

**Date:** 20190201

**File:** 525-02-39154

**XR:** 142-2-339

**Citation:** 2019 FPSLREB 14

*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

BETWEEN

**TREASURY BOARD**

Applicant

and

**PUBLIC SERVICE ALLIANCE OF CANADA**

Respondent

Indexed as

*Treasury Board v. Public Service Alliance 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:** No one

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Decided on the basis of written submissions

filed September 12, 2018.

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## REASONS FOR DECISION

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### **Request before the Board**

1 This is a companion decision to the 2019 FPSLREB 13 decision of the Federal Public Sector Labour Relations and Employment Board (“the Board”) concerning an application under s. 43 of the *Federal Public Sector Labour Relations Act (FPSLRA)*. In that decision, the Board amended the description in the certification of the Professional Institute of the Public Service of Canada as bargaining agent for the Computer Systems (CS) Group. The applicant, the Treasury Board, had also requested that the certificate of the Public Service Alliance of Canada (PSAC) for the Technical Services (TS) group be amended to reflect minor consequential amendments to the TS occupational group definition. The Board is of the view that, by this request, the applicant asked the Board to amend its decision in *Public Service Alliance of Canada v. Treasury Board*, PSSRB File No. 142-2-339 (19990610). This decision deals with the latter request. The PSAC was given notice of this application and did not respond.

### **The applicant’s submission**

2 The applicant changed the CS occupational group name to 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.

3 To maintain a clear delineation between the new IT Group definition and other groups specifically excluded from the CS Group, the definition of the TS Group was consequently amended. The consequential amendments do not change the current membership of the TS Group.

4 The new definition of the IT occupational group and the amended TS occupational group definition were published in Part I of the *Canada Gazette* on June 2, 2018. The applicant requested that the Board amend its description in the certification of the PSAC for the TS group, to reflect the consequential changes to the TS group definition.

**Reasons**

5 Section 43 of the *FPSLRA* provides that the Board may review, rescind, or amend

any of its orders or decisions.

6 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.

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

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

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

*(The Order appears on the next page)*

**Order**

**10** The description in the certification of the Public Service Alliance of Canada for the Technical Services Group, set out in the Board's decision in PSSRB File No. 142-2-33, dated June 10, 1999, is amended to read as follows:

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

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

**11** A new certificate will issue.

February 1, 2019.

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