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File: 425-LP-7

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*Parliamentary Employment and
Staff Relations Act*



Before the Public Service
Labour Relations Board

BETWEEN

CANADIAN ASSOCIATION OF PROFESSIONAL EMPLOYEES

Applicant

and

LIBRARY OF PARLIAMENT

Employer

Indexed as

Canadian Association of Professional Employees v. Library of Parliament

In the matter of an application to amend a certification order under sections 17 and 24
of the *Parliamentary Employment and Staff Relations Act*

REASONS FOR DECISION

Before: [Ian R. Mackenzie, Vice-Chairperson](#)

For the Applicant: [Fiona Campbell, counsel](#)

For the Employer: [Carole Piette, counsel](#)

Decided on the basis of written submissions
filed July 28 and August 14, 2009 and January 19,
February 8 and 19, March 8, and April 26, 2010.

REASONS FOR DECISION

Application before the Board

[1] The Canadian Association of Professional Employees (CAPE) made an application on July 28, 2009, to amend the English and French versions of the description of the bargaining unit at the Library of Parliament. This application was made under sections 17 and 24 of the *Parliamentary Employment and Staff Relations Act (PESRA)*.

[2] Section 17 of the *PESRA* provides that the Public Service Labour Relations Board (PSLRB) can amend any decision or any order made by it. Section 24 provides that the PSLRB can determine any question that arises as to whether any class of employees is included in a bargaining unit description.

[3] The parties provided written submissions to the PSLRB.

[4] On March 19, 1990, the Economists', Sociologists' and Statisticians' Association (later, the CAPE) was certified as the bargaining agent for all employees of the Research Officer and Research Assistant sub-groups in the Research and Library Services group at the Library of Parliament (PSSRB File No. 442-L-13 (19900319)). As a result of a merger of bargaining agents in 2003, the certificate was amended (see 2003 PSSRB 102).

[5] In the 2009 round of collective bargaining, the CAPE and the Library of Parliament signed a letter of understanding that committed the parties to presenting a joint request for the review of the bargaining unit's certificate to address a reorganization of the Library of Parliament and the creation of the Office of the Parliamentary Budget Officer (Letter of Understanding dated March 18, 2009).

[6] Initially, the Library of Parliament opposed the application for the amendment of the description of the bargaining unit in correspondence to the PSLRB dated August 14, 2009. On March 8, 2010, the Library of Parliament put forward alternate language for the description of the bargaining unit. On March 8, 2010, the parties jointly requested that the application be held in abeyance pending a revision of the occupational group and sub-groups definitions.

[7] On April 26, 2010, the CAPE stated that it was in agreement with the description of the bargaining unit proposed by the Library of Parliament in its submissions of

March 8, 2010. The CAPE submitted that, in the circumstances, its request for a posting of the order would not be necessary.

[8] I have reviewed the submissions of the parties and have confirmed that the amendment of the description of the bargaining unit does not affect any other bargaining units of the employer.

[9] In light of the parties' agreement on the description of the bargaining unit, an order amending the certificate of the bargaining agent will be issued. The description of the bargaining unit will be amended as follows:

All of the employees of the Library of Parliament in the Research and Library Services Groups except the Library Science and Library Technician Sub-groups.

Tous les employés de la Bibliothèque du Parlement compris dans le Groupe des services de recherche et de bibliothéconomie à l'exception des sous groupes de bibliothéconomie et de technicien de bibliothèque.

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

(The Order appears on the next page)

Order

[11] On the consent of the parties, the application, as amended, is allowed.

[12] The definition of the bargaining unit in the certificate of the bargaining agent will be amended as follows:

All of the employees of the Library of Parliament in the Research and Library Services Groups except the Library Science and Library Technician Sub-groups.

Tous les employés de la Bibliothèque du Parlement compris dans le Groupe des services de recherche et de bibliothéconomie à l'exception des sous groupes de bibliothéconomie et de technicien de bibliothèque.

May 31, 2010.

**Ian R. Mackenzie,
Vice-chairperson**