

Date: 20050727

File: 572-2-18

Citation: 2005 PSLRB 78



*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 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 positions that have 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 *Professional Institute of the Public Service of Canada v. Treasury Board*, PSSRB File No. 142-2-346 (June 16, 1999), 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 Research 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 some positions in the bargaining unit as managerial or confidential. Those positions are 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 these identifications, 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 identifications to file an objection with the Board. More than 20 days have elapsed, without the bargaining agent having filed any objection to the employer’s identifications.

[6] Since no objections to the employer’s identifications 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.

July 27, 2005.

**Yvon Tarte,
Chairperson**