



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

STAFF OF THE NON-PUBLIC FUNDS, CANADIAN FORCES

Applicant

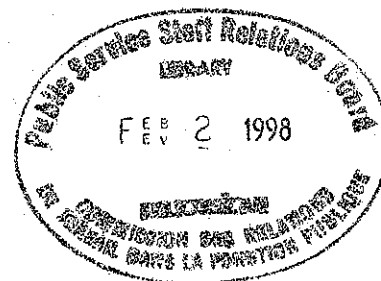
and

UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 864

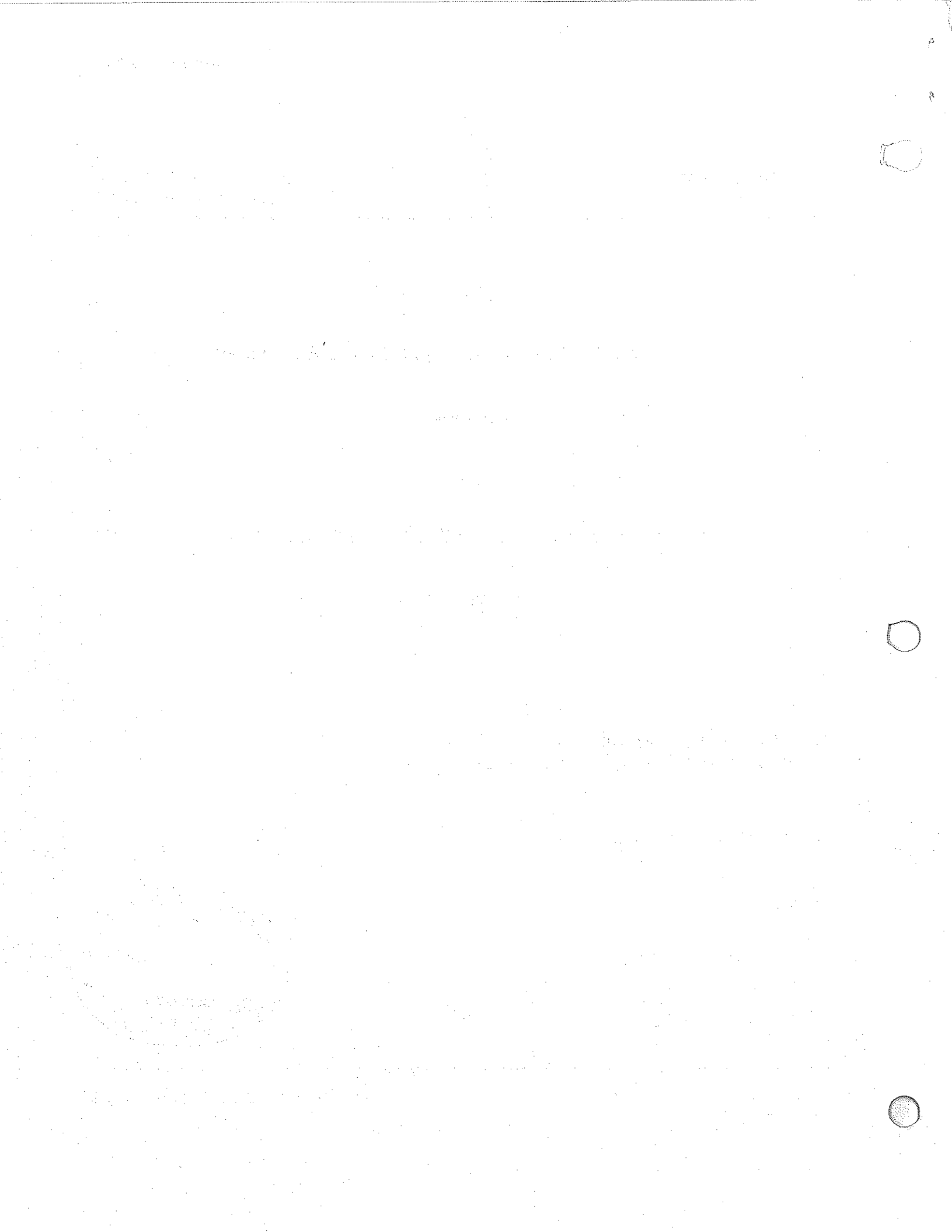
Respondent

**RE: Request for Review under Section 27
of the Public Service Staff Relations Act**

Before: Yvon Tarte, Chairperson



(Decided without an oral hearing.)



DECISION

In a letter dated October 16, 1997, the Staff of the Non-Public Funds, Canadian Forces (SNPF) requested the Public Service Staff Relations Board to do the following:

The Staff of the Non-Public Funds requests in accordance with section 27 of the Act, under the new provisions of section 33 and 34, the merging of the following bargaining units:

CFB Halifax - (1) Operational Category at Shearwater certified on 25 June 1982 and represented by the United Food and Commercial Workers Union, Local 864, to be merged under CFB Halifax with; (2) Operational Category at Halifax certified on 1 May 1985 and represented by United Food and Commercial Workers Union, Local 864.

Under military re-organization, CFB Shearwater has ceased to exist as an autonomous base; it is now considered part of CFB Halifax. It should be noted that Union Representatives have agreed to negotiate at one table. We anticipate that these negotiations will commence in early 1998.

In a letter dated December 9, 1997, the United Food and Commercial Workers Union, Local 864 (UFCWU) responded as follows:

The union has no objection to the employers request to have these two bases combined into one unit and have verbally committed to the employer that we would sit down and negotiate both of these base's collective agreements to achieve this.

Section 27 of the PSSRA provides:

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(2) Any rights acquired by virtue of any decision or order that is reviewed, rescinded, amended, altered or varied pursuant to subsection (1) shall not be altered or extinguished with effect from a day earlier than the day on which the review,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

By decision dated June 25, 1982 and amended on June 27, 1991, the Board certified the UFCWU, Local 864 as bargaining agent for a unit comprised of all of the employees of the SNPF "in the Operational Category employed at the Canadian Forces Base, Shearwater, Nova Scotia": Board file 146-18-203. Furthermore, in a decision dated May 1, 1985 and amended on June 27, 1991, the Board certified the UFCWU, Local 864 as bargaining agent for a unit comprised of all of the employees of the SNPF "in the Operational Category employed at the Canadian Forces Base, Halifax, Nova Scotia": Board file 146-18-255.

It should be noted that the Board duly issued certificates to the UFCWU, Local 864 for both these afore-mentioned bargaining units. The Board is satisfied that the amended bargaining unit proposed by the employer is appropriate for the purposes of collective bargaining.

Accordingly, pursuant to section 27 of the PSSRA and in light of the written submissions of the parties, the Board grants the application and revokes the certificate issued to the UFCWU, Local 864 for the bargaining unit comprised all of the employees of the SNPF "in the Operational Category employed at the Canadian Forces Base, Shearwater, Nova Scotia". In addition, the Board amends its decision of May 1, 1985, insofar as it relates to the determination of the appropriate bargaining unit and finds that the following bargaining unit is appropriate for collective bargaining:

"all employees of the Staff of the Non-Public Funds, Canadian Forces in the Operational Category employed at the Canadian Forces Base, Halifax, Nova Scotia including all employees in the Operational Category previously employed at the Canadian Forces Base, Shearwater, Nova Scotia".

The Board will issue an amended certificate for the bargaining unit described above.

**Yvon Tarte
Chairperson**

OTTAWA, January 29, 1998.