

**Date:** 20190927

**File:** 525-02-40354

**XR:** 142-02-345

**Citation:** 2019 FPSLREB 95

*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

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

**For the Applicant:** Sandra Hassan

**For the Respondent:** Vanessa Dion

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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 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 Health Services Group bargaining unit, as set out in *Professional Institute of the Public Service of Canada v. Treasury Board*, dated June 10, 1999 (PSSRB File No. 142-02-345), and amended by *Professional Institute of the Public Service of Canada v. Treasury Board*, 2011 PSLRB 81, to reflect minor consequential amendments to the Health Services Group definition. This decision deals with the latter request. On July 15, 2019, the Professional Institute of the Public Service 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 Health Services Group. The amendments do not change the current membership of the Health Services Group.

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

*All employees of the Employer in the Health 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 de santé, 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 Professional Institute of the Public Service of Canada for the Health Services Group bargaining unit, as set out in *Professional Institute of the Public Service of Canada v. Treasury Board*, dated June 10, 1999 (PSSRB File No. 142-02-345), and amended by 2011 PSLRB 81, is modified to read as follows:

*All employees of the Employer in the Health 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 de santé, 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