

**Date:** 20190201

**File:** 525-02-39153

**XR:** 142-2-344

**Citation:** 2019 FPSLREB 13

*Federal Public Sector  
Labour Relations and  
Employment Board Act and  
Federal Public Sector  
Labour Relations Act*



Before a panel of the  
Federal Public Sector  
Labour Relations and  
Employment Board

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BETWEEN

**TREASURY BOARD**

Applicant

and

**PROFESSIONAL INSTITUTE OF THE PUBLIC SERVICE OF CANADA**

Respondent

Indexed as

*Treasury Board v. Professional Institute of the Public Service of Canada*

In the matter of a request for the Board to exercise any of its powers under section 43 of the *Federal Public Sector Labour Relations Act*

**Before:** Nancy Rosenberg, a panel of the Federal Public Sector Labour Relations and Employment Board

**For the Applicant:** Sandra Hassan, Treasury Board

**For the Respondents:** Simon Ferrand, Professional Institute of the Public Service of Canada

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Decided on the basis of written submissions  
filed September 12, 2018 and October 30, 2018.

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## REASONS FOR DECISION

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### **Request before the Board**

1 This decision deals with an application under s. 43 of the *Federal Public Sector Labour Relations Act (FPSLRA)*. The applicant, the Treasury Board, requests that the certificate of the Professional Institute of the Public Service of Canada (PIPSC) for the Computer Systems (CS) occupational group be amended to reflect changes to the occupational group name and definition. On October 30, 2018, the PIPSC confirmed with the Board that it did not oppose this request.

2 The Federal Public Sector Labour Relations and Employment Board (“the Board”) is of the view that, by this application, the applicant asked the Board to amend its decision in *Professional Institute of the Public Service of Canada v. Treasury Board*, PSSRB File No. 142-2-344 (19990601). In that decision, the Board had amended the description of the certification of the PIPSC to be as follows: *All employees of the Employer in the Computer Systems Group as defined in Part I of the Canada Gazette of March 27, 1999.*

3 By this application, Treasury Board also requests that four certificates be amended to reflect minor consequential amendments to occupational group definitions. The Board considers this as a request to amend four other decisions pertaining to the certification of the relevant bargaining agents; this latter request will be dealt with by way of separate decisions.

### **The applicant’s submission**

4 The CS occupational group definition and job evaluation standard was established in 1985 and then modified and updated in 1999 as part of a larger classification reform review. In 2009, the parties signed a memorandum of understanding to review the CS Group to ensure that the classification tools for it reflected current and anticipated information technology work in the core public administration. This commitment was renewed in the most recent collective agreement, and in 2011, as part of this initiative, the applicant began a classification review of the CS Group. The PIPSC was consulted throughout the process and provided input to the

new occupational group definition and job evaluation standard.

**5** The applicant approved changes to the CS occupational group name and definition, which is now named the Information Technology (IT) Group, to reflect the evolution of the work and modern business requirements. The new group name, definition, and job evaluation standard are intended to ensure that the classification tools are relevant and modern and that they appropriately reflect the work carried out by the IT Group. They will also fulfil the applicant's 2009 commitment to the PIPSC.

**6** To maintain a clear delineation between the new IT Group definition and other groups specifically excluded from the CS Group, the definitions of the following four occupational groups were consequently amended: the Technical Services Group, the Research Group, the Radio Operations Group, and the Electronics Group. The consequential amendments do not change the current membership of these groups.

**7** The new definitions of the IT occupational group and the four other groups were published in Part I of the *Canada Gazette* on June 2, 2018.

### **Reasons**

**8** Section 43 of the *FPSLRA* provides that the Federal Public Sector Labour Relations and Employment Board ("the Board") may review, rescind, or amend any of its orders or decisions.

**9** Section 70(2) of the *FPSLRA* requires that bargaining units be co-extensive with the applicant's occupational groups unless defining a unit in this way would not permit the satisfactory representation of employees. In such a case, the unit would not be appropriate for collective bargaining.

**10** The current bargaining unit structure has been found appropriate for collective bargaining, which nothing in the requested change would alter.

**11** As the applicant's request meets the requirements of s. 70(2) of the *FPSLRA*, the applicant's request is granted.

**12** For all of the above reasons, the Board makes the following order:

**Order**

**13** The description in the certification of the Professional Institute of the Public Service of Canada for the Computer Services Group, set out in the Board's decision in PSSRB File No. 142-2-344, dated June 1, 1999, is amended to read as follows:

*All employees of the Employer in the Information Technology Group as defined in Part I of the Canada Gazette of June 2, 2018.*

*Tous les fonctionnaires de l'employeur compris dans le groupe Technologies de l'information tel que défini à la Partie I de la Gazette du Canada du 2 juin 2018.*

**14** A new certificate will issue.

February 1, 2019.

**Nancy Rosenberg,  
a panel of the Federal Public Sector  
Labour Relations and Employment  
Board**