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*Federal Public Sector Labour
Relations and Employment Board
Act and Parliamentary Employment
and Staff Relations Act*



Before a panel of the
Federal Public Sector
Labour Relations and
Employment Board

BETWEEN
HOUSE OF COMMONS SECURITY SERVICES EMPLOYEES ASSOCIATION
SENATE PROTECTIVE SERVICE EMPLOYEES ASSOCIATION

Bargaining agents

and

PARLIAMENTARY PROTECTIVE SERVICE

Employer

and

PUBLIC SERVICE ALLIANCE OF CANADA

Intervenor

Indexed as

*House of Commons Security Services Employees Association v. Parliamentary Protective
Service*

In the matter of an application under section 103 of the *Economic Action Plan 2015
Act, No. 1* and an application for a declaration of successor rights under section 36 of
the *Parliamentary Employment and Staff Relations Act*

Before: Marie-Claire Perrault, a panel of the Federal Public Sector Labour
Relations and Employment Board

For the Bargaining Agents: Sylvain Beauchamp, counsel

For the Employer: George Vuicic, counsel

For the Intervenor: Kim Patenaude, counsel

Decided on the basis of a written application
received March 16, 2020.

APPLICATION BEFORE THE BOARD

I. Introduction

[1] On March 24, 1987, the House of Commons Security Services Employees Association (SSEA) was certified as the bargaining agent representing “all employees of the Employer [the House of Commons] in the Protective Services Group”.

[2] On March 24, 1987, the Senate Protective Service Employees Association (SPSEA) was certified as the bargaining agent representing “all employees of the Employer [the Senate] in the Protective Service Sub-group in the Operational Group”.

[3] Since June 23, 2015, the Parliamentary Protective Service (PPS), created by Division 10 of the *Economic Action Plan Act 2015, No. 1* (S.C. 2015, c. 36; *EAPA No. 1 2015*), has been the employer of the protective services employees of the House of Commons and the Senate, represented by the SSEA and the SPSEA, respectively.

[4] On June 23, 2015, the PPS also became the employer of the scanner operators (now detection specialists) and of the scanner supervisors (now detection supervisors) represented by the Public Service Alliance of Canada (PSAC), as certified in 2003 and amended in 2013.

[5] In November 2015, the PPS filed an application with the Federal Public Sector Labour Relations and Employment Board (“the Board”) under s. 103 of the *EAPA No. 1 2015*, for a decision merging the three bargaining units. The three bargaining agents requested that the Board recognize two bargaining units, one representing detection specialists and supervisors, and the other the Senate and House of Commons protection officers.

[6] The Board issued a decision to that effect on February 3, 2020, recognizing two bargaining units in the PPS (2020 FPSLREB 7). The detection specialists and supervisors unit continues to be represented by the PSAC.

[7] The Board defined the second bargaining unit as follows: “All employees of the Parliamentary Protective Service working as protection officers, protection supervisors, and protection managers”.

[8] This decision deals with the bargaining agent that will represent the new bargaining unit.

II. Successor rights application

[9] On March 16, 2020, the Union of Officers of the Parliamentary Protective Service (UOPPS) filed an application with the Board asking it to recognize the UOPPS as the successor to the House of Commons Security Services Employees Association (SSEA) and the Senate Protective Service Employees Association (SPSEA) under s. 36 of the *Parliamentary Employment and Staff Relations Act* (R.S.C., 1985, c. 33 (2nd Supp.); *PESRA*).

[10] On March 3, 2020, the SSEA held a general assembly, which unanimously adopted the following two resolutions:

- The SSEA accepts the consolidation by absorption with the Senate Protective Service Employees Association (SPSEA);
- as of the date of this resolution, the name of the Association will be, “Union of Officers of the Parliamentary Protective Service (UOPPS)”.

[11] On March 5, 2020, the SPSEA held a general assembly, which unanimously adopted the following resolution: “to continue to merge with the SSEA and to create a new association”.

