

Date: 20050825

File: 572-2-72

Citation: 2005 PSLRB 121



*Public Service  
Labour Relations Act*

Before the Public Service  
Labour Relations Board

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BETWEEN

**TREASURY BOARD**

Applicant

and

**CANADIAN ASSOCIATION OF PROFESSIONAL EMPLOYEES**

Respondent

Indexed as

*Treasury Board v. Canadian Association of Professional Employees*

In the matter of an application, under subsection 71(1) of the *Public Service Labour Relations Act*, for a declaration that some positions are managerial or confidential positions

**REASONS FOR DECISION**

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

***For the Applicant:*** Micheline Maisonneuve, Treasury Board

***For the Respondent:*** Jean Ouellette, Canadian Association of Professional Employees

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(Decided without an oral hearing)  
P.S.L.R.B. Translation

Application before the Board

[1] This decision deals with positions that have been identified as managerial or confidential by the Treasury Board (the “employer”) pursuant to section 5.2 of the *Public Service Staff Relations Act* (the “former Act”).

[2] In *Canadian Union of Professional and Technical Employees and the Social Science Employees Association v. Treasury Board*, 2003 PSSRB 91, the Board certified the Canadian Association of Professional Employees (the “bargaining agent”) as the bargaining agent for the following bargaining unit (the “bargaining unit”):

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

[3] On April 1, 2005, the *Public Service Labour Relations Act* (the “new Act”), enacted by section 2 of the *Public Service Modernization Act (PSMA)*, S.C. 2003, c. 22, was proclaimed in force. Pursuant to subsection 48(1) of the *PSMA*, the bargaining agent continues to be certified as the bargaining agent for the bargaining unit.

[4] On June 7, 2005, the employer notified the Board and the bargaining agent of the identification of some positions in the bargaining unit as managerial or confidential pursuant to the former *Act*. Those positions are listed in the annex to this decision. This matter will be dealt with as if it were an application under section 71 of the new *Act*, on the grounds listed in the annex to this decision.

[5] Under subsection 34(1) of the *Public Service Labour Relations Board Regulations*, the bargaining agent had 20 days from the receipt of a copy of the application to file an objection with the Board. More than 20 days have elapsed, without the bargaining agent having filed any objection to the application.

[6] Since no objections to the employer’s application have been filed, the Board must make, pursuant to section 75 of the new *Act*, an order declaring the positions listed in the annex to this decision to be managerial or confidential positions.

[7] For all of the above reasons, the Board makes the following order:

*(The Order appears on the next page)*

Order

[8] The positions identified in the annex to this decision are declared to be managerial or confidential positions.

August 25, 2005.

**Yvon Tarte,  
Chairperson**

P.S.L.R.B. Translation