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Citation: 2001 PSSRB 14



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

COMMUNICATIONS SECURITY ESTABLISHMENT,
DEPARTMENT OF NATIONAL DEFENCE

Applicant/Employer

and

PUBLIC SERVICE ALLIANCE OF CANADA
AND
PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA

Respondents/Bargaining Agents

RE: Request for Review Pursuant to Section 27
of the Public Service Staff Relations Act

Before: Joseph W. Potter, Deputy Chairperson

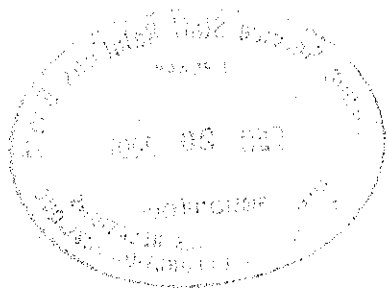
For the Applicant/Employer: Stephen Bird, Counsel

For the Respondents/Bargaining Agents:

Alain Piché, Public Service Alliance
of Canada
Michel Gingras, Professional Institute
of the Public Service of Canada



Heard at Ottawa, Ontario,
January 8, 9 and 15 to 17, 2001.



DECISION

[1] On August 17, 2000, counsel for the Communications Security Establishment, Department of National Defence (C.S.E.) wrote to the Public Service Staff Relations Board (the Board) seeking a reconsideration of earlier Board decisions concerning the granting of bargaining unit certificates. This request was made pursuant to section 27 of the *Public Service Staff Relations Act (PSSRA)*.

[2] More specifically, the C.S.E. sought a reconsideration of five decisions determining that five separate bargaining units were appropriate for collective bargaining (Board files 143-13-153 and 156; 146-13-154; 145-13-157; 143-13-158 and 142-13-294). The C.S.E. requested that the Board determine that a single bargaining unit is more appropriate.

[3] The five bargaining unit certificates cover four groups represented by the Public Service Alliance of Canada (PSAC) and one group represented by the Professional Institute of the Public Service of Canada (PIPSC).

[4] The PSAC certificates, all dated August 21, 1975, encompass employees in the Administrative Support Category (Board file 145-13-157); employees in the Administrative and Foreign Service Category (Board files 143-13-153 and 143-13-156); employees in the Operational Category (Board file 146-13-154) and, finally, employees in the Technical Category (Board file 143-13-158).

[5] The PIPSC certificate covers employees in the Scientific and Professional Category and is dated June 3, 1991 (Board file 142-13-294).

[6] The reason for the requested review is contained in the employer's August 17, 2000 letter to the Board.

[7] The PIPSC replied to this application on September 7, 2000 and voiced its objection to the employer's position.

[8] The PSAC replied to the application on September 6, 2000 and stated that it did not oppose the employer's request with respect to having the four bargaining units for which the PSAC is the bargaining agent amalgamated into a single bargaining unit. The PSAC took no position with respect to the inclusion of the PIPSC's members in a single bargaining unit.

[9] In its August 17, 2000 letter, the employer proposed a new definition of the single bargaining unit. On November 16, 2000, the PSAC wrote to the Board saying that it did not agree with the description of the single bargaining unit to the extent that it sought to exclude from bargaining all level IV managers.

[10] At the hearing into the application for review, the C.S.E. amended its description of a single bargaining unit and there was no objection to this amended version by either respondent/bargaining agent in the event a single bargaining unit is determined to be appropriate for collective bargaining.

Summary of Evidence

[11] The employer is a separate employer dealing in secret and top secret aspects of communications (Exhibit E-2 was introduced and provides an overview of the organization). Tab 3 of this exhibit, pages 11 to 21 inclusive, shows hypothetical examples of work done on the employer's premises and the relationship between the various bargaining units.

[12] Ann Dufour, Chief, Staff Relations, introduced Exhibit E-4. At tab 5, the number of employees in each bargaining unit is shown. The document indicates there are 897 unionized employees at the C.S.E., of which 64 are engineers and are represented by the PIPSC. All others are represented by the PSAC.

[13] Barry Madill, Director, Acquisition Group, spoke of the integration of the work done at the C.S.E. Teams of employees from different occupational groups would be formed to address a particular problem. In many cases, an engineer, who is a member of the PIPSC bargaining unit, would be working with other employees who are members of one or more of the PSAC bargaining units. These were commonly called self-directed teams.

