

Date: 20150820

File: 536-02-6

XR: 536-02-5

Citation: 2015 PSLREB 74

*Public Service Labour Relations
and Employment Board Act and
Public Service Labour Relations Act*



Before a panel of the
Public Service Labour Relations
and Employment Board

BETWEEN

UNIFOR LOCAL 87-M

Applicant

and

TREASURY BOARD

Respondent

Indexed as

Unifor Local 87-M v. Treasury Board

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*

Before: Bryan R. Gray, a panel of the Public Service Labour Relations and Employment
Board

For the Applicant: Anthony Dale, counsel

For the Respondent: Richard Fader, counsel

Decided on the basis of written submissions,
filed October 24, 2014.

REASONS FOR DECISION

Request before the Board

[1] On October 22, 2014, counsel representing both Unifor Locals 87-M and 588-G filed an application to the Public Service Labour Relations Board (“the Board”) on behalf of Local 87-M requesting the Board review an order pursuant to sections 43 and 79 of the *Public Service Labour Relations Act* (“the Act”). In accordance with section 43 of the Act, the Board may “... review, rescind or amend any of its orders or decisions, or may re-hear any application before making an order in respect of the application.” Section 79 of the Act sets out powers of the Board in the merger or amalgamation of employee organizations other than in the case of the revocation of certification.

[2] On November 1, 2014, the *Public Service Labour Relations and Employment Board Act* (S.C. 2013, c. 40, s. 365) was proclaimed into force (SI/2014-84), creating the Public Service Labour Relations and Employment Board (“the new Board”) to replace the former Public Service Labour Relations Board (“the former Board”) as well as the former Public Service Staffing Tribunal. On the same day, the consequential and transitional amendments contained in sections 366 to 466 of the *Economic Action Plan 2013 Act, No. 2* (S.C. 2013, c. 40) also came into force (SI/2014-84). Pursuant to section 393 of the *Economic Action Plan 2013 Act, No. 2*, a proceeding commenced under the *Public Service Labour Relations Act* (S.C. 2003, c. 22, s. 2) before November 1, 2014, is to be taken up and continue under and in conformity with the *Public Service Labour Relations Act* as it is amended by sections 365 to 470 of the *Economic Action Plan 2013 Act, No. 2*.

[3] In its application, counsel for the applicant, Local 87-M requested that the Board review and amend its certificate, declare that Unifor Local 87-M is the successor of Local 588-G by reason of a merger, and declare that Unifor Local 87-M has acquired all of the rights, privileges and duties of Local 588-G, including all rights, privileges and duties set out in the certificate for the Non-Supervisory Printing Services Group and in the collective agreement between the Treasury Board and Unifor Local 588-G effective from October 1, 2011 to September 30, 2014.

Facts

[4] The applicant makes the following representations in support of its request:

- In January 2014 when this Board declared Unifor Local 588-G the successor to the former bargaining agent in *Unifor Local 588-G v. Communications,*

Energy and Paperworkers Union of Canada and Treasury Board, 2014 PSLRB 10 the local “was in a form of receivership” after the resignation of its leadership along with a “substantial decline in membership.”

- Under the leadership of Unifor, the members of Local 588-G resolved to merge with another chartered local of Unifor.
- Unifor organized an information meeting on May 25, 2014 for members of both Locals 588-G and 87-M to discuss a potential merger, which was “well attended.”
- A vote was subsequently conducted on June 22, 2014 and the members of Local 588-G voted 95% in favor of a merger with Local 87-M.
- On July 16, 2014, Local 87-M resolved to approve the merger with Local 588-G.
- The National Executive Board of Unifor approved the merger of the two locals as required by its constitution on September 10, 2014.

[5] Subsequent to the application in this case being received by the Board on October 24, 2014, a letter was sent to the employer representative giving them notice of the application and requesting their reply, pursuant to s.5 of the *PSLRB Regulations*, be transmitted and received within 15 days.

[6] Having received no reply from the employer representative the Board then on December 18, 2014 issued a second letter to the parties indicating that given the lack of an employer response the file would now be referred to the Board for a decision. No response was received to this letter either.

Reasons

[7] Given the representations of the Unifor applicant including that an information meeting was held and the strong indication of support witnessed by the 95% vote of Local 588-G for the merger, the Board recognizes the will of the members and the proper approval by the national executive as required in its constitution and finds Unifor Local 87-M as the duly authorized successor of the merged local.

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

(The Order appears on the next page)

Order

[9] The application is allowed.

[10] Unifor 87-M is certified as the bargaining agent for the bargaining unit comprised of “All employees of the Employer in the Non-Supervisory Printing Services Group” as defined in Part I of the Canada Gazette of March 27, 1999. The certificate of the Board dated February 4, 2014 in Board File No. 536-02-5 be amended accordingly.

[11] And further, that Unifor Local 87-M has now acquired all of the rights, privileges and duties of Unifor Local 588-G, including all rights, privileges and duties set out in the certificate referred to above and in a collective agreement that is binding on Treasury Board and Unifor Local 588-G effective from October 1, 2011 to September 30, 2014.

August 20, 2015.

**Bryan R. Gray,
a panel of the Public Service Labour
Relations and Employment Board**