

Date: 20190201

File: 525-02-39157
XR: 142-2-325, 525-02-59

Citation: 2019 FPSLREB 17

*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

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL 2228

Respondent

Indexed as

Treasury Board v. International Brotherhood of Electrical Workers Local 2228

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 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 its decision regarding the certification of the Professional Institute of the Public Service of Canada as bargaining agent for the Computer Systems (CS) Group. The applicant had also requested that the certificate of the International Brotherhood of Electrical Workers Local 2228 (IBEW) for the Electronics (EL) group be amended to reflect minor consequential amendments to the EL occupational group definition. The Board is of the view that, by this request, the applicant asked the Board to amend its decision in *International Brotherhood of Electrical Workers Local 2228 v. Treasury Board*, PSSRB File No. 142-2-325 (19990511). This decision deals with the latter request.

[2] The IBEW was given notice of this application and did not respond.

The applicant’s submission

[3] 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.

[4] To maintain a clear delineation between the new IT Group definition and other groups specifically excluded from the CS Group, the definition of the EL Group, represented by International Brotherhood of Electrical Workers Local 2228 (IBEW) was consequently amended. The consequential amendments do not change the current membership of the EL Group.

[5] The new definition of the IT occupational group and amended EL occupational group definition was 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 IBEW for the EL group, to reflect the consequential changes to the EL group definition.

[6] On August 24, 2018, as a result of this application, the applicant submitted

a letter to the Federal Public Sector Labour Relations and Employment Board withdrawing its December 11, 2014, application (FPSLREB File No. 525-02-59) to amend the EL certificate.

Reasons

[7] Section 43 of the *FPSLRA* provides that the Board may review, rescind, or amend any of its orders or decisions.

[8] 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.

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

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

[11] For all of the above reasons, the Board makes the following order:

(The Order appears on the next page)

Order

[12] The description in the certification of the International Brotherhood of Electrical Workers Local 2228 for the Electronics Group, as set out in the Board's decision in PSSRB File No. 142-2-325, dated May 11, 1999, is amended to read as follows:

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

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

[13] A new certificate will issue.

February 1, 2019.

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