[12] The UOPPS asks the Board to recognize it as the bargaining agent which is the successor to the SSEA and the SPSEA, and, to assign to it the rights, privileges, and duties as the bargaining agent under the *PESRA* and under the collective agreement between the SSEA and the House of Commons as well as the arbitral award of October 23, 2019 (“the SSEA collective agreement”) and under the collective agreement between the SPSEA and the PPS (“the SPSEA collective agreement”). The PPS as the employer and the PSAC as the intervenor emailed the Board that they do not oppose the UOPPS’s application to be recognized as the bargaining agent representing the new bargaining unit.

III. Decision

[13] The Board is satisfied that the UOPPS is an employee organization within the meaning of s. 3 of the *PESRA*. The Board has confirmed to its satisfaction that the assemblies held by SSEA and SPSEA were regularly constituted, that the number of people necessary for a quorum for each group was present at each general assembly, and that the members of both bargaining units had been duly informed about the general assembly and about the vote that would take place on merging the two

associations. In light of these facts and of the unanimous vote in both general assemblies in favour of creating the UOPPS, the Board believes that the UOPPS's representation of the new unit constituted by the merger of the SSEA and the SPSEA reflects the will of the majority of members of these units. As a result, the Board considers that holding a vote will not be necessary.

[14] Section 36 of the *PESRA* reads as follows:

36 Where, on a merger or an amalgamation of employee organizations or a transfer of jurisdiction among employee organizations otherwise than as a result of revocation of certification, any question arises concerning the rights, privileges and duties of an employee organization under this Part or under a collective agreement or arbitral award in respect of a bargaining unit or an employee therein, the Board, on application to it by any employee organization affected, shall examine the question and may, in accordance with any regulations made by it in respect thereof, declare or determine what rights, privileges and duties, if any, have been acquired or are retained, as the case may be, by that employee organization.

[15] In *Canadian Association of Professional Employees v. Library of Parliament*, 2003 PSSRB 102, the Board (which at that time was the Public Service Staff Relations Board) recognized the merger of two employee organizations under the same provision. In that case, the Board recognized the creation of the new employee organization on the basis of the written file.

[16] Given the information provided by the parties, pursuant to section 36 of the *PESRA*, the Board has determined that the UOPPS is the successor to the SSEA and SPSEA. On this basis, and in light of the Board's previous decision to merge the two bargaining units, the Board certifies the UOPPS as bargaining agent for the following bargaining unit:

All Parliamentary Protective Service employees working as protection officers, protection supervisors, and protection managers.

[17] The UOPPS acquires the rights, privileges, and duties of the SSEA and the SPSEA under their related collective agreements and arbitral awards and under *PESRA*. By virtue of s.108 (b) of the *EAPA No. 1 2015*, the UOPPS or the PPS may now serve a notice to bargain under s. 37 of the *PESRA*.

[18] Upon service of the notice to bargain, the statutory freeze provisions as set out in section 39 of *PESRA* will apply. For greater certainty, upon service of the notice to bargain, the terms and conditions that may be embodied in the SSEA collective agreement and were in force on March 31, 2020 shall be in force with respect to the PPS, the UOPPS and the employees in the former bargaining unit covered by the SSEA collective agreement until the conditions of s.39 (a) or (b) are met or the parties otherwise agree. Further, the terms and conditions of the SPSEA collective agreement shall, as provided in s.39, remain in force with respect to the PPS, the UOPPS and the employees in the former bargaining unit covered by the SPSEA collective agreement until the conditions of s.39 (a) or (b) are met or the parties otherwise agree.

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

(The Order appears on the next page)

IV. Order

[20] The Board certifies the Union of Officers of the Parliamentary Protective Service as the bargaining agent for the bargaining unit described as follows:

All Parliamentary Protective Service employees working as protection officers, protection supervisors, and protection managers.

[21] A certificate will be issued accordingly.

[22] The Union of Officers of the Parliamentary Protective Service acquires the rights, privileges, and duties of the House of Commons Security Services Employees Association and the Senate Protective Service Employees Association under their related collective agreements and arbitral awards and under the *Parliamentary Employment and Staff Relations Act*.

May 5, 2020.

**Marie-Claire Perrault,
a panel of the Federal Public Sector
Labour Relations and Employment Board**