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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 UNION OF PUBLIC EMPLOYEES

Respondent

Indexed as

Treasury Board v. Canadian Union of Public 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: Peter Engelmann, counsel

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

REASONS FOR DECISION

I. Request before the Board

[1] This is a companion decision to the 2019 FPSLREB 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 Police Operations Support Group bargaining unit, as set out in *Canadian Union of Public Employees v. Treasury Board (Royal Canadian Mounted Police)*, 2018 FPSLREB 17, to reflect minor consequential amendments to the Police Operations Support Group definition. This decision deals with the latter request. Despite being given the opportunity, CUPE made no submission on whether or not they supported this application.

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 Police Operations Support Group. The amendments do not change the current membership of the Police Operations Support Group.

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

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

All employees in the Intercept Monitoring and Telecommunications Operations sub-groups of the Law Enforcement Support Group and in the Police Operations Support Group defined in Part I of the Canada Gazette of March 9, 2019.

*Tous les fonctionnaires des sous-groupes professionnels
Surveillance des interceptions et Opérations des*

télécommunications faisant partie du groupe professionnel Soutien aux opérations policières, définis 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 Police Operations Support Group bargaining unit, as set out in 2018 FPSLREB 17, is modified to read as follows:

All employees in the Intercept Monitoring and Telecommunications Operations sub-groups of the Law Enforcement Support Group and in the Police Operations Support Group defined in Part I of the Canada Gazette of March 9, 2019.

Tous les fonctionnaires des sous-groupes professionnels Monitoring des interceptions et Opérations des télécommunications faisant partie du groupe professionnel Soutien aux opérations policières, définis 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**