

Date: 20110204

File: 525-02-33
XR: 572-02-637, 644, 650 and 651, 656,
658, 663, 679, 697, 704, 726 and
729 to 733 and 572-02-L2

Citation: 2011 PSLRB 14



*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 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: [Lynn Grenier-Beaulne, Treasury Board Secretariat](#)

For the Respondent: [Marie-Claude Desrosiers, Association of Justice Counsel](#)

Decided on the basis of written submissions
filed December 8, 2010, and January 10 and 20, 2011.

REASONS FOR DECISION

Request before the Board

[1] On June 11, 2007, pursuant to section 59 of the *Public Service Labour Relations Act* (“the Act”), the Treasury Board (“the applicant”) applied for the exclusion of several managerial and confidential positions within the LA group bargaining unit. The Association of Justice Counsel (“the respondent”) is the bargaining agent for that bargaining unit. On October 14, 2008, the parties jointly requested that the Public Service Labour Relations Board (“the Board”) issue an order for the exclusion of some of those positions, including position LONCR5090C. On January 16, 2009, the Board ordered in PSLRB File Nos. 572-02-637, 644, 650 and 651, 656, 658, 663, 679, 697, 704, 726 and 729 to 733 and 572-02-L2 that position LONCR5090C, as identified in the annex to that order, was a managerial or confidential position on the ground set out in paragraph 59(1)(e) of the *Act*.

[2] On December 8, 2010, the applicant filed an application with the Board under section 43 of the *Act*, requesting that the Board review its January 16, 2009 order. The applicant asked for a declaration that position LONCR5090C is no longer a managerial or confidential position within the meaning of subsection 2(1) of the *Act* and for an order revoking the order that excluded that position. On January 10, 2011, the respondent notified the Board that it did not object to the application and that the Board should grant it.

[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 Board declares that position LONCR5090C is no longer a managerial or confidential position within the meaning of subsection 2(1) of the *Act*.

[6] The annex to the Board's order of January 16, 2009 in PSLRB File Nos. 572-02-637, 644, 650 and 651, 656, 658, 663, 679, 697, 704, 726 and 729 to 733 and 572-02-L2 is hereby amended to delete any reference to position LONCR5090C.

February 4, 2011.

**Renaud Paquet,
Board Member**