

Date: 20190201

File: 525-02-39155

XR: 142-2-346

Citation: 2019 FPSLREB 15

*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

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: No one

Decided on the basis of written submissions

filed September 12, 2018.

REASONS FOR DECISION

Request before the Board

1 This is a companion decision to the 2019 FPSLRB 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 Professional Institute of the Public Service of Canada (PIPSC) for the Research (RE) group be amended to reflect minor consequential amendments to the RE occupational group definition. The Board is of the view that, by this request, the applicant asked the Board to amend its decision in *Professional Institute of the Public Service of Canada v. Treasury Board*, PSSRB File No. 142-2-346 (19990616). This decision deals with the latter request. PIPSC was given notice of this application and did not respond to this latter request.

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 RE Group was consequently amended. The consequential amendments do not change the current membership of the RE Group.

4 The new definition of the IT occupational group and the amended RE occupational group definition were published in Part I of the *Canada Gazette* on June 2, 2018. The applicant has requested that the Board amend the description in the

certification of the PIPSC for the RE occupational group, to reflect the consequential changes to the RE 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:

Order

10 The description in the certification of the Professional Institute of the Public Service of Canada for the Research Group, set out in the Board's decision in PSSRB

File No. 142-2-346, dated June 16, 1999, is amended to read as follows:

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

Tous les fonctionnaires de l'employeur compris dans le groupe Recherche 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**