

Public Service Staff  
Relations Act



Before the Public Service  
Staff Relations Board

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BETWEEN

CANADIAN FOOD INSPECTION AGENCY

and

PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Applicants

and

PUBLIC SERVICE ALLIANCE OF CANADA

Interested Party

**RE:** Application for review pursuant to Section 27  
of the Public Service Staff Relations Act

**Before:** [Yvon Tarte, Chairperson](#)

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Decided without an oral hearing

## DECISION

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A joint application under section 27 of the *Public Service Staff Relations Act* (PSSRA) was filed with the Board on February 25, 1999 by the Canadian Food Inspection Agency (hereafter referred to as the employer) and the Professional Institute of the Public Service of Canada (the Institute) requesting an amendment to the bargaining units identified by the Board in its decision dated October 27, 1997: Board file 140-32-14.

In that decision at page 5, paragraphs 2 and 3, the Board determined the following:

2. *The Professional Institute of the Public Service of Canada is the bargaining agent for:*
  - (a) *all 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 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 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.*
3. *The Public Service Alliance of Canada is the bargaining agent for:*
  - (a) *all the employees of the employer other than those identified in paragraphs 2(a), (b) and (c) above.*

In the instant application the employer and the Institute have jointly requested the following:

- (a) *That the Order of the PSSRB dated October 27, 1997 be amended to state that only two Bargaining Units are represented by PIPSC and the Agency; namely, the Veterinary Medicine (VM) Bargaining Unit and the Scientific and Analytical (S&A) Bargaining Unit;*
- (b) *That the Order of the PSSRB dated October 27, 1997 be amended to delete any references to the Scientific Regulation (SG) Bargaining Unit;*
- (c) *That the amended Order recognize the Scientific Regulation (SG) Bargaining Unit has ceased to exist at the Agency and that all SG employees have become part of the Scientific and Analytical Bargaining Unit pursuant to the terms and conditions of the collective agreement agreed to by the Agency and PIPSC in relation to the Scientific Regulation (SG) Bargaining Unit as signed in July of 1998.*

Section 27 of the *Public Service Staff Relations Act* provides:

*27. (1) Subject to subsection (2), the Board may review, rescind, amend, alter or vary any decision or order made by it, or may re-hear any application before making an order in respect thereof.*

*27. (2) Any rights acquired by virtue of any decision or order that is reviewed, rescinded, amended, altered or varied pursuant to subsection (1) shall not be altered or extinguished with effect from a day earlier than the day on which the review, rescission, amendment, alteration or variation is made.*

Upon review of the material filed by the parties, the Board consulted the Public Service Alliance of Canada (the Alliance), the bargaining agent for one of the bargaining units, as granting the request of the employer and the Institute would result in an amendment to the certificate previously issued to the Alliance. In its reply to the Board, the Alliance indicated that it did not oppose the present application on the basis that it does not affect the scope of the Alliance's bargaining unit.

The Board is satisfied that the amended units proposed in the current application are appropriate for collective bargaining.

Accordingly, pursuant to section 27 of the PSSRA, the Board grants the application and revokes the certificate issued to the Institute for the unit determined by the Board to be appropriate for collective bargaining in paragraph 2(b) on page 5 of its decision of October 27, 1997. In addition, the Board amends its decision of October 27, 1997, insofar as it relates to the determination of the units appropriate for collective bargaining and substitutes the following for paragraphs 2(b), 2(c) and 3(a):

2) The Professional Institute of the Public Service of Canada is the bargaining agent for:

...

(b) all the employees of the employer performing duties in positions which are or would be classified in the Agriculture (AG), Biological Sciences (BI) (which includes the former Scientific Regulation (SG) Group), 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.

3) The Public Service Alliance of Canada is the bargaining agent for:

(a) all the employees of the employer other than those identified in paragraphs 2(a) and (b) above.

The Board will issue amended certificates for the bargaining units described above.

**Yvon Tarte  
Chairperson**

OTTAWA, April 20, 1999.