

Date: 20161215

File: 525-02-65

XR: 572-02-3354, 572-02-E1

Citation: 2016 PSLREB 116

*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

TREASURY BOARD

Applicant

and

CANADIAN ASSOCIATION OF PROFESSIONAL EMPLOYEES

Respondent

Indexed as

Treasury Board v. Canadian Association of Professional Employees

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: Catherine Ebbs, a panel of the Public Service Labour Relations and
Employment Board

For the Applicant: Lynn Grenier-Beaulne, Treasury Board

For the Respondent: Claude Archambault, Canadian Association of Professional
Employees

Decided on the basis of written submissions,
filed September 12 and 14, 2016.

REASONS FOR DECISION

Request before the Board

[1] In *Social Science Employees Association v. Treasury Board*, PSSRB File No. 142-02-327 (19990519), the Public Service Staff Relations Board (“the PSSRB”) confirmed the Social Science Employees Association as the bargaining agent for the Economics and Social Science Services Group bargaining unit (“the bargaining unit”).

[2] In *Canadian Union of Professional and Technical Employees v. Treasury Board*, 2003 PSSRB 91, the PSSRB recognized the Canadian Association of Professional Employees (“the respondent”) as the successor to the Canadian Union of Professional and Technical Employees and the Social Science Employees Association, and certified the respondent for the bargaining unit.

[3] On April 1, 2005, the *Public Service Labour Relations Act* (S.C. 2003, c. 22, s. 2) was proclaimed into force (SI/2005-22 to 24), creating the Public Service Labour Relations Board (“the PSLRB”) to replace the PSSRB. On the same day, the consequential and transitional amendments contained in sections 36 to 66 of the *Public Service Modernization Act* (S.C. 2003, c. 22) also came into force (SI/2014-24). Pursuant to section 47 of the *Public Service Modernization Act*, a decision made by the PSSRB is deemed to have been made by the PSLRB. Further, subsection 48(1) of the *Public Service Modernization Act* specifically continued the respondent as the bargaining agent for the bargaining unit.

[4] 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 PSLRB 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 402 of the *Economic Action Plan 2013 Act, No. 2*, a decision made by the PSLRB is deemed to have been made by the new Board.

[5] On May 27, 2015, the new Board made an order in File No. 572-02-3354 declaring that positions in the Economics and Social Sciences Services Group identified in the annex to that order are managerial or confidential positions. Positions 751-023 and 752-002 were identified in that annex.

[6] On September 12, 2016, the Treasury Board (“the applicant”) filed an application under section 43 of the *Public Service Labour Relations Act* for the new Board to review its May 27, 2015, order in File No. 572-02-3354. The applicant alleged that some of the information that the applicant had provided in support of the original application that led to that order was in error. The applicant requested that the position number of position 751-023, declared managerial or confidential in the order, be deleted and replaced with position number 752-023, and that the position number of position 752-002, declared managerial or confidential in that order, be deleted and replaced with position number 753-002.

[7] On September 14, 2016, the respondent consented to the amendments requested by the applicant.

[8] Under these circumstances, the Board grants the applicant’s request.

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

(The Order appears on the next page)

Order

[10] The annex to the May 27, 2015, order in File Nos. 572-02-3354 and 572-02-E1 is amended by deleting position number 751-023 and replacing it with position number 752-023, and deleting position number 752-002 and replacing it with position number 753-002.

December 15, 2016.

**Catherine Ebbs,
a panel of the Public Service Labour
Relations and Employment Board**