

Date: 20190927

File: 525-02-40351

XR: 525-02-09

Citation: 2019 FPSLREB 92

*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: 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

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

REASONS FOR DECISION

I. Request before the Board

[1] This is a companion decision to the 2019 FPSLRB 91 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* (“the Act”). In that decision, the Board amended the description of the Program and Administrative Services Group bargaining unit. The applicant, the Treasury Board (the employer), has also requested an amendment to the description of the Border Services Group bargaining unit, as set out in *Treasury Board (Canada Border Services Agency) v. Public Service Alliance of Canada*, 2007 PSLRB 22, to reflect minor consequential amendments to the Border Services Group definition. This decision deals with the latter request. On July 15, 2019, the Public Service Alliance of Canada confirmed to the Board that it did not oppose this request.

II. The applicant’s submission

[2] The applicant changed the Program and Administrative Services Group definition to reflect changes to the current and anticipated program and administrative services work. To maintain a clear delineation between the modified Program and Administrative Services Group definition and other groups excluded from it, the Treasury Board consequently amended the definition of the Border Services Group. The consequential amendment does not change the current membership of the Border Services Group.

[3] The new definitions of the Program and Administrative Services Group and the Border Services Group were published in Part I of the *Canada Gazette* on March 9, 2019.

[4] The Treasury Board requested that the Board modify the Border Services Group bargaining unit description so that it would read as follows:

All employees of the Employer in the Border 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 frontaliers, tel que défini dans la Partie I de la Gazette du Canada du 9 mars 2019.

III. Reasons

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

[6] 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.

[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 of the *Act*, it is granted.

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

(The Order appears on the next page)

IV. Order

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

All employees of the Employer in the Border 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 frontaliers, tel que défini dans la Partie I de la Gazette du Canada du 9 mars 2019.

[11] 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**