

Date: 20050921

File: 572-2-127

Citation: 2005 PSLRB 147



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

TREASURY BOARD

Applicant

and

PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Respondent

Indexed as

Treasury Board v. Professional Institute of the Public Service of Canada

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

REASONS FOR DECISION

Before: Sylvie Matteau, Vice-Chairperson

For the Applicant: Micheline Maisonneuve, Treasury Board

(Decided without an oral hearing)

REASONS FOR DECISION

Application before the Board

[1] This decision deals with an application by the Treasury Board (the “employer”) for an order declaring that some positions are managerial or confidential pursuant to section 71 of the *Public Service Labour Relations Act* (the “new Act”).

[2] In *Professional Institute of the Public Service of Canada v. Treasury Board*, 2005 PSLRB 107, the Board confirmed the Professional Institute of the Public Service of Canada (the “bargaining agent”) as the bargaining agent for the following bargaining unit (the “bargaining unit”):

All employees of the Employer in the Applied Science and Patent Examination (SP) Group as defined in Part I of the Canada Gazette of August 13, 2005.

[3] On August 18, 2005, the employer applied to the Board for an order declaring that some positions in the bargaining unit are managerial or confidential pursuant to section 71 of the new *Act*. Those positions are listed in the annex to this decision.

[4] On or about August 18, 2005, the employer provided the bargaining agent with a copy of the application, pursuant to section 72 of the new *Act*.

[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.

September 21, 2005.

**Sylvie Matteau,
Vice-Chairperson**