



May 12, 2020

### Update on the review of the PSAC/UPCE Bargaining Certification Order

The PSAC/UPCE has worked collaboratively with the Corporation to review the excluded positions as provided by the Appendix L of the collective agreement. In fact, the bargaining certification order has not been updated since 1993 and it is our position that it needs a full review. A position can be excluded if it does not meet the definition of an employee under the *Canada Labour Code (CLC)*, which governs the labour relations between the parties, or if it is covered by another bargaining unit certification order (for example, APOC). An “*employee*” means any person employed by an employer and includes a dependent contractor and a private constable but does not include a person who performs management functions or is employed in a confidential capacity in matters relating to industrial relations”.

In May 2019, PSAC filed an application to the CIRB (Canada Industrial Relations Board) regarding 44 jobs (more than 