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*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

COMMUNICATIONS, ENERGY AND PAPERWORKERS
UNION OF CANADA LOCAL 588-G

Applicant

and

TREASURY BOARD

Respondent

Indexed as

Communications, Energy and Paperworkers Union of Canada v. Treasury Board

In the matter of a request for the Board to exercise any of its powers under section 36
of the *Public Service Labour Relations Act*

REASONS FOR DECISION

Before: [Yvon Tarte, Chairperson](#)

For the Applicant: [Robert Currier, Communications, Energy and Paperworkers
Union of Canada Local 588-G](#)

For the Respondent: [Barry Fennessy, Treasury Board Secretariat](#)

(Decided without an oral hearing.)

REASONS FOR DECISION

Request before the Board

[1] This decision pertains to an application, dated March 2, 2005, to recognize the change of name of the bargaining agent.

[2] On April 1, 2005, the *Public Service Labour Relations Act* (the "new Act"), enacted by section 2 of the *Public Service Modernization Act*, S.C. 2003, c. 22, was proclaimed in force. Pursuant to section 39 of the *Public Service Modernization Act*, the Board continues to be seized with the application, which must be disposed of in accordance with the new Act.

Summary of the evidence

[3] On March 2, 2005, Robert Currier, President of the Communications, Energy and Paperworkers Union of Canada Local 588-G (CEP Local 588-G), wrote to advise the Board that the Graphic Communications International Union Local 588M (GCIU Local 588M) had changed affiliation and that its new name was CEP Local 588-G. Attached to this letter were several documents, including notices to members, a copy of the merger agreement, a copy of the CEP Local 588-G constitution and a copy of the minutes of a meeting held on December 19, 2004, where members voted on the merger agreement. All of the documentation is on file with the Board.

[4] On June 20, 2005, the Board wrote to the CEP Local 588-G advising it that the Board had no record of a bargaining agent by the name of GCIU Local 588M. The Board's records showed that the Council of Graphic Arts Unions of the Public Service of Canada (CGAUPSC) was certified as the bargaining agent for the non-supervisory printing operations group in 1967. When the certificate was last amended in 1999, the CGAUPSC was still named as the bargaining agent. The Board requested an explanation for the discrepancy.

[5] On August 15, 2005, CEP Local 588-G filed its submissions with the Board. A summary of the evidence follows; the full submissions are on file at the Board. The Council of Graphic Arts Unions of the Public Service of Canada had been composed of three unions: The Machinists Union, the Communications, Energy and Paperworkers Union of Canada Local 102-0 (CEP Local 102-0) and GCIU Local 588M. Following a government reorganization with respect to the sale of some of its print shops, the Machinists Union lost all of its members, leaving the CGAUPSC with two unions: CEP Local 102-0, with six members, and GCIU Local 588M, with 37 members. In light of its

small size, the CEP Local 102-0 decided, with the agreement of the Treasury Board, to hand over its six members to the GCIU Local 588M. In the next round of negotiations, a collective agreement was signed between the Treasury Board and the GCIU Local 588M (this was done without notification to the Board). On December 20, 2004, the GCIU Local 588-M held a merger vote to join the Communications, Energy and Paperworkers Union of Canada. 97% of the members voted in favour of the merger. The new name following the merger would be the Communications, Energy and Paperworkers Union of Canada Local 588-G. Accordingly, Robert Currier (President of the former GCIU Local 588-M and President of the CEP Local 588-G) wrote to the Board for a recognition of the change of name of the bargaining agent.

[6] On September 19, 2005, the Board wrote to the parties acknowledging receipt of Mr. Currier's request. It advised the parties that it considered the letter to be a request to change the name of the bargaining agent from the Council of Graphic Arts Unions of the Public Service of Canada to the Graphic Communications International Union Local 588M and a request for recognition of the merger of the GCIU Local 588M with CEP Local 588-G. The Treasury Board was invited to file a response. The Treasury Board wrote to the Board on September 20, 2005, indicating that it had no objection to the change of name or to the recognition of the subsequent merger.

Reasons

[7] As set out above, there was a transfer of jurisdiction from the Council of Graphic Arts Unions of the Public Service of Canada to the Graphic Communications International Union Local 588M. As the transfer took place prior to April 1, 2005, the *Public Service Staff Relations Act*, R.S.C., 1985, c. P-35 (the "former Act") was the applicable legal regime at the time. Subsection 49(1) of the former Act stated that:

49. (1) Where, by reason of a merger or an amalgamation of employee organizations or a transfer of jurisdiction among employee organizations, otherwise than as a result of a revocation of certification, an employee organization succeeds another employee organization that, at the time of the merger, amalgamation or transfer of jurisdiction, is a bargaining agent, the successor is deemed to have acquired the rights, privileges and duties of its predecessor, whether under a collective agreement, an arbitral award, an essential services agreement or otherwise.

[8] Accordingly, by operation of the former Act, the Graphic Communications International Union Local 588M was deemed to have acquired the rights, privileges and

duties of the CGAUPSC. As set out above, on December 20, 2004, the Graphic Communications International Union Local 588M voted in favour of a merger with the Communications, Energy and Paperworkers Union of Canada Local 588-G. Accordingly, pursuant to subsection 49(1) of the former *Act*, the CEP Local 588-G was deemed to have acquired the rights, privileges and duties of the GCIU Local 588M.

[9] In light of the above, the CEP Local 588-G has applied to the Board for recognition of the change of name of the bargaining agent. There has been no objection by the employer. Such recognition by the Board would be incidental to the operation of subsection 49(1). Section 36 of the new *Act* provides that:

36. The Board administers this Act and it may exercise the powers and perform the functions that are conferred or imposed on it by this Act, or as are incidental to the attainment of the objects of this Act, including the making of orders requiring compliance with this Act, regulations made under it or decisions made in respect of a matter coming before the Board.

[10] Accordingly, pursuant to the Board's authority granted under section 36 of the new *Act*, the application to recognize the change of name of the bargaining agent is allowed.

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

(The Order appears on the next page)

Order

[12] The application to recognize the change of name of the bargaining agent is allowed. The certificate issued by the Board to the CGAUSPSC on November 10, 1967, and last amended on June 2, 1999, is revoked. A new certificate will be issued confirming that the Communications, Energy and Paperworkers Union of Canada Local 588-G is the bargaining agent for the bargaining unit described as follows:

All employees of the Employer in the Non-Supervisory Printing Services Group as defined in Part I of the Canada Gazette of March 27, 1999.

October 14, 2005.

**Yvon Tarte,
Chairperson**