

Date: 20100406

File: 525-09-30

Citation: 2010 PSLRB 51



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

NATIONAL RESEARCH COUNCIL OF CANADA

Applicant

and

PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Respondent

Indexed as

*National Research Council of Canada v. 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: [Renaud Paquet, Board Member](#)

For the Applicant: [Meredith Marchand, National Research Council of Canada](#)

For the Respondent: [Michael Urminsky, Professional Institute of the Public Service
of Canada](#)

Decided on the basis of written submissions
filed February 19, March 3 and 31, 2010.

REASONS FOR DECISION

Request before the Board

[1] On April 25, 2008, pursuant to section 71 of the *Public Service Labour Relations Act* (“the *Act*”), the National Research Council of Canada (“the applicant”) applied for the exclusion of two managerial and confidential positions within the Scientific and Professional Category bargaining unit. The Professional Institute of the Public Service of Canada (“the respondent”) is the bargaining agent for that unit. It did not file an objection to the application. On August 25, 2008, the Public Service Labour Relations Board (“the Board”) ordered in PSLRB File Nos. 572-09-1178 and 572-09-R1 that positions 50016522 and 50050984, as identified in the annex to the order, were managerial or confidential positions on the ground set out in paragraph 59(1)(b) of the *Act*.

[2] On February 19, 2010, the applicant filed an application with the Board under section 43 of the *Act*, requesting that the Board review its August 25, 2008 order. The applicant stated that the order did not refer to the correct ground for excluding the positions. The August 25, 2008 order should have referred to paragraph 59(1)(h) of the *Act*, not to paragraph 59(1)(b). On March 3, 2010, the respondent notified the Board that it did not object to the application.

[3] Under those circumstances, the Board grants the applicant’s request.

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

(The Order appears on the next page)

Order

[5] The annex to the August 25, 2008, order in PSLRB File Nos. 572-09-1178 and 572-09-R1 is amended as specified in the annex to this decision.

April 6, 2010.

**Renaud Paquet,
Board Member**



Public Service Labour Relations Board - Commission des relations de travail dans la fonction publique
Managerial or Confidential Positions - Postes de direction ou de confiance

Annex - Annexe

File - Dossier 572-09-1178, 572-09-R1

PSLRB Reference No. No de référence CRTPP	Department or Agency Ministère ou organisme	Bargaining Unit Unité de négociation	Position Number Numéro de poste	Classification	Position Title and Description Titre du poste et description	Occupant Titulaire	Geographic Location Lieu d'affectation	Grounds for Exclusion Motifs d'exclusion
572-09-1178	National Research Council of Canada – <i>Conseil national de recherches du Canada</i>	Scientific and Professional Category – <i>Catégorie scientifique et professionnelle</i>	50016522	RCO-ACR	Group Leader, Design – <i>Chef de groupe, conception</i>	P. Mayette	Ottawa	59(1)(h)
572-09-1178	National Research Council of Canada – <i>Conseil national de recherches du Canada</i>	Scientific and Professional Category – <i>Catégorie scientifique et professionnelle</i>	50050984	RCO-ACR	Planning and Performance Manager – <i>Gestionnaire de planification et rendement</i>	M. Kilfoil	Ottawa	59(1)(h)