

Date: 20050729

File: 572-2-37

Citation: 2005 PSLRB 83



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

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) the *Public Service Labour Relations Act*, for a declaration that positions are managerial or confidential positions

REASONS FOR DECISION

Before: Yvon Tarte, 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 *Public Service Labour Relations Act* (the “new Act”).

[2] In *Canadian Union of Professional and Technical Employees and 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 Science Services Group as defined in Part I of the Canada Gazette of March 27, 1999.

[3] On April 1, 2005, 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 May 9, 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.

[5] On or about May 9, 2005, the employer provided the bargaining agent with a copy of the application, pursuant to section 72 of the new Act.

[6] 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.

[7] 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.

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

(The Order appears on the next page)

Order

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

July 29, 2005.

**Yvon Tarte,
Chairperson**