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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

**SYNDICAT GÉNÉRAL DU CINÉMA ET DE LA TÉLÉVISION,
LOCAL 4835 (CANADIAN UNION OF PUBLIC EMPLOYEES)**

Employee organization

and

NATIONAL FILM BOARD

Employer

Indexed as

*Syndicat général du cinéma et de la télévision, Local 4835 (Canadian Union of Public
Employees) v. National Film Board*

In the matter of the Board exercising any of its powers under section 43 of the *Federal
Public Sector Labour Relations Act*

Before: Chantal Homier-Nehmé, a panel of the Federal Public Sector Labour
Relations and Employment Board

For the Employee Organization: Chantal Bourgeois, Syndicat général du cinéma et de
la télévision, Local 4835 (Canadian Union of Public
Employees)

For the Employer: Arlette Boghoskhan, National Film Board

Heard by teleconference, January 8, 2021.
(FPSLREB Translation)

REASONS FOR DECISION**FPSLRB TRANSLATION**

I. Issue before the Board

[1] This decision addresses the need to amend the decision in *Syndicat général du cinéma et de la télévision, Local 4835 (Canadian Union of Public Employees) v. National Film Board*, 2020 FPSLRB 31 (“the March 26, 2020, decision”) to ensure that each of the employees referred to at paragraph 23 of that decision can easily participate in the representation vote ordered by the Board.

II. Procedural background

[2] On July 11, 2019, the Syndicat général du cinéma et de la télévision, Local 4835 (Canadian Union of Public Employees; “the Syndicat général”) made an application under s. 79 of the *Federal Public Sector Labour Relations Act* (S.C. 2003, c. 22, s.2; “the Act”) to consolidate three bargaining units at the National Film Board (“the Film Board”), including all personnel in the following categories:

- administrative support, represented by the Canadian Union of Public Employees, Local 2656 (CUPE). See *Canadian Union of Public Employees, Local 2656 v. National Film Board*, PSSRB File No. 145-08-228 (19850131);
- operational, represented by CUPE. See *Canadian Union of Public Employees, Local 2656 v. National Film Board*, PSSRB File No. 146-08-229 (19850131); and
- technical, represented by the Syndicat général. See *Canadian Union of Public Employees, Local 4835 v. National Film Board*, 2007 PSLRB 117.

[3] The Board defined the bargaining unit at paragraph 18 of the March 26, 2020, decision as follows:

all employees of the Employer in the Technical Category, as well as those in the Administrative Support Category and those in the Operational Category.

tous les fonctionnaires de l'employeur compris dans la catégorie technique, ainsi que ceux compris dans la catégorie du soutien administratif et ceux compris dans la catégorie de l'exploitation.

[4] At paragraph 23 of the March 26, 2020, decision, the Board also ordered the Administrative Tribunals Support Service of Canada to make the necessary arrangements, as of a date to be determined by the Board, to hold a representation vote in accordance with s. 65(2)(b) of the Act by electronic means with all employees of the Film Board in the technical, administrative support, and operational categories who are not in a management position or a position of trust.

[5] Finally, at paragraph 24 of the March 26, 2020, decision, the Board appointed the director of the Federal Public Sector Labour Relations and Employment Board Secretariat's Registry as director of the representation vote.

[6] It is unfortunate that, to date, the parties have been unable to provide the director of the vote with the personal email address of each of the employees mentioned in paragraph 23 of the March 26, 2020, decision. However, on January 12, 2021, the Film Board and the Syndicat général sent the updated list of all the employees and their residential addresses in a password-protected document. It is vital that the director of the vote obtain the full cooperation of parties who appear before the Board so that she can efficiently carry out the duties entrusted to her by the Board.

III. Reasons

[7] Since the parties were unable to provide the director of the vote with the personal email address of each of the employees mentioned at paragraph 23 of the March 26, 2020, decision, the Board cannot assume that each of those employees has a personal computer that would allow him or her to easily participate in the representation vote that was ordered by the Board.

[8] Furthermore, given the current global pandemic and the limits on the freedom of movement imposed by the competent authorities, which could be extended or reimposed to protect public health, it is necessary to provide for additional measures to ensure that each of the employees mentioned at paragraph 23 of the March 26, 2020, decision can easily participate in the representation vote ordered by the Board, without having to use the Film Board's electronic equipment or computer networks.

[9] Therefore, the Board considers it appropriate to amend the March 26, 2020, decision to give each of the employees referred to at paragraph 23 of that decision the opportunity to participate in the representation vote by telephone.

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

(The Order appears on the next page)

IV. Order

[11] Paragraph 23 of *Syndicat général du cinéma et de la télévision, Local 4835 (Canadian Union of Public Employees) v. National Film Board*, 2020 FPSLREB 31, is amended as follows:

*[23] The Board orders that the Administrative Tribunals Support Service of Canada make the necessary arrangements, as of a date to be determined by the Board, to hold a representation vote in accordance with section 65(2)(b) of the Act **by electronic means or by telephone** with all employees of the **National Film Board** in the technical, administrative support, and operational categories who are not in a management position or a position of trust.*

[Changes in bold]

January 28, 2021.

FPSLREB Translation

**Chantal Homier-Nehmé,
a panel of the Federal Public Sector
Labour Relations and Employment Board**