

Date: 20030129

File: 169-34-655

Citation: 2003 PSSRB 6



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

PUBLIC SERVICE ALLIANCE OF CANADA

Bargaining Agent

and

CANADA CUSTOMS AND REVENUE AGENCY

Employer

RE: Reference under Section 99 of the
Public Service Staff Relations Act

Before: [Yvon Tarte, Chairperson](#)

(Decision rendered without an oral hearing.)

DECISION

[1] This case is a reference under Section 99 of the *Public Service Staff Relations Act*, filed by the Public Service Alliance of Canada (Alliance) on June 11, 2002. On December 12, 2001, the Public Service Staff Relations Board (Board) certified the Alliance as the bargaining agent for all employees of Canada Customs and Revenue Agency (CCRA) in the Program Delivery and Administrative Services group bargaining unit - 2001 PSSRB 127 (140-34-17 to 19). The particulars of the reference and the corrective action requested read as follows:

The Applicant, the Public Service Alliance of Canada, brings this Reference before the Public Service Staff Relations Board pursuant to Section 99 of the Public Service Staff Relations Act.

The Public Service Alliance of Canada is the bargaining agent certified by the Public Service Staff Relations Board to represent certain employees of the Canada Customs and Revenue Agency.

In an e-mail sent October 18, 2001, Wayne Tallack, Acting Regional Internal Audit Manager, summarized a conference call of the same date announcing that the Prairie Regional Internal Audit function would be relocated from Winnipeg to Edmonton effective May 1, 2002, with the auditors classified at the AS 5 level and the manager at the AS 7 level. The AS 4 Internal Auditors of the Prairie Region were told that their jobs would no longer exist as a result of this function relocation. This discontinuance of a function is clearly a work force adjustment situation as defined in the collective agreement. The Employer, however, has failed to advise and consult with the Public Service Alliance of Canada regarding this work force adjustment situation as is required by the collective agreement.

The Employer is aware of a work force adjustment situation and has failed to adhere to the provisions of Appendix E of the collective agreement. We maintain that the obligation to comply with the collective agreement is not an option, it is an obligation. Work force adjustment situations are clearly defined in the collective agreement and all the provisions of Appendix E must be applied, including advising and consulting with the Alliance as per Article 1.1.9.

REQUESTED REDRESS

We respectfully request the Board to order the Employer to:

- *comply with Appendix E of the Collective Agreement.*

[2] At issue is the provision 1.1.9 of Appendix E (Work Force Adjustment of the CCRA collective agreement, Program Delivery and Administrative Services Group) which reads as follows:

The C.C.R.A. shall advise and consult with the P.S.A.C. representatives as completely as possible regarding any work force adjustment situation as soon as possible after the decision has been made and throughout the process and will make available to the P.S.A.C. the name and work location of affected employees.

[3] Following the decision in *Public Service Alliance of Canada v. Canada Customs and Revenue Agency*, 2002 PSSRB 23 (169-34-632), a prior, similar reference under s. 99 of the *PSSRA* which was decided by the Board on February 20th, 2002, the parties are now agreed that the above circumstances were a work force adjustment situation, and that the employer failed to meet its obligation under provision 1.1.9 of Appendix E. Since that time, I am told, advisement and consultation have occurred, and will continue to occur. On July 10th, 2002, the employer provided the Alliance with the names and work locations of the outstanding affected employees. Furthermore, the employer agrees to continue to meet its obligations under Appendix E. Therefore, the parties have jointly requested that the Board issue this decision without the need for an oral hearing.

[4] Accordingly, the reference is allowed, as indicated.

**Yvon Tarte,
Chairperson**

OTTAWA, January 29, 2003.