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File: 525-03-42
XR: 525-03-32 and 543-03-06

Citation: 2011 PSLRB 139



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

CANADIAN NUCLEAR SAFETY COMMISSION

Applicant

and

PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Respondent

Indexed as
*Canadian Nuclear Safety Commission 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: [Kate Rogers, Board Member](#)

For the Applicant: [Josée Derickx, Canadian Nuclear Safety Commission](#)

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

Decided on the basis of a teleconference,
held September 7, 2011.

REASONS FOR DECISION

Request before the Board

[1] This is a request under subsection 43(1) of the *Public Service Labour Relations Act* (“the Act”) to review an order about the certificate issued pursuant to a decision of the Board dated October 14, 2010 (2010 PSLRB 108). The certificate issued by the Board was as follows:

All employees in classification RL-1 to RL-7, save and except employees working in the Human Resources Directorate (with the exception of RL-5 and RL-6 Learning Officers/Specialists), the Office of the President, and Legal Services and who are not excluded from collective bargaining by law or determination of the Board.

[2] On July 11, 2011, the Canadian Nuclear Safety Commission (CNSC) advised the Board that it had completed and implemented a review of its job evaluation plan (JEP) and had determined that a new level, Level 8, should be included in the bargaining unit. In addition, the CNSC advised that the prefix identifying the classification levels had been changed from RL (Responsibility Level) to REG (Regulatory). The CNSC requested that a new, amended certificate be issued.

[3] A conference call was held between the parties on September 7, 2011. At that time, the Professional Institute of the Public Service of Canada indicated that it did not object to the new bargaining unit description or to the inclusion of the new Level 8 and agreed that the certificate should be amended.

Reasons

[4] Since the certificate was issued in 2010, the CNSC reviewed its classification system. As a result, a new classification level was created that the parties believe should be included in the certificate. In addition, the classification identifier was amended. For these reasons, the parties agree that a new certificate should be issued.

[5] Section 70 of the *Act*, which concerns the review of bargaining unit structures, requires the Board to have regard for the classification system established by the employer when reviewing and establishing bargaining unit structures. In my view, this application is consistent with that direction as the proposed certificate change simply reflects the new classification structure, as amended by the JEP.

[6] Pursuant to section 43 of the *Act*, I agree that the certificate for all employees at the CNSC should be amended.

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

(The Order appears on the next page)

Order

[8] The bargaining certificate for the bargaining unit at the CNSC should be amended to read as follows:

All employees in classification REG1 to REG8, save and except employees working in the Human Resources Directorate (with the exception of REG5 and REG6 Learning Officers/Specialists), the Office of the President, and Legal Services and who are not excluded from collective bargaining by law or determination of the Board.

[9] The certificate issued on October 14, 2010 will be amended, and a revised certificate will be issued accordingly.

December 6, 2011.

**Kate Rogers,
Board Member**