[14] Mr. Madill testified that collective agreement differences can be problematic from a manager's perspective and cited the different travel time provisions for a PIPSC member versus that of a PSAC member. Under cross-examination, he acknowledged that the collective agreement did not restrict management from assigning the engineers to the various matrix teams.

[15] Michael Doucet testified about his role as project manager of a new job evaluation plan designed to measure the value of all non-executive positions at the C.S.E. (see Exhibit E-3, tab 2). This new job evaluation plan was called "UNISON".

[16] Mr. Doucet explained that an examination of the C.S.E.'s classification standards in 1997 showed that the approximately 13 different standards in use did not properly reflect the way the organization was conducting its business. In addition, pay equity concerns also arose from the use of these different standards (see Exhibit E-3, tab 2, page 2).

[17] In February 1998, work began on developing a universal job evaluation system for the C.S.E. non-executive employees using the factors outlined in section 11 of the *Canadian Human Rights Act (CHRA)*. Mr. Doucet explained that the vision of the C.S.E. following the establishment of the job evaluation plan was to have one consistent salary line for base pay for the employees covered by the plan.

[18] Another issue that the C.S.E. felt "UNISON" would address was mobility. With all jobs being evaluated and classified using the same plan, there would no longer be a reluctance among employees to move from one classification group to another due to salary inequities.

[19] Mr. Doucet's project team collected and analyzed job data and went through various valuations in their job evaluation plan. They engaged consultants to ensure the plan met gender neutrality guidelines, as required by the *CHRA*.

[20] Mr. Doucet stated that the new plan will result in employees being given a point rating for their job and these will be banded or grouped for purposes of determining the levels in their plan. Salaries will then be negotiated for the various levels. An example of the hierarchy is found at Exhibit E-3, tab 4. It was anticipated that employees of the C.S.E. would be informed of their point rating by the end of January 2001.

[21] With the implementation of "UNISON", all non-executive jobs will be evaluated in the same manner, using the same standard. Jobs of equal worth can be determined, and Mr. Doucet testified that the C.S.E. needs one salary line to ensure compliance with the *CHRA*. This achievement would not be possible with two bargaining units as the organization would, in all likelihood, end up with two pay lines for jobs which are

determined to be of equal value. Equal pay for work of equal value would not be achievable with two separate and distinct pay lines.

[22] Mr. Doucet acknowledged, in cross-examination, that the C.S.E. will, ultimately, have two different systems to assess employee worth. One system will be used for executives and "UNISON" will be used for all other employees. There will also be, correspondingly, two pay lines.

[23] Ms. Dufour reviewed the history of collective bargaining for both the PIPSC and the PSAC with the C.S.E. and stated the terms and conditions of all collective agreements are not substantively different. A comparison of the collective agreements' provisions is found at Exhibit E-8, tab 1.

[24] In cross-examination, Ms. Dufour stated that the working relationship with the PIPSC has been a harmonious one, with no grievances having been processed in the last three years.

[25] Karl Boutin, Michael Sayyear, Richard MacLean and Cal Mitchell all testified that they are currently classified as engineers working at the C.S.E. and are members of the PIPSC. Each testified as to his job functions and the need to draw upon his engineering knowledge to perform in his position.

[26] Mr. Boutin testified that professional training was an important issue for him and this might be lost if he were to be merged with a larger bargaining unit. Also important was the fact he was in a group comprised solely of engineers, as it assists in meeting other people in the same field.

[27] Mr. Sayyear's concerns were to ensure there was a good professional development program at the C.S.E. Another concern is to maintain a competitive salary. The witness was not in favour of the employer's position here, as it would result in the engineer's voice not being heard.

[28] Mr. Sayyear testified he began at the C.S.E. as an engineer, but then was reclassified to a "CP" where he supervised other engineers. He was then reclassified back to an engineer. He stated training remained an important issue with him while he was a "CP".

[29] Mr. MacLean stated that training was also important to him and he reviewed the most recent PIPSC proposal on training, which was made at collective bargaining.

[30] Mr. Mitchell is also the chairperson of the bargaining unit and he submitted Exhibit P-10, which was a petition signed by 59 engineers requesting that they remain in a single bargaining unit.

Arguments

For the Employer

[31] The employer submitted a book of authorities (tabs 1 to 16) in support of its position.

