

**Date:** 20160621

**File:** 525-02-61  
**XR:** 572-02-3509, 572-02-P2

**Citation:** 2016 PSLREB 52

*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

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BETWEEN

**TREASURY BOARD**

Applicant

and

**PUBLIC SERVICE ALLIANCE OF CANADA**

Respondent

Indexed as  
*Treasury Board v. Public Service Alliance 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*

**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:** Malinda Provost, Public Service Alliance of Canada

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Decided on the basis of written submissions,  
filed April 12 and 27, 2016.

## REASONS FOR DECISION

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### **Request before the Board**

[1] In *Public Service Alliance of Canada v. Treasury Board*, PSSRB File No. 142-02-337 (19990607), the Public Service Staff Relations Board (“the PSSRB”) confirmed the Public Service Alliance of Canada (“the respondent”) as the bargaining agent for the Program and Administrative Services Group bargaining unit (“the bargaining unit”).

[2] 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.

[3] 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.

[4] On January 25, 2016, the new Board made an order in File Nos. 572-02-3509 and 572-02-P2 declaring that the positions in the Program and Administrative Services Group identified in the annex to that order are managerial or confidential positions. Position 00210 was identified in that annex.

[5] On April 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 January 25, 2016, order in File Nos. 572-02-3509 and 572-02-P2. 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 00210, declared managerial or confidential in the order, be deleted and replaced with position number 46879.

[6] On April 27, 2016, the respondent consented to the amendment requested by the applicant.

[7] Under these circumstances, the Board grants the applicant's request.

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

*(The Order appears on the next page)*

**Order**

[9] The annex to the January 25, 2016, order in File Nos. 572-02-3509 and 572-02-P2 is amended by deleting position number 00210 and replacing it with position number 46879.

June 21, 2016.

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