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*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

Federal Government Dockyard Trades and Labour Council East

Applicant

and

Treasury Board

Respondent

Indexed as

Federal Government Dockyard Trades and Labour Council East v. Treasury Board

In the matter of a request for the Board to exercise any of its powers under section 43
of the *Public Service Labour Relations Act*

REASONS FOR DECISION

Before: [Yvon Tarte, Chairperson](#)

For the Applicant: [Dean Reid, Federal Government Dockyard Trades and Labour
Council East](#)

For the Respondent: [Marc Thibodeau, Treasury Board Secretariat](#)

(Decided without an oral hearing)

REASONS FOR DECISION

Request before the Board

[1] This decision deals with an application made on October 27, 2004 under section 27 of the *Public Service Staff Relations Act*, R.S.C., 1985, c. P-35 for a review of the Board's decision dated August 20, 1976 in Board File No. 146-2-161, as amended on October 13, 1976 (Board File No. 146-2-161), April 16, 1981 (Board File No. 125-2-21), February 1, 1988 (Board File No. 146-2-278), April 30, 1993 (Board File No. 125-2-56), May 20, 1999 (Board File No. 142-2-330) and May 12, 2000 (2000 PSSRB 43). By that decision, the Board certified the Federal Government Dockyard Trades and Labour Council East (Council) as the bargaining agent for what is now known as the Ship Repair-East Group bargaining unit.

[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 this request, which must be disposed of in accordance with the new Act.

Summary of the evidence

[3] The Council reported to the Board that there had been a change in one of the employee organizations, the International Association of Machinist and Aerospace Workers Local 1723 (IAMAW Local 1723), which formed part of the Council. The Council noted that the IAMAW Local 1723 has been dissolved and that the former employees of that Local, under the Council's jurisdiction, have been transferred to the International Association of Machinists and Aerospace Workers Local 2797 (IAMAW Local 2797). At a regular monthly Council meeting on February 2, 2004, a notice of motion was introduced to reflect the change. The motion was passed and recorded at the next regular monthly Council meeting on March 9, 2004. The minutes of both of these meetings were submitted with the Council's application and are on file at the Board.

[4] The Board provided the employer with a copy of the Council's application on November 18, 2005. On December 1, 2005, the employer informed the Board that it had no comment to make on the application.

Reasons

[5] The Board is satisfied that the IAMAW Local 2797 is an employee organization within the meaning of subsection 2(1) of the new *Act*. The Board notes that the Council has accepted the IAMAW Local 2797 as one of its employee organizations and that the employer has not opposed this application.

[6] Accordingly, the Board accepts the IAMAW Local 2797 as a constituent employee organization of the Council, replacing the IAMAW Local 1723, which has been dissolved.

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

(The Order appears on the next page)

Order

[8] The application is allowed. Paragraph 2 of the Board's decision dated August 20, 1976 in Board File No. 146-2-161, as amended, is hereby further amended to read as follows:

2. *The Board finds that the following organizations are employee organizations within the meaning of the definition of "employee organization" as defined in section 2 of the Public Service Labour Relations Act:*

<i>International Brotherhood of Painters and Allied Trades</i>	<i>Local No. 1949</i>
<i>International Association of Heat and Frost Insulators and Asbestos Workers</i>	<i>Local No. 116-B</i>
<i>Ship Repair Machinists and Mechanics Union (Atlantic)</i>	
<i>International Association of Machinists and Aerospace Workers</i>	<i>Local No. 2797</i>
<i>International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers</i>	<i>Local No. 580</i>
<i>International Brotherhood of Electrical Workers</i>	<i>Local No. 1131</i>
<i>International Brotherhood of Electrical Workers</i>	<i>Local No. 1133</i>
<i>Sheet Metal Workers' International Association</i>	<i>Local No. 290</i>
<i>United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada</i>	<i>Local No. 282</i>
<i>United Brotherhood of Carpenters and Joiners of America</i>	<i>Local No. 1405</i>

December 21, 2005.

**Yvon Tarte,
Chairperson**