[32] This application for review of five Board decisions is made pursuant to section 27 of the *PSSRA*, which is the same as a section 18 review under the *Canada Labour Code*. In such cases, the applicant bears the initial onus of proof.

[33] Counsel submitted that once he convinced the Board there was a need for a change, the Board should strive to make the best determination for now and for the future. While the legislation does not speak about finding the most appropriate bargaining unit, this is the approach the Board took in *Parks Canada Agency and Professional Institute of the Public Service of Canada, Public Service Alliance of Canada and Association of Public Service Financial Administrators*, 2000 PSSRB 109 (140-33-15 and 140-33-16) because it made the most sense. The same should apply here.

[34] Exhibit E-1 contains a copy of the Board's five decisions which the applicant is seeking to have reviewed pursuant to section 27. Certifications are made pursuant to section 33 of the *PSSRA*. This section states that any bargaining unit that is formed must be co-extensive with the employer's classification plan, unless doing so would not permit satisfactory representation. No bargaining unit configuration other than a single bargaining unit would fit into "UNISON".

[35] As all employees, including engineers, will be classified using the same plan, the PIPSC's position of having two bargaining units would not fit the new classification plan.

[36] The PIPSC's representative has not shown any labour relations reason why the engineers should be carved out and have their own bargaining unit. Their terms and conditions of employment are materially similar to those of the PSAC members at the C.S.E.

[37] Paragraphs 127 to 136 of the Board's decision with respect to the *Parks Canada Agency (supra)* all apply to the C.S.E. situation, and in that decision the Board determined that one bargaining unit was appropriate. The same should apply here.

[38] The Ontario Labour Relations Board in *United Steelworkers of America v. Usarco Limited v. Group of Employees* [1967] OLRB Rep. Sept. 526, has set out certain criteria to assess community of interest. These criteria have been followed by other labour boards, and should be looked at here too. Counsel reviewed the evidence in relation to each of these criteria to buttress his position for a finding of one bargaining unit. The views of the engineers, in this case, are not materially important if a determination is made that the current bargaining structure is inappropriate. This view has been supported by previous labour board decisions. (See, for example, *National Bank of Canada* (1985), 58 di 94; CLRBR (NS) 257; and 86 CLLC 16,032 (partial report) (CLRBR no. 542); *Canadian Pacific Limited* (1984), 57 di 112; 8 CLRBR (NS) 378; and 84 CLLC 16,060 (CLRBR no. 482); and *Cape Breton Development Corp. and Various Unions* (1987), 19 CLRBR (NS) 212.)

[39] The only other reason proffered by the PIPSC for a separate bargaining unit was the fact that engineers are professionals. This concept is not sufficient reason to warrant a separate bargaining unit (see *Essex Health Association* [1967] OLRB Rep. Nov. 716).

[40] Section 7 of the *PSSRA* permits the employer to determine its organization and classify positions. The C.S.E. has done this, using a gender-neutral plan called "UNISON". The determination of the appropriate bargaining unit is to be made having regard to the plan of classification. The only decision that would be appropriate in this case would be a single bargaining unit.

For the PSAC

[41] Mr. Piché stated that after reviewing the present structure of four separate PSAC bargaining units, and all other relevant related facts, the PSAC takes the position that a single bargaining unit structure for all PSAC members will serve the long-term interests of the employees.

[42] Currently, the PSAC represents about 92% of all employees at the C.S.E. and feels it could represent the interests of all employees in a single bargaining unit. However, the PSAC does not speak on behalf of the engineers and takes no position with respect to the PIPSC's response to the employer's application.

For the PISPC

[43] Mr. Gingras presented his book of authorities together with a copy of Treasury Board's Terms and Conditions of Employment Policy, for reference.

[44] In reviewing the employer's reasons for submitting its application for review, Mr. Gingras referred to them as "urban legends". These "urban legends" were equal pay for work of equal value, staffing and transfer issues, the engineering standard and morale issues. A review of the employer's evidence shows it has not met the heavy onus placed upon it of proving its case.

[45] Section 33 of the *PSSRA* deals with a reference to classification. Firstly, "UNISON" is not a classification plan, but rather it is a job evaluation plan. In any event, the *PSSRA* does not require the Board to be bound by a plan of classification but rather it is simply one factor, among many, that must be considered when deciding which unit of employees constitutes a unit appropriate for collective bargaining.

