

Date: 20050727

File: 572-2-14

Citation: 2005 PSLRB 74



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

TREASURY BOARD

Applicant

and

PUBLIC SERVICE ALLIANCE OF CANADA

Respondent

Indexed as

Treasury Board v. Public Service Alliance of Canada

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

REASONS FOR DECISION

Before: Yvon Tarte, Chairperson

For the Applicant: Micheline Maisonneuve, Treasury Board

For the Respondent: Lisa Rossignol, Public Service Alliance of Canada

(Decided without an oral hearing)

REASONS FOR DECISION

Application before the Board

[1] This decision deals with a position that has 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 *Public Service Alliance of Canada v. Treasury Board*, PSSRB File No. 142-2-337 (June 7, 1999), the Board confirmed the Public Service Alliance of Canada (the “bargaining agent”) as the bargaining agent for the following bargaining unit (the “bargaining unit”):

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

[3] On March 21, 2005, the employer notified the Board and the bargaining agent of the identification of a position in the bargaining unit as managerial or confidential. That position is listed in the annex to this decision.

[4] 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. Also, pursuant to section 39 of the *PSMA*, the Board continues to be seized with this identification, which must be disposed of in accordance with the new *Act*. Accordingly, 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] The bargaining agent had 20 days from the day on which it was notified of the identification to file an objection with the Board. The bargaining agent has filed an objection to the employer’s identification within that time limit. However, on May 16, 2005, the bargaining agent withdrew its objection.

[6] Since no objections to the employer’s identification remain on file, the Board must make, pursuant to section 75 of the new *Act*, an order declaring the position listed in the annex to this decision to be a managerial or confidential position.

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

(The Order appears on the next page)

Order

[8] The position identified in the annex to this decision is declared to be a managerial or confidential position.

July 27, 2005.

**Yvon Tarte,
Chairperson**