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XR: 142-02-327 and 140-02-23

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*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

CANADIAN ASSOCIATION OF PROFESSIONAL EMPLOYEES

Respondent

Indexed as

Treasury Board v. Canadian Association of Professional Employees

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: Claude Archambault

Decided on the basis of written submissions,
Filed April 5 and July 3, 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, has also requested an amendment to the description of the Economics and Social Science Services Group bargaining unit, as set out in *Social Science Employees Association v. Treasury Board*, dated May 19, 1999 (PSSRB File No. 142-02-327), as amended by *Canadian Union of Professional and Technical Employees v. Treasury Board*, 2003 PSSRB 91, to reflect minor consequential amendments to the Economics and Social Science Services Group definition. This decision deals with the latter request. On July 3, 2019, the Canadian Association of Professional Employees confirmed with 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 Economics and Social Science Services Group. The amendments do not change the current membership of the Economics and Social Science Services Group.

[3] The new definitions of the Program and Administrative Services Group and the Economics and Social Science 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 Economics and Social Science Services Group bargaining unit description so that it would read as follows:

All employees of the Employer in the Economics and Social Science 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 Économique et services de sciences sociales, 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 of the Economics and Social Science Services Group bargaining unit, as set out in *Social Science Employees Association v. Treasury Board*, dated May 19, 1999 (PSSRB File No. 142-02-327), as amended by 2003 PSSRB 91, is modified to read as follows:

All employees of the Employer in the Economics and Social Science 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 Économique et services de sciences sociales, 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**