

**Date:** 20210610

**File:** 525-24-42750

**XR:** 144-24-282, 125-24-94, and 142-24-354

**Citation:** 2021 FPSLREB 65

*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

**PUBLIC SERVICE ALLIANCE OF CANADA**

Applicant

and

**STATISTICS SURVEY OPERATIONS**

Respondent

Indexed as

*Public Service Alliance of Canada v. Statistics Survey Operations*

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:** Shannon Blatt, Public Service Alliance of Canada

**For the Respondent:** Michel Girard, counsel

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Decided on the basis of written submissions,  
filed March 17, 2021.

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**REASONS FOR DECISION**

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**I. Request before the Board**

[1] This is a joint application of the parties for a review of the certification orders issued by the Public Service Staff Relations Board (PSSRB) in PSSRB File Nos. 144-24-282, 125-24-94, and 142-24-354. The parties seek an amalgamation of two bargaining units into one on the basis that it would streamline negotiations and be in the best interests of labour relations between them.

[2] As the request pertains to a review of bargaining unit structure, it will be treated as an application under s.70 of the *Federal Public Sector Labour Relations Act*, S.C. 2003, c.22, s.2 (the “Act”).

[3] The parties propose that the existing bargaining units be consolidated into a single bargaining unit defined as follows:

*All employees of Statistics Survey Operations*

**II. Summary of the facts**

[4] On June 27, 1988, the PSSRB certified the Public Service Alliance of Canada (PSAC) as the authorized bargaining agent for a bargaining unit of Statistics Survey Operations (SSO) employees that included those “... who are engaged in the carrying out of business surveys” (PSSRB File No. 144-24-282). On January 27, 2000, the PSSRB amended the original decision to expand the bargaining unit to cover all SSO employees working in regional offices. The decision issued defined the bargaining unit as follows (PSSRB File No. 125-24-94, 2000 PSSRB 7): “... comprised of all employees of the employer engaged in the carrying out of survey activities primarily in Statistics Canada Regional Offices”. This bargaining unit is commonly referred to, and is referred to in this decision, as the “Regional Offices bargaining unit”.

[5] On November 30, 2000, the PSSRB issued another decision, declaring PSAC to be the bargaining agent for a bargaining unit for a group of employees (interviewers) performing duties identical to those performed by the interviewers included in the bargaining unit engaged in survey activities primarily in regional offices. This latter bargaining unit definition is as follows (PSSRB File No. 142-24-354, 2000 PSSRB 107): “All employees of the employer engaged in the carrying out of survey activities outside of Statistics Canada offices.”

[6] The employees in both bargaining units are involved solely in conducting survey interviews with respondents. SSO uses only two job titles: interviewer and senior interviewer, and both bargaining units use the same job titles. There is no classification system. Employees in both bargaining units are either interviewers, which is the entry-level position, or senior interviewers. SSO employees are among the very few public service employees who initiate contact with Canadians and who are not involved in an enforcement role of some sort.

[7] The only operational difference between the two units is that one, the Regional Offices bargaining unit, predominantly collect survey data by phone from a Statistics Canada facility, while the other, the Field, predominantly has been expected to conduct in-person interviews in respondents' homes. Over the past several years, there has been a steady decline in the number of field hours available as more surveys move to electronic or telephone modes of completion or if alternative sources of data are secured (e.g., administrative data). The recent COVID-19 pandemic has only escalated this transition (including a rapid transition to a full virtualization of the previous in-office call-centre operation) as safety measures have meant a full stop to in-person field collection.

[8] It is worth noting that the full complement of SSO employees consists only of "employees" within the meaning of the *Federal Public Sector Labour Relations Act* ("the Act"), all of whom are included in a bargaining unit. The executive and management cadre and other support functions for the separate agency comprise persons employed in the core public administration within Statistics Canada. SSO is, otherwise, an integral part of Statistics Canada. The order sought in this application will not result in the exclusion of any previously represented employees or in the sweeping-in of any previously unrepresented employees. The complement of represented employees will not change. Those employees will simply form a single bargaining unit.

[9] Notice to bargain was served on August 12, 2019, for both current bargaining units, and collective bargaining is now underway. The parties have agreed to negotiate a single, consolidated collective agreement, in respectful anticipation that the Federal Public Sector Labour Relations and Employment Board ("the Board") will give effect to their mutual agreement and desire to consolidate the two existing bargaining units.

### III. Summary of the arguments

[10] The applicants submit that the current bargaining structure of two bargaining units of employees, who perform the same work with identical job descriptions, is no longer appropriate for collective bargaining. It is further submitted that a single bargaining unit composed of all SSO employees would reflect the compelling community of interest they share. It would permit satisfactory and effective representation of all SSO employees, it would cause no labour relations harm, and it would provide significant labour relations benefit to the parties through increased efficiency and the preservation of resources.

### IV. Reasons

[11] Section 43 of the *Act* provides that the Board may review, rescind, or amend any of its orders or decisions. Further, in reviewing the bargaining unit structure, section 70 of the *Act* requires the Board to have regard to the employer's classification of persons and positions, including the occupational groups established by the employer, to determine whether the proposed group constitutes a unit appropriate for collective bargaining.

[12] I have compared the duties of the two bargaining units and note that they do share many similarities and that they are subject to a common classification. There would be little if any impact on the employees in the bargaining units by their amalgamation. There is no evidence, and there are no allegations before the Board, that a bargaining unit composed of the amalgamation of the two existing units, would not permit the satisfactory representation of employees to be included in the bargaining unit.

[13] The Board has an overarching duty to promote harmonious labour relations between the parties. They made a joint application to the Board, and the bargaining units at issue have the same bargaining agent and the same employer and share common aspirations. Technology and the impact of COVID-19 have eliminated the work method of one of the groups, which was the key distinguishing factor.

[14] The parties have indicated their desire to bargain like terms for like jobs by agreeing to bargain one collective agreement for both bargaining groups. In their minds, it is clear that there is but one group. Essentially, they have asked that the Board formally recognize what they have already put into practice. I find that it would

be in their interests and in accordance with the principles of the *Act* to grant the application.

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

*(The Order appears on the next page)*

**V. Order**

[16] The application is allowed.

[17] The bargaining unit, as set out in *The Public Service Alliance of Canada v. Statistical Survey Operations*, dated June 27, 1988 (PSSRB File No. 144-24-282), and amended by *The Public Service Alliance of Canada v. Statistics Survey Operations*, 2000 PSSRB 7, and the bargaining unit as set out in *The Public Service Alliance of Canada v. Statistics Survey Operations*, 2000 PSSRB 107, are merged into a single bargaining unit, defined as follows, represented by the Public Service Alliance of Canada:

*All employees of Statistics Survey Operations*

[18] The terms and conditions of each affected employee are continued in force until the new collective agreement is signed.

[19] A new certificate will be issued.

June 10, 2021.

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