

**Date:** 20190927

**File:** 525-02-40350  
**XR:** 142-03-337 and 525-02-09

**Citation:** 2019 FPSLREB 91

*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

**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:** Margaret T.A. Shannon, a panel of the Federal Public Sector Labour  
Relations and Employment Board

**For the Applicant:** Sandra Hassan

**For the Respondent:** Andrew Raven, counsel

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Decided on the basis of written submissions,  
filed April 5 and July 15, 2019

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## REASONS FOR DECISION

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### I. Request before the Board

[1] This decision concerns an application under s. 43 of the *Federal Public Sector Labour Relations Act* (“the Act”). The applicant, the Treasury Board (the employer), requests a review of the decision of the former Public Service Labour Relations Board in *Treasury Board (Canada Border Services Agency) v. Public Service Alliance of Canada*, 2007 PSLRB 22. The Treasury Board has asked that the description of the Program and Administrative Services Group bargaining unit be amended to be co-extensive with the employer’s revised occupational group structure and to reflect changes to the occupational group definition. On July 15, 2019, the Public Service Alliance of Canada (“the Alliance”) confirmed to the Federal Public Sector Labour Relations and Employment Board (“the Board”) that it did not oppose this request.

[2] The Treasury Board also requests that seven other decisions be amended to reflect minor consequential amendments to occupational group definitions. This request will be dealt with by way of separate decisions.

### II. The applicant’s submission

[3] The Program and Administrative Services occupational group structure was created in 1999 following the amalgamation of nine groups. The nine legacy classification standards had grown increasingly outdated and ineffective. In 2009, the Treasury Board began a classification review exercise, commencing with the Program and Administrative Services Group. The Treasury Board and the Alliance signed a memorandum of understanding in 2009 to review the classification standard to ensure they captured the current and anticipated program and administrative services work. The Treasury Board submitted that the commitment to continue to engage in meaningful consultation with the Alliance with respect to the review and redesign of the Program and Administrative Services occupational group structure was renewed in the most recent collective agreement.

[4] The Treasury Board approved changes to the Program and Administrative Services occupational group definition. To maintain a clear delineation between the modified Program and Administrative Services Group definition and current groups excluded from it, the definitions of the following eight occupational groups were consequently amended: the Audit, Commerce and Purchasing Group; the Border

Services Group; the Economics and Social Science Services Group; the Health Services Group; the Human Resources Management Group; the Police Operations Support Group; the Non-Supervisory Printing Services Group; and the Translation Group.

[5] The new definitions of the Program and Administrative Services occupational group, as well the eight other groups, were published in Part I of the Canada Gazette on March 9, 2019.

[6] The Treasury Board has requested the Program and Administrative Services Occupational Group be modified to reflect the removal of approximately 125 Internal Audit Positions. The Treasury Board has requested that the Board modify the Program and Administrative Services bargaining unit description so that it would read as follows:

*All employees of the Employer in the Program and Administrative Services group as defined in Part I of the Canada Gazette of March 9, 2019.*

*Tous les fonctionnaires de l'employeur compris dans le groupe Services des programmes et de l'administration, tel que défini dans la Partie I de la Gazette du Canada du 9 mars 2019.*

[7] The Treasury Board submitted that the descriptions of eight other groups were amended as a result of the changes to the Program and Administrative Services occupational group definition. Seven of the eight groups are represented. The Treasury Board has requested that the Board amend each of the seven decisions describing the certifications of those occupational groups. As set out earlier in this decision, those matters will be dealt with by way of separate decisions

### **III. Reasons**

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

[9] In any review of bargaining unit structure, the Board must have regard to the employer's classification of persons and positions, as set out in s. 70 of the *Act*. Section 70(2) 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 proposed bargaining unit is co-extensive with the occupational group established by the employer. There is no evidence (and there are no allegations) before the Board that the proposed bargaining unit would not permit the satisfactory representation of the employees to be included in it. Therefore, the Board finds that it constitutes a unit appropriate for collective bargaining.

[11] As the applicant's request meets the requirements of s. 70 of the *Act*, it is granted.

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

*(The Order appears on the next page)*

**IV. Order**

[13] The description in the certification of the Public Service Alliance of Canada for the Program and Administration Services Group bargaining unit, as set out in 2007 PSLRB 22, is modified to read as follows:

*All employees of the Employer in the Program and Administrative Services group as defined in Part I of the Canada Gazette of March 9, 2019.*

*Tous les fonctionnaires de l'employeur compris dans le groupe Services des programmes et de l'administration, tel que défini dans la Partie I de la Gazette du Canada du 9 mars 2019.*

[14] A new certificate will be issued.

September 27, 2019.

**Margaret T.A. Shannon,  
a panel of the Federal Public Sector  
Labour Relations and Employment Board**