



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Bargaining Agent

and

CANADIAN FOOD INSPECTION AGENCY

Employer

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

Before: Yvon Tarte, Chairperson

Decided without a hearing

DECISION

On November 17, 1999, the Professional Institute of the Public Service of Canada (the Institute) and the Canadian Food Inspection Agency (the employer) filed a joint application with the Board under section 27 of the *Public Service Staff Relations Act* (PSSRA) to amend the bargaining units determined in its decision of April 20, 1999: Board file 125-32-90.

In that decision, the Board determined as follows:

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.*

In the instance case, the Institute and the employer are jointly requesting that the computer technicians, designated by the acronym CS, form a bargaining unit separate from that mentioned in paragraph 2(b) above, invoking, among other reasons, the special circumstances of the job market in which they operate.

Section 27 of the PSSRA states as follows:

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.*

(2) *Any rights acquired by virtue of any decision or order that is reviewed, rescinded, amended, altered or varied pursuant to subsection (1) shall not be altered or extinguished with effect from a day earlier than the day on which the review,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

After reviewing the documentation presented by the parties, the Board consulted with the Public Service Alliance of Canada (the Alliance), the bargaining agent for the only bargaining unit not represented by the Institute because, if it were to grant the application by the employer and the Institute, the Board would be amending the description of the bargaining unit. In its reply to the Board, the Alliance indicated that it was not opposed to the application since it would not affect the scope of the bargaining unit represented by the Alliance.

Traditionally, the Board has been very reluctant to fragment bargaining units. However, the Board is convinced that, in the instant case, the bargaining units being proposed would be appropriate for collective bargaining. Further, the Board considers that, given the circumstances of the instant case, it would be inappropriate to deny the parties' application. Accordingly, pursuant to section 27 of the PSSRA, the Board grants the instant application. Further, the Board amends its decision of April 20, 1999 insofar as it relates to the determination of the units appropriate for collective bargaining and substitutes the following for paragraphs 2(b) to 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 under the Agriculture (AG), Biological Sciences (BI) (which includes the former Scientific Regulation (SG) Group), Chemistry (CH), Commerce (CO), 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;*
- c) *all the employees of the employer performing duties in positions which are or would be classified in the Informatics (IN) (formerly the Computer Systems Administration (CS)) Group.*
- 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.*

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

**Yvon Tarte
Chairperson**

OTTAWA, December 22, 1999.

Certified true translation

Serge Lareau