

LIB.

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File: 142-2-356 (1) a

Citation: 2001 PSSRB 25



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

UNION OF CANADIAN CORRECTIONAL OFFICERS - CSN

Applicant

and

TREASURY BOARD
(Correctional Service Canada)

Employer

and

PUBLIC SERVICE ALLIANCE OF CANADA

Intervener

Before: Joseph W. Potter, Deputy Chairperson



(Decided without an oral hearing)

DECISION

[1] On May 25, 2000, the Union of Canadian Correctional Officers - CSN (UCCO-CSN) applied pursuant to section 28 of the *Public Service Staff Relations Act* (PSSRA) for certification for a bargaining unit described as "all employees of the Employer in the Correctional Services Group as defined in Part I of the Canada Gazette of March 27, 1999."

[2] The Public Service Alliance of Canada (PSAC), the incumbent bargaining agent for the above-described bargaining unit, filed an intervention to the UCCO-CSN application on June 23, 2000.

[3] In *Union of Canadian Correctional Officers - CSN v. Treasury Board (Correctional Service Canada)*, 2000 PSSRB 106 (142-2-356, 150-2-49), the Board found that:

- the UCCO-CSN is an employee organization for purposes of the PSSRA;
- Brenda McLarnon-Leroux was duly authorized to make the application for certification; and
- the proposed bargaining unit is appropriate for collective bargaining.

[4] Also in that decision, the Board noted that the parties had agreed to the names of 5176 employees in the bargaining unit, out of a total of 5831 possible employees, and that, on the basis of the material filed, it was satisfied that a majority of the employees in the bargaining unit supported the UCCO-CSN application.

[5] As is its practice in displacement applications, the Board directed a representation vote be conducted by mail ballot among the employees in the bargaining unit. The vote was conducted between January 10 and February 16, 2001. Gilles Brisson and Dennis Dumoulin, two officers of the Board, were appointed Returning Officer and Deputy Returning Officer, respectively, for purposes of the vote.

[6] Messrs. Brisson and Dumoulin met with the representatives of the parties during the weeks of February 26 and March 5 to screen the ballot envelopes received by the Board to ensure that they were submitted by employees in the bargaining unit. This process was completed on March 7, 2001 and the ballots were opened and counted in the presence of the parties on March 9, 2001.

[7] The result of the vote was as follows:

Number of employees eligible to vote.....	5176
Number of ballots cast.....	4832
Number marked in favour of the UCCO-CSN.....	2860
Number marked in favour of the PSAC.....	1957
Number of spoiled ballots.....	7
Number of ballots segregated and not counted.....	8

[8] The Returning Officer presented to the Board the *Certificate of Result of Vote* which indicated the above-mentioned result and bore the signatures of the Board's Returning Officer and of the representatives of the applicant, the intervener and the employer.

[9] The Returning Officer also presented to the Board a *Scrutineers' Certificate* signed by the representatives of the three parties. The certificate indicates that those representatives had the opportunity to examine the ballot envelopes returned, that they consented to the counting of the ballots and that the vote was conducted according to the rules.

[10] The Returning Officer also presented to the Board a *Consent and Waiver Certificate*, signed by the representatives of the three parties, in which they consented to the Board's disposing of this case without a hearing, on the basis of the evidence presently before it and the *Certificate of Result of Vote*. A copy of the *Certificate of Result of Vote*, signed by the Returning Officer and initialled by the representatives of the three parties, was provided to each of the three parties.

[11] Having considered all of the above, the Board is satisfied that a majority of the employees in the bargaining unit wish the UCCO-CSN to represent them as their bargaining agent. Accordingly, the Board hereby certifies the UCCO-CSN as the bargaining agent for the following bargaining unit:

All employees of the Employer in the Correctional Services Group as defined in Part I of the *Canada Gazette* of March 27, 1999.

[12] A certificate will issue accordingly.

[13] The Secretary will destroy the ballots cast in the representation vote taken in this matter following the expiration of 45 days from the date of this decision, unless a statement requesting that the ballots should not be destroyed is received by the Board from one of the parties before the expiration of such 45-day period.

Joseph W. Potter
Deputy Chairperson

OTTAWA, March 13, 2001

