

**Date:** 20171213

**File:** 547-02-35

**Citation:** 2017 FPSLREB 46

*Federal Public Sector  
Labour Relations and  
Employment Board Act and  
Federal Public Sector  
Labour Relations Act*



Before a panel of the  
Federal Public Sector  
Labour Relations and  
Employment Board

BETWEEN

**INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 2228**

Applicant

and

**TREASURY BOARD**

Respondent

Indexed as

*International Brotherhood of Electrical Workers, Local 2228 v. Treasury Board*

In the matter of an application, under section 58 of the Federal Public Sector Labour Relations Act, for a determination of membership of an employee or class of employees in a bargaining unit

**Before:** Margaret T. A. Shannon, a panel of the Federal Public Sector Labour Relations and Employment Board

**For the Applicant:** James L. Shields, counsel

**For the Respondent:** Sean Kelly, counsel

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Decided on the basis of written submissions  
filed September 14 and 27 and October 5, 2017.

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**REASONS FOR DECISION**

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**Issue**

[1] The International Brotherhood of Electrical Workers (IBEW), Local 2228 (“the applicant”), filed an application for the determination of questions of membership in a bargaining unit under s. 58 of the *Public Service Labour Relations Act* (S.C. 2003, c. 22, s. 2; “the *PSLRA*”) on May 25, 2017.

[2] On June 19, 2017, *An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures* (S.C. 2017, c. 9) received Royal Assent, changing the names of the Public Service Labour Relations and Employment Board, the *Public Service Labour Relations and Employment Board Act*, and the *PSLRA* to, respectively, the Federal Public Sector Labour Relations and Employment Board (“the Board”), the *Federal Public Sector Labour Relations and Employment Board Act*, and the *Federal Public Sector Labour Relations Act* (“the Act”).

[3] The employees in question are employed at the Royal Canadian Mounted Police (RCMP) and are classified within the Electronics Technician (EL), SP-ETEC sub-group. These employees are currently unrepresented. Historically, they were excluded from collective bargaining; however, as a result of the Supreme Court of Canada’s decision in *Mounted Police Association of Ontario v. Canada (Attorney General)*, 2015 SCC 1, as reflected in recent changes to the definition of “employee” in the *Act*, this group of employees has the right to collectively bargain.

**Summary of the evidence**

[4] The applicant is the certified bargaining agent for all employees of the Treasury Board (the employer) in the federal public service within the Electronics Group, as defined in Part I of the Canada Gazette of March 27, 1999.

[5] The group definition for the Electronics Group (Schedule A of the application) is set out as follows:

*The Electronics Group comprises positions that are primarily involved in the application of electronics technology to the design, construction, installation, inspection, maintenance and repair of electronic and associated equipment, systems and facilities and the*

*development and enforcement of regulations and standards governing the use of such equipment.*

*Inclusions:*

*Notwithstanding the generality of the foregoing, for greater certainty, it includes positions that have, as their primary purpose, responsibility for one or more of the following activities:*

- 1. the inspection, certification and licensing of telecommunications, radio communications and broadcasting equipment installations;*
- 2. the examination and certification of radio operators and related personnel;*
- 3. the development and enforcement of international and domestic radio regulations, agreements and equipment standards, and the examination of related applications and technical briefs for radio and television stations;*
- 4. the detection, investigation and suppression of radio and television interference;*
- 5. the design, construction, installation, testing, inspection, maintenance, repair or modification of electronic equipment, systems or facilities, including the preparation of related standards;*
- 6. the conduct of experimental, investigative or research and development projects in the field of electronics, under the leadership of an engineer or a scientist;*
- 7. the planning and delivery of a quality assurance program for electronic systems and equipment;*
- 8. the development, direction and conduct of training in the above activities; and*
- 9. the leadership of any of the above activities.*

*Exclusions*

- 1. Positions excluded from the Electronics Group are those whose primary purpose is included in the definition of any other group or those in which one or more of the following activities is of primary importance:*
- 2. the operation of electronic equipment for the purpose of monitoring radio aids to navigation;*
- 3. the use of manual and trade skills in the manufacture, fabrication and assembly of equipment;*
- 4. the electrical and electronics work performed as part of the repair, modification and refitting of naval vessels and their equipment; and*
- 5. the testing or inspection of electronic equipment to ensure fair measurement.*

[6] The applicant submitted that the employees in question should fall within its bargaining unit for the following reasons:

...

*The applicant wishes to obtain an order from the Board, with the consent of the Employer, that all the positions in the RCMP occupational subgroup SP-ETEC, Electronics Technician, are properly included in the Electronics Occupational Group for the following reasons:*

*i. The primary duties of these employees involve the application of electronics technology to the design, construction, inspection, maintenance and repair of electronic and associated equipment, systems and facilities and the development and enforcement of regulations and standards governing the use of such equipment. These employees fall squarely within the Electronics Group definition.*

*ii. The subject employees share a community of interest with the Electronics Group due to the highly similar nature of this work, the conditions of employment and knowledge and skills.*

[7] By letter dated September 27, 2017, the Treasury Board indicated that it consented to the application.

### **Reasons for decision**

[8] In this application, the Board's role is to determine whether the primary duties of the positions in question properly fall within the definition of the Electronics Group bargaining unit or whether they are to be included in any other unit.

[9] Having considered the duties of the employees subject to this application and the submissions of the parties, I am satisfied that their primary purpose falls squarely within the Electronics Group definition and that given the similarity in the nature of their work, they share a community of interest with that group. I have been presented with no evidence to the contrary. I find that the applicant has met its burden of establishing that the group of employees subject to the application should be included in the Electronics Group bargaining unit.

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

*(The Order appears on the next page)*

**Order**

[11] The application is allowed.

[12] The Board declares that the employees in the Electronics Technician (SP-ETEC) occupational sub-group, other than those appointed to rank or reservists, are appropriately included in the Electronics Group (EL) (as defined in Part I of the Canada Gazette of March 27, 1999) for which the IBEW, Local 2228, is the certified bargaining agent.

December 13, 2017.

**Margaret T. A. Shannon,  
a panel of the Federal Public Sector  
Labour Relations and Employment Board**