

LIB

Date: 20000512

File: 125-2-95

Citation: 2000 PSSRB 43



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

Federal Government Dockyard Trades and Labour Council East

Applicant

and

Treasury Board

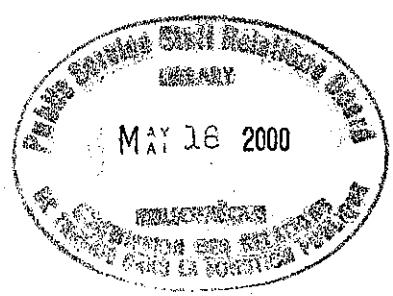
Respondent

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

Before: Yvon Tarte, Chairperson

For the Applicant: David A. Mombourquette, counsel

For the Respondent: J. Raymond Dionne, Treasury Board Secretariat



(Decided without an oral hearing)

DECISION

[1] This decision deals with an application, under section 27 of the *Public Service Staff Relations Act* (Act), for review of the Board's decision dated August 20, 1976 in Board file 146-2-161, as amended on October 13, 1976 (Board file 146-2-161), April 16, 1981 (Board file 125-2-21), February 1, 1988 (Board file 146-2-278), April 30, 1993 (Board file 125-2-56) and May 20, 1999 (Board file 142-2-330). By that decision, the Board certified the Federal Government Dockyard Trades and Labour Council East (Council) as the bargaining agent for what is now known as the Ship Repair-East Group bargaining unit.

[2] On February 23, 2000, the Council requested that the Board add the International Brotherhood of Electrical Workers, Local 1131 (IBEW 1131) as one of its constituent employee organizations, for the purpose of representing "...those persons employed as Electrical Technicians, Electrical Systems Technicians and associated helpers, schedulers and planner estimators." Those persons are currently represented by the International Brotherhood of Electrical Workers, Local 1133 (IBEW 1133), another of the Council's constituent employee organizations, which will continue to represent "...those persons employed as Electronics Technicians, Electronics Systems Technicians and associated helpers, schedulers and planner estimators." The Council further requested that this application be dealt with without an oral hearing.

[3] The employer was provided with a copy of the Council's application on February 25, 2000. On March 3, 2000, it informed the Board that it does not oppose the application nor does it intend to make any representations on it.

Summary of the Documents Submitted in Support of the Application

[4] On December 7, 1999, the International Brotherhood of Electrical Workers granted a charter to the IBEW 1131, effective December 1, 1999 (Application, tab 1).

[5] On December 8, 1999, members of the IBEW 1131 unanimously adopted the current by-laws of the IBEW 1133 as the by-laws of the IBEW 1131 (Application, tab 4). These by-laws have been provided to the Board in support of the application at hand (Application, tab 5). Also on December 8, 1999, members of the IBEW 1131 unanimously adopted the following resolution (Application, tab 4):

RESOLVED that I.B.E.W. Local 1131 herewith approves application for affiliation to the Federal Government Dockyard Trades and Labour Council East; and be it further

RESOLVED that I.B.E.W. Local 1131 hereby vests in the Council full authority to act in its behalf with regard to all matters pertaining to collective bargaining within the public service of Canada, such Council acting in the capacity of the council of employee organizations within the meaning of the relevant legislation on behalf of its constituent unions.

[6] On December 9, 1999, the IBEW 1131 applied to the Council to become a constituent employee organization of the Council (Application, tab 1).

[7] On February 2, 2000, the Council unanimously accepted the IBEW 1131 as one of its constituent members (Application, tab 2).

Reasons

[8] The Board is satisfied that the IBEW 1131 is an employee organization within the meaning of subsection 2(1) of the Act. The Board is also satisfied that the IBEW 1131 has vested appropriate authority in the Council to enable it to discharge the duties and responsibilities of a bargaining agent. It is further noted that the Council has accepted the IBEW 1131 as one of its constituent employee organizations, and that neither the employer nor the IBEW 1133 has opposed the present application.

[9] For these reasons, the Board accepts the IBEW 1131 as a constituent employee organization of the Council. In these circumstances, paragraph 2 of the Board's decision dated August 20, 1976 in Board file 146-2-161, as amended, is hereby further amended to read as follows:

2. *The Board finds that the following organizations are employee organizations within the meaning of the definition of "employee organization" as defined in section 2 of the Public Service Staff Relations Act :*

International Brotherhood of Painters and Allied Trades *Local No. 1949*

International Association of Heat and Frost Insulators and Asbestos Workers *Local No. 116-B*

Ship Repair Machinists and Mechanics Union (Atlantic)

International Association of Machinists and Aerospace Workers *Local No. 1723*

<i>International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers</i>	<i>Local No. 580</i>
<i>International Brotherhood of Electrical Workers</i>	<i>Local No. 1131</i>
<i>International Brotherhood of Electrical Workers</i>	<i>Local No. 1133</i>
<i>Sheet Metal Workers' International Association</i>	<i>Local No. 290</i>
<i>United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada</i>	<i>Local No. 282</i>
<i>United Brotherhood of Carpenters and Joiners of America</i>	<i>Local No. 1405</i>

**Y. Tarte
Chairperson**

OTTAWA, May 12, 2000.