THE  
PUBLIC SERVICE OF CANADA

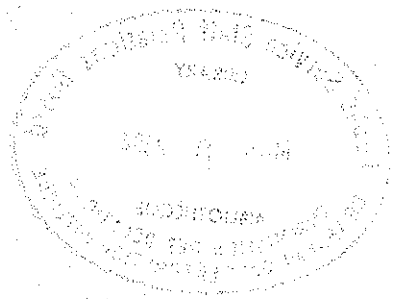
Bargaining Agents-Respondents



RE: Application pursuant to section 27  
of the Public Service Staff Relations Act

Before: Yvon Tarte, Chairperson

Decision rendered without an oral hearing.



## DECISION

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[1] In its decision dated September 17, 2003 (2003 PSSRB 79) in this matter, the Public Service Staff Relations Board (the Board) ordered that a single bargaining unit composed of all employees of the National Energy Board (NEB), save and except those who are specifically excluded from collective bargaining by operation of law or determination of the Board, replace two existing bargaining units represented by the respondents.

[2] Given the fairly equal size of the existing bargaining units and the Board's firm conviction that either respondent could properly represent the members of the new bargaining unit, the Board ordered a representation vote asking eligible voters whether they wished the Professional Institute of the Public Service of Canada (PIPSC) or the Public Service Alliance of Canada (PSAC) to represent them as their bargaining agent.

[3] The Returning Officer for the vote, Serge-Marc Brazeau, an employee of the Board, has reported that the representation vote has been held and that the results are as follows:

|   |     |
|---|-----|
| Number of employees eligible to vote                  | 265 |
| Number of ballots cast                                | 225 |
| Number of valid ballots marked in favour of the PIPSC | 167 |
| Number of valid ballots marked in favour of the PSAC  | 50  |
| Number of spoiled ballots                             | 5   |
| Number of ballots segregated and not counted          | 3   |

[4] The Returning Officer has produced to the Board a CERTIFICATE OF RESULT OF VOTE containing the results shown in the preceding paragraph. The Certificate of Result of Vote has been duly signed by the Returning Officer and the representatives of the NEB, the PIPSC and the PSAC who concurred with the reported results.

[5] The Returning Officer has also produced to the Board a SCRUTINEERS' CERTIFICATE signed by the representatives of the NEB, the PIPSC and the PSAC by which they attest that they were given the opportunity of examining the return envelopes and ballots cast and that they consented to the counting of the ballots which they believe was carried out in a fair and proper manner.

[6] Finally, the Returning Officer produced to the Board a CONSENT AND WAIVER CERTIFICATE signed by the representatives of the NEB, the PIPSC and the PSAC in which they consented to having the Board dispose of this case without hearing, on the basis of the evidence presented before it and the Certificate of Result of Vote.

[7] The Board is satisfied, on the basis of the evidence before it, that a majority of the eligible employees in the bargaining unit described in paragraph 1, who have cast ballots, wish the PIPSC to represent them as their bargaining agent.

[8] Accordingly, the Board hereby certifies the PIPSC as the bargaining agent for all employees of the NEB save and except those who are specifically excluded from collective agreement by operation of law or determination of the Board. A certificate to this effect will be issued by the Board.

[9] The Secretary of the Board will destroy the ballots cast and the envelopes returned during the representation vote in this matter following the expiration of 30 days from the date of this decision unless a party to these proceedings advises the Board, prior to the expiration of the 30 days, that the ballots should not be destroyed.

**Yvon Tarte,  
Chairperson**

OTTAWA, February 5, 2004