

Public Service Staff
Relations Act



Before the Public Service
Staff Relations Board

BETWEEN

THE PUBLIC SERVICE ALLIANCE OF CANADA

Bargaining Agent

and

CANADIAN FOOD INSPECTION AGENCY

Employer

RE: Designated Positions -

All employees of the employer other than those performing duties in positions which are or would be classified under the:

Veterinary Medicine (VM); Scientific Regulation (SG); Agriculture (AG); Biological Sciences (BI); Chemistry (CH); Commerce (CO); Computer Systems Administration (CS); Engineering and Land Survey (ELS); Purchasing and Supply (PG); Scientific Research (SE); and Economics, Sociology and Statistics (ES) Groups

Before: [Yvon Tarte, Chairperson](#)

(Decided without an oral hearing)

DECISION DESIGNATING POSITIONS

The Canadian Food Inspection Agency was created pursuant to the *Canadian Food Inspection Agency Act*, that came into effect on April 1, 1997. By decision dated October 27, 1997 the Board certified the Public Service Alliance of Canada as the bargaining agent for the employees in the bargaining unit (the “bargaining unit”) comprised of all of the employees of the employer other than:

- (a) all of the employees of the employer performing duties in positions which are or would be classified under the Veterinary Medicine (VM) Group in the classification system of the Treasury Board;*
- (b) all of the employees of the employer performing duties in positions which are or would be classified under the Scientific Regulation (SG) Group in the classification system of the Treasury Board; and*
- (c) all of the employees of the employer performing duties in positions which are or would be classified in the Agriculture (AG), Biological Sciences (BI), Chemistry (CH), Commerce (CO), Computer Systems Administration (CS), Engineering and Land Survey (ELS), Purchasing and Supply (PG), Scientific Research (SE) and Economics, Sociology and Statistics (ES) Groups in the classification system of the Treasury Board.*

Pursuant to subsection 78.1(4) of the *Public Service Staff Relations Act (PSSRA)*, the parties met to review the position of each employee of the employer in this bargaining unit, to determine whether any of them have safety or security duties as specified in subsection 78(1). By letter dated November 25, 1997, the employer, pursuant to subsection 78.1(7), provided the Board with a statement of the positions on which the parties were unable to agree as to whether they have safety or security duties and referred those positions to a designation review panel.

A designation review panel was duly established. However, the parties, by letter dated April 21, 1998, notified the Board that they had reached an agreement in principle as to which positions have safety or security duties. By letter dated November 13, 1998, the employer notified the Board that the agreement had been finalized. Enclosed was a Memorandum of Understanding signed by the parties and three diskettes bearing identification CFIA/PSAC Designations 1998 (diskettes 1, 2 and 3) containing the list of positions which the parties agree have safety or security

duties. These diskettes are contained in the Board file. Accordingly, pursuant to subsection 78.1(6), the Board hereby designates the positions contained in the above-mentioned diskettes as having safety or security duties.

On November 12, 1998 the Canadian Food Inspection Agency and the Public Service Alliance of Canada had submitted a joint request to the Board to the following effect:

The parties hereby make joint application for an extension of the time limit set out in section 60 of the P.S.S.R.B. Regulations and Rules of Procedure, 1993 to a period of thirty days from the date of a request for conciliation pursuant to section 76 of the Public Service Staff Relations Act.

As grounds for this joint application, the parties rely on Section 6 of the P.S.S.R.B. Regulations and Rules of Procedure, 1993 and the Public Service Staff Relations Board decision in Public Service Alliance of Canada v. Treasury Board, File number 125-2-68 to 70 as rendered on February 11, 1997.

On November 20, 1998, pursuant to section 6 of the *P.S.S.R.B. Regulations and Rules of Procedure, 1993*, the Board granted the request of the parties and ordered that:

...in the case of all of the employees of the employer other than those performing duties in positions which are or would be classified under the: Veterinary Medicine; Scientific Regulation; Agriculture; Biological Sciences; Chemistry; Commerce; Computer Systems Administration; Engineering and Land Survey; Purchasing and Supply; Scientific Research; and Economics, Sociology and Statistics Groups bargaining unit where the Public Service Alliance of Canada is the bargaining agent and the Canadian Food Inspection Agency is the employer, the Board will extend the time specified in subsection 60(1) of the Regulations within which an employee is to be informed of the fact that he or she occupies a designated position to a period of 30 days from the date of a request for conciliation pursuant to section 76 of the Act. (Board file 181-2).

In accordance with this order, the employees who occupy designated positions in this bargaining unit are to be so informed within the 30-day period specified in the

above-cited order. Thereafter, future occupants of a designated position shall be notified within 30 days of the date on which they first occupy the position.

Pursuant to section 78.5 of the PSSRA, the Board hereby authorizes the employer to inform the employees occupying the designated positions identified herein. For this purpose, the Board will provide the employer with a Form 13 for each designated position, containing all the information required, with the exception of the name of the employee occupying the designated position and the "Dated at..." portion of the Form, which is to be completed by the employer prior to notification.

Finally, the Board draws the employer's attention to its responsibility under subsection 60(2) of the *Regulations*, that, on the notification of an employee who occupies a designated position, it is to provide forthwith a copy of the notice referred to in subsection 60(1) to the bargaining agent.

Yvon Tarte
Chairperson

OTTAWA, December 18, 1998.