

Date: 20050729

Files: 525-34-3
140-34-17 to 19

Citation: 2005 PSLRB 79



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

**CANADA CUSTOMS AND REVENUE AGENCY AND PROFESSIONAL INSTITUTE OF
THE PUBLIC SERVICE OF CANADA**

Applicants

Indexed as

*Canada Customs and Revenue Agency and Professional Institute of the Public Service of
Canada*

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 Applicants: Claude Tremblay, Canada Customs and Revenue Agency, and
Bob Luce, Professional Institute of the Public Service of Canada

(Decided without a hearing)

REASONS FOR DECISION

Request before the Board

[1] This decision deals with a joint request by the Canada Customs and Revenue Agency (CCRA) and the Professional Institute of the Public Service of Canada (PIPSC) for the Board to exercise any of its powers under section 43 of the *Public Service Labour Relations Act (PSLRA)*.

[2] The Board determined that the employees of the CCRA are comprised of two bargaining units (see *Canada Customs and Revenue Agency et al.*, 2001 PSSRB 127). One is represented by the Public Service Alliance of Canada (PSAC), while the PIPSC has been certified as the bargaining agent for the following bargaining unit (the “Audit, Financial and Scientific Group bargaining unit”):

The second unit is the Audit, Financial and Scientific group comprising all employees who are primarily engaged in the application of a comprehensive body of knowledge in such specialized areas as accounting, auditing, economics, statistics, financial management, commerce, actuarial sciences, chemistry, engineering, education, library science, social sciences and computer sciences. . . . To be more specific it includes the employees who were in occupational groups in the central administration prior to the gazetting of the above groups in March 1999 in the following abbreviated groups: AU, CO, AC, EN, CH, PS, SE, FI, ES, SI, LS, ED and CS.

[3] On April 1, 2005, the *PSLRA*, 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 PSAC and the PIPSC each continue to be certified as the bargaining agent for their respective bargaining unit.

[4] On July 14, 2005, the parties jointly requested the Board to amend the definition of the Audit, Financial and Scientific Group bargaining unit to include positions to be created in the physical scientist (PC) new classification category. Their request reads as follows:

. . .

This is an application under s. 43 of the PSLRA to amend the certificate issued to the Professional Institute of the Public Service of Canada (PIPSC) dated December 12, 2001 to reflect the creation of a new classification at the Canada Revenue Agency.

The Canada Revenue Agency has identified a need to create the physical scientist (PC) classification within the organization. The decision to allocate sustainable development positions into the PC classification was based on relativity checks conducted with other organizations and the recommendation of an interdepartmental classification committee. The Commissioner approved the classification standard currently in use in the core public administration for use in the Agency. A copy of the standard is attached for your information. We will be creating the following positions:

- 1 - Manager Environmental Programs (PC-4)
- 2 - Senior Environmental. [sic] Analyst (PC-3)
- 3 - Environmental Analyst (PC-2)
- 4 - Environmental Analyst (PC-1)

At the time of the certification of the bargaining agents for the Canada Customs and Revenue Agency, no such classification existed. Therefore, no specific mention of employees involved in the physical sciences was made on the certificates for either the Agency's two bargaining units: Program Delivery and Administrative Services (PDAS), represented by the PSAC, or Audit, Financial and Scientific (AFS), represented by the PIPSC.

In the core public administration, the PC classification is included in the Applied Sciences and Engineering group represented by the PIPSC. The definition of the AFS group contained in the PSSRB certification decision and appearing on the certificate states that the AFS Group comprises all employees who are primarily engaged in the application of a comprehensive body of knowledge in such specialized areas as accounting, auditing, economics, statistics, financial management, commerce, actuarial sciences, chemistry, engineering, education, library science, social sciences and computer sciences.

The Canada Revenue Agency has consulted with the PSAC, which has advised that it has no objection to this classification being included in the AFS bargaining unit. You will find attached a copy of its correspondence for your information.

In view of the above, the PIPSC and the Canada Revenue Agency are requesting that the certificate for the AFS bargaining unit be amended to include "physical sciences" as one of the specialized areas mentioned. . . .

...

[5] Enclosed with the parties' request was written confirmation from the PSAC that it "... does not contend that the newly-established positions are within [the PSAC's] bargaining unit and therefore does not have an interest in pursuing the matter."

[6] On July 21, 2005, the PSAC was provided with a copy of the parties' joint request. The PSAC has not opposed the request.

[7] On the basis of the agreement of the parties, and in the absence of any objection from the PSAC, the Board finds no reason why allowing the parties' request would render the Audit, Financial and Scientific Group bargaining unit inappropriate for collective bargaining. The Board therefore hereby amends the description of the Audit, Financial and Scientific Group bargaining unit, to read as follows:

The second unit is the Audit, Financial and Scientific Group comprising all employees who are primarily engaged in the application of a comprehensive body of knowledge in such specialized areas as accounting, auditing, economics, statistics, financial management, commerce, actuarial sciences, chemistry, engineering, education, library science, social sciences, computer sciences **and physical sciences**. . . . To be more specific, it includes the employees who were in occupational groups in the central administration prior to the gazetting of the above groups in March 1999 in the following abbreviated groups: AU, CO, AC, EN, CH, PS, SE, FI, ES, SI, LS, ED and CS.

[Emphasis added]

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

(The Order appears on the next page)

Order

[9] The request is allowed. A new certificate will be issued.

July 29, 2005.

**Yvon Tarte,
Chairperson**