

Date: 20070503

File: 543-02-1

Citation: 2007 PSLRB 44



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

TREASURY BOARD

Applicant

and

ASSOCIATION OF JUSTICE COUNSEL

Respondent

Indexed as

Treasury Board v. Association of Justice Counsel

In the matter of an application, under subsection 59(1) of the *Public Service Labour Relations Act*, for a declaration that a position is a managerial or confidential position

REASONS FOR DECISION

Before: Casper M. Bloom, Q.C., Chairperson

For the Applicant: Micheline Maisonneuve and Lise Bourgeois-Doré, Treasury Board Secretariat

For the Respondent: Marisa Pollock, counsel

Decided on the basis of written submissions
filed December 4 and 15, 2006, and April 25, 2007.

Application before the Board

[1] On April 1, 2005, the Association of Justice Counsel (“the respondent”) filed an application for certification to represent legal officers employed at the Department of Justice (PSLRB File No. 542-02-2).

[2] On May 11, 2005, the Treasury Board (“the applicant”) filed an application for an order declaring that certain positions affected by the respondent’s application for certification are managerial or confidential positions pursuant to section 59 of the *Public Service Labour Relations Act* (“the Act”). That application was held in abeyance pending decision on the respondent’s application for certification.

[3] In *Association of Justice Counsel et al. v. Treasury Board et al.*, 2006 PSLRB 45, the Board certified the respondent as the bargaining agent for a bargaining unit comprising “. . . all lawyers in the LA group for which the Treasury Board is the employer who are not excluded from collective bargaining by law or determination of the Board . . .” (“the bargaining unit”).

[4] On December 4, 2006, the respondent and the applicant jointly requested that the Board exercise its powers under section 63 of the Act to declare that any position in the bargaining unit identified in the annex to this decision is a managerial or confidential position, effective December 4, 2006.

[5] I see no reason to deny the parties’ joint application.

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

(The Order appears on the next page)

Order

[7] Any position identified in the annex to this decision is a managerial or confidential position, effective December 4, 2006.

May 3, 2007.

**Casper M. Bloom, Q.C.,
Chairperson**