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*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

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BETWEEN

**CANADIAN UNION OF PUBLIC EMPLOYEES**

Applicant

and

**TREASURY BOARD  
(Royal Canadian Mounted Police)**

Respondent

and

**PUBLIC SERVICE ALLIANCE OF CANADA  
AND PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA**

Intervenors

Indexed as

*Canadian Union of Public Employees v.  
Treasury Board (Royal Canadian Mounted Police)*

In the matter of an application for certification under section 54 of the *Federal Public Sector Labour Relations Act*

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

**For the Applicant:** Christopher Rootham, counsel

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

**For the Intervenor Public Service Alliance of Canada:** Andrew Raven, counsel

**For the Intervenor Professional Institute  
of the Public Service of Canada:** Colleen Bauman, counsel

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Decided without an oral hearing.

### **I. Background**

[1] On December 19, 2016, and January 19 and March 28, 2017, the Canadian Union of Public Employees (“the applicant”) filed three applications pursuant to s. 54 of the *Public Service Labour Relations Act* (“the former Act”) to be certified as the bargaining agent for three distinct proposed bargaining units. These three applications concerned employees at the Royal Canadian Mounted Police occupying positions in the Law Enforcement Support - Telecom Operations (“LES-TO”) occupational sub-group, Police Operations Support - Telecommunications Operations occupational sub-group (“PO-TCO”), Law Enforcement Support - Intercept Monitors (“LES-IM”) occupational sub-group, and Police Operations - Intercept Monitoring and Analysis (“PO-IMA”) occupational sub-group.

[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 name of the Public Service Labour Relations and Employment Board and the titles of the *Public Service Labour Relations and Employment Board Act* and the former Act 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] On October 19, 2017, in *Canadian Union of Public Employees v. Treasury Board (Royal Canadian Mounted Police)*, 2017 FPSLRB 36, the Board determined that the applicant is an employee organization for the purposes of the Act and that it was duly authorized to make the applications. The Board consolidated the three applications and determined that a single bargaining unit was appropriate for collective bargaining, described as follows: “All employees in the Intercept Monitoring and Telecommunications Operations sub-groups of the Law Enforcement Support Group and in the Police Operations Support Group defined in Part I of the Canada Gazette of July 26, 2014” (“the bargaining unit”).

[4] The process for certification with respect to these applications is set out in s. 64 of the former Act. At the time the applications for certification were made, s. 64(1.1) provided that once the Board determines a unit appropriate for collective bargaining, it must order a secret ballot representation vote to be taken among the employees in the bargaining unit.

[5] Section 64 of the former *Act* was amended on June 22, 2017, when *An Act to amend the Canada Labour Code, the Parliamentary Employment and Staff Relations Act, the Public Service Labour Relations Act and the Income Tax Act* (S.C. 2017, c.12) came into force. Section 16 of that Act set out that applications for certification filed under the former *Act* that have not been finally disposed of continue to be dealt with in accordance with the former *Act*. Thus, as required by s. 66(1.1) of the former *Act*, a secret ballot vote was ordered.

[6] The vote was conducted by electronic ballot. The question on the ballot was as follows: “Do you want the Canadian Union of Public Employees (CUPE) to be certified as your bargaining agent?” The result of the vote was as follows:

Number of employees eligible to vote	1268
Number of eligible employees who voted	816
Number of eligible employees who voted “Yes”	720
Number of eligible employees who voted “No”	96

[7] Having considered all of the above, the Board is satisfied that a majority of the employees in the bargaining unit who were eligible to vote, and who cast a ballot, voted to have the applicant represent them as their bargaining agent. On this basis, the Board certifies the applicant as the bargaining agent for the bargaining unit.

[8] A certificate will be issued accordingly.

[9] The parties have reached an agreement as to the positions that are to be excluded on a managerial or confidential basis. An annex listing them is attached to this decision.

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

*(The Order appears on the next page)*

## **II. Order**

[11] The application is allowed.

[12] The Board certifies the applicant as the bargaining agent for the bargaining unit described as follows:

*All employees in the Intercept Monitoring and Telecommunications Operations sub-groups of the Law Enforcement Support Group and in the Police Operations Support Group defined in Part I of the Canada Gazette of July 26, 2014.*

[13] A certificate will be issued.

[14] The Board declares that any position identified in the annex to this order is a managerial or confidential position.

[15] The electronic ballots cast in the vote taken in this matter will be destroyed on the expiration of 45 days from the date of this decision.

March 1, 2018.

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