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File: 125-18-84



Public Service Staff  
Relations Act

Before the Public Service  
Staff Relations Board

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BETWEEN

HOSPITALITY AND SERVICE TRADE UNION, LOCAL 261

Applicant

and

STAFF OF THE NON-PUBLIC FUNDS, CANADIAN FORCES

Employer

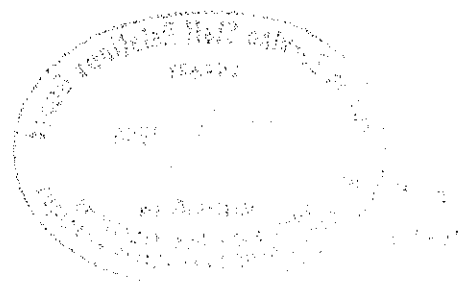
RE: Application for Review under Section 27  
of the Public Service Staff Relations Act

*Before:* Y. Tarte, Chairperson



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Decided without an oral hearing



## DECISION

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On October 2, 1997, the Public Service Staff Relations Board issued a certificate certifying the Applicant as follows:

*"...THIS BOARD CERTIFIES the Hospitality and Service Trade Union, Local 261 as bargaining agent for all employees of the Staff of the Non-Public Funds, Canadian Forces, at the National Defence Headquarters employed in the cafeteria, save and except persons above the rank of supervisor, office and clerical staff."*

By letter of April 2, 1998, the Hospitality and Service Trade Union, Local 261 stated that four(4) employees working in a satellite retail operation also within National Defence Headquarters had been excluded through oversight from the definition of the bargaining unit. They requested the Board review its decision under Section 27 of the Public Service Staff Relations Act and specifically to amend the definition of the existing certificate to read as follows:

*"...THIS BOARD CERTIFIES the Hospitality & Service Trades Union, Local 261 as bargaining agent for all employees of the Staff of the Non-Public Funds, Canadian Armed Forces, at the National defence Headquarters, employed in the cafeteria and retail operations, save and except persons above the rank of supervisor, office and clerical staff."*

By letter dated April 24, 1998, the employer filed a list indicating that it employed four(4) retail employees at the National Defence Headquarters Retail Store. The employer also indicated that it was prepared to agree to the amendment provided the Board was satisfied that it was the wish of the four(4) employees in question to be included in the bargaining unit.

Subsequently, the Board notified the parties that an appropriate number of copies for the NOTICE TO EMPLOYEES OF APPLICATION FOR REQUEST FOR REVIEW in specified form should be posted where they would most likely come to the attention of the employees affected by the application. The terminal date fixed by the Secretary was June 30, 1998. The employer posted the specified number of copies. The notice among other things stated that any employee or group of employees affected by the application and intending to make representations in opposition to the application

was required to file, in writing, with the Board, by the terminal date, a concise statement of opposition, signed by the employee or each of a group of employees. No statements expressing opposition to the application were filed with the Board.

Based on the list filed by the employer, these four(4) employees were employed at the retail store.

In the circumstances, the Board is satisfied that the four(4) employees should be included in the existing bargaining unit. Accordingly, the Board hereby agrees to amend the definition of the bargaining unit as follows and a new certificate will be issued.

*"...THIS BOARD CERTIFIES the Hospitality and Service Trade Union, Local 261 as bargaining agent for all employees of the Staff of the Non-Public Funds, Canadian Forces, at the National Defence Headquarters employed in the cafeteria and retail operations, save and except persons above the rank of supervisor, office and clerical staff."*

**Y. Tarte,  
Chairperson.**

OTTAWA, July 31, 1998.