[46] With respect to the pay equity aspect, the evidence has shown that the executive group is not included within the "UNISON" evaluation; therefore, the employer will have two pay lines anyway.

[47] A precursor to subsection 11.(1) of the *CHRA* (Exhibit E-3) is the filing of a complaint. Only then would the employer be required to look at wage comparisons of male dominated versus female dominated groups. Consequently, absent the filing of an actual complaint, pay differences can exist without there being a violation of the *CHRA*.

[48] With respect to issues surrounding staffing and transfer of C.S.E employees, it is the regulations as developed by the C.S.E. themselves that are the impediments. The C.S.E. could remedy any difficulties in this area simply by changing its own rules. Nothing in the collective agreement would prevent this.

[49] As far as the engineering standard is concerned, Mr. Gingras stressed that the PIPSC is not against "UNISON". They feel it is a smarter approach to assessing jobs. However, the fact there would not be an engineering standard per se is not a reason in and of itself to do away with the bargaining unit. A bargaining unit certificate could still exist and a bargaining unit could be properly defined, even absent an engineering standard.

[50] Any morale problems that have been alluded to are not supported by concrete data and therefore should not be considered.

[51] Mr. Gingras stated that the PISPC believes several pay lines can exist at the C.S.E., with or without "UNISON".

[52] The evidence shows the members wish to retain their own distinct bargaining unit. History has demonstrated that good labour relations have existed at the C.S.E. and there is no reason to change.

Rebuttal by the Employer

[53] "UNISON" is a job evaluation tool that measures the value of the jobs at the C.S.E. on the same spectrum, as required by legislation. Once the worth of the position has been determined, it would be illegal to pay a male and a female differently if they were doing work determined to be of the same worth. It is not a complaint-driven system to determine the obligation. It is not illegal upon the complaint, but rather would be illegal simply upon implementation if males and females performing work of equal value were to be paid differently.

Reasons for Decision

[54] This is an application filed by the C.S.E. under section 27 of the PSSRA. This section states:

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.

[55] Five bargaining unit certificates were issued for the C.S.E. pursuant to five Board decisions (*supra*). Four of those certificates were issued to the PSAC on August 21, 1975, and one was issued to the PIPSC on June 3, 1991 (see Exhibit E-1, tabs 1 to 5). It is the Board's decisions with respect to the appropriateness of the bargaining units that the applicant seeks to review.

[56] A similar request for review under section 27 was made by the Staff of the Non-Public Funds to merge two bargaining units; one of those was represented by the United Food and Commercial Workers Union and the other by the Public Service Alliance of Canada (Board file 125-18-78).

[57] At page 54 of the decision, Chairperson Tarte wrote:

[...]

... Review[ing] applications such as this one for the consolidation of long-standing bargaining units must be approached with caution.

In such a case, strong and cogent evidence is required to justify altering an existing bargaining structure which appears to have worked well over many years....

[...]

[58] I endorse this reason and, in fact, the employer has accepted that it bears the initial onus to demonstrate why there is a need to review the Board's certification decisions.

[59] Mr. Bird argued that the C.S.E.'s right to classify positions stems from section 7 of the PSSRA. This section states:

7. *Nothing in this Act shall be construed to affect the right or authority of the employer to determine the organization of the Public Service and to assign duties to and classify positions therein.*

[60] I concur with Mr. Bird on this point. The legislation permits the employer "... to assign duties to and classify positions therein".

[61] Pursuant to this authority, in 1997 the C.S.E. undertook a review of the classification standards in existence at that time. The review indicated that there were approximately 12 different classification standards in use at that time and they did not properly reflect the way the organization was conducting its business.

[62] In February 1998, the C.S.E. began the process of introducing a new universal job evaluation system for C.S.E. jobs. The reasons for this are delineated in Exhibit E-3, tab 2, page 2.

[63] This new job evaluation system was called "UNISON" and the evidence indicated it was developed, at least in part as a response to the provisions of the CHRA. In particular, subsection 11.(1) of the legislation applies, and it states:

11.(1) It is a discriminatory practice for an employer to establish or maintain differences in wages between male and female employees employed in the same establishment who are performing work of equal value.

[64] The C.S.E. developed its own job evaluation system, keeping in mind the criteria outlined in the CHRA. It employed outside consultants to ensure its plan was gender neutral. The evidence indicated that the C.S.E. would inform its employees at the end of January 2001 of the individual job evaluation ratings and other pertinent information related to the plan.

[65] Once implemented, the evidence indicated that all non-executive positions in the C.S.E. will be evaluated using the same standard. There will, correspondingly, be no need for maintaining separate standards for the various classifications in existence at this point in time. Once "UNISON" is implemented, all non-executive employees will be evaluated and classified using the same standard.

[66] This, to me, is a very strong and cogent reason why the present bargaining unit structure needs to be reviewed. While other criteria may be important in assessing whether or not the present bargaining unit structure should be reconfigured, including the criteria set out by the Ontario Labour Relations Board in *Usarco (supra)* which I have considered, I have no hesitation in concluding the requirements of the *CHRA* play a paramount role in this situation.

[67] Also of significance here is the issue of the integration of the work done by the employees. The evidence indicated that self-directed work teams comprising individuals from the various bargaining units were now the norm. This, coupled with mobility issues which were also raised here, indicate that amalgamation of the bargaining unit structure may be appropriate.

[68] At paragraph 129 of *Parks Canada (supra)* the Board said:

[129] A bargaining unit that is too small in size will often have no real influence on the outcome of service wide issues and on the determination of the parameters for pay and benefits.

The same is true here. The PSAC currently represents over 90% of the C.S.E. employees, and this is an important issue to consider when determining the outcome here.

[69] Finally, there is obviously a very specialized mission with respect to the tasks performed at the C.S.E. I am of the view that all of the C.S.E. employees share a broad community of interest which is further reason why a review of the present bargaining unit structure is appropriate.

[70] Mr. Gingras stated that having two bargaining units with two separate and distinct pay lines was not a violation of subsection 11.(1) and could only be a possible violation once ruled upon by the Canadian Human Rights Commission following a complaint.

[71] Mr. Bird, in reply to this, stated subsection 11.(1) of the *CHRA* was not a complaint-driven section. Once two jobs are determined to be of equal value, then it would be a discriminatory practice for the employer to pay a male and a female, doing these jobs, differently.

[72] In *Attorney General of Canada v. Public Service Alliance of Canada et al.* (1999) 180, D.L.R. (4th) 95, at paragraph 103, Justice Evans wrote:

[103] For my part, I do not think that much turns on whether section 11 is characterized as a "pay equity" provision, although it is appropriate to note that pay equity is commonly understood to refer to the principle contained in subsection 11.(1), namely that there should be no differential in the wages paid to male and female employees of the same establishment performing work of equal value. On the other hand, it should also be remembered that specialized pay equity legislation may specifically prescribe particular approaches to issues and be intended to be used by the parties in a proactive manner as the basis for adjusting wages.

[73] In this case, the C.S.E. was proactive in developing what it believes to be a gender neutral, universal job evaluation plan. On the basis of the evidence and arguments before me, I simply cannot support the proposition that it would be satisfactory to maintain two distinct pay lines for male and female employees doing work of equal value, as advanced by Mr. Gingras.

[74] Mr. Gingras stated that "UNISON" was a job evaluation plan, not a classification plan. Therefore the Board's determination of the appropriate bargaining unit structure does not have to involve a consideration of "UNISON" as would otherwise be the case under section 33 of the PSSRA.

[75] Subsections 33.(1) and (2) of the PSSRA read as follows:

33.(1) Where an employee organization has made application to the Board for certification as described in section 28, the Board shall determine the relevant group of employees that constitutes a unit appropriate for collective bargaining.

(2) In determining whether a group of employees constitutes a unit appropriate for collective bargaining, the Board shall have regard to the plan of classification, including occupational groups or subgroups, established by the employer for positions in the Public Service and shall establish bargaining units coextensive with the classes, groups or subgroups established by the plan, unless any such bargaining unit would not permit satisfactory representation of the employees to be included in it and, for that reason, would not constitute a unit appropriate for collective bargaining.

[76] The uncontradicted evidence of Mr. Doucet, for the employer, indicated that all C.S.E. non-executive positions would be evaluated and classified using the same plan, namely "UNISON". While all jobs are evaluated using the same factors, which are contained in "UNISON", all jobs are also classified based on this one plan.

[77] To further shed light on whether a job evaluation plan is synonymous with a classification plan, I turn to *Roberts' Dictionary of Industrial Relations*, Fourth Edition, at page 364 where the term "job evaluation" is explained. It states:

job evaluation According to Suskin, job evaluation is the "process of determining the classification, rating, or value of an individual job in relation to the other jobs in an organization." Beginning with job analysis, job descriptions are developed and the descriptions are related by some system designed to determine the relative value of the jobs or groups of jobs. "Job evaluation is the weighing of a job to determine its rank with respect to other positions."

Four fundamental job evaluation methods are in use: ranking, classification, factor comparison, and point method.

The evaluation is designed to assist in establishing a rational wage structure and to avoid or eliminate internal inequalities. The evaluation is concerned with the nature and content of the job or jobs and not with the actual work or the qualifications of any specific individual for that job. The establishment of wage rates based on an evaluation of relationships between jobs helps to reduce the claim of favoritism or inequity within a particular wage structure.

[78] It is clear to me that while "UNISON" is a job evaluation plan, it is also the very pith and essence of a classification plan. Consequently, I cannot accept Mr. Gingras' proposition that "UNISON" is not a classification plan.

[79] In returning to Chairperson Tarte's decision in *Staff of the Non-Public Funds* (*supra*), he states, at page 54:

[...]

Both respondents oppose this review application and maintain that, given the new realities of the situation at CFB Gagetown, they could easily find bargaining solutions to allay the employer's fears and work together constructively towards the implementation of the new classification plan.

[...]

[80] Further along, he concludes:

[...]

...The SNPF's application for review is in fact premature....

[...]

[81] I believe it is significant to note that the decision did not conclude that the application for review was without merit, but rather it was premature. In that instance, both bargaining unit representatives asserted that they could "...work together constructively towards the implementation of the new classification plan".

[82] Such was not the case here. In fact, Mr. Gingras stated that he believes several pay lines can exist, even if "UNISON" is implemented. I fail to see how there could be a pay line for engineers and a separate and different pay line for other C.S.E. employees doing work of equal value, and still conform to the CHRA requirements.

[83] Therefore, given the fact there has to be one pay line for all positions measured by "UNISON", it would not, in my view, be appropriate to have anything but a single bargaining unit structure for all employees, given the facts of this case.

[84] I am cognizant of the fact that virtually every engineer signed a petition wishing to remain in an independent bargaining unit. A similar situation was commented upon by the Canada Labour Relations Board (C.L.R.B.) in *Canada Post Corporation and Canadian Union of Postal Workers and Various Unions* (1988), 73 di 66, 19 CLRBR (NS) 129 (decision no. 675). At page 21 of the decision, the C.L.R.B. wrote:

[...]

... With regard to wishes of employees, we concur with the view of our colleagues as expressed in previous Board decisions that, whereas the wishes of employees are not unimportant, they are not determinative of appropriate bargaining units...

[...]

[85] I am in agreement with the findings of the C.L.R.B. insofar as they pertain to this matter. While the wishes of the engineers are noted, they are not determinative of the appropriate unit.

[86] Having concluded on the basis of the facts of this case that a single bargaining unit would be appropriate, I now turn to the question of the necessity to have a vote. The evidence indicated that there are 897 unionized employees at the C.S.E. (see Exhibit E-4, tab 5). Out of this total, there are 64 engineers represented by the PIPSC and the remainder (833) represented by the PSAC. No one disputed these numbers.

[87] Approximately 93% of the workforce are represented by the PSAC. There was no evidence presented to show that any of those employees were dissatisfied with the representation they were receiving. I therefore see no labour relations reason why a vote should be held among all the C.S.E. employees to determine whom their bargaining agent will be. The requirement to hold a vote is both a costly and time-consuming exercise for everyone. Uncertainty will continue until the results of the vote are known. While I recognize there are situations where this might be appropriate, I do not believe such should be the case here.

[88] Therefore, I find the application of the employer for a review of the Board's decisions concerning certification of the C.S.E.'s bargaining units is granted. There shall be one bargaining unit at the C.S.E. and it shall be represented by the PSAC. The Board hereby revokes the existing certificates.

[89] All of the parties were in agreement that in the event a single bargaining unit was found to be appropriate for collective bargaining, it should be described as follows:

All employees of the Communications Security Establishment, excluding directors, persons above the rank of director, employees involved in the planning, development, delivery or management of human resources, and such other persons employed in a managerial or confidential capacity.

[90] The Board will issue a new certificate for the bargaining unit described above.

**Joseph W. Potter,
Deputy Chairperson**

OTTAWA, February 16, 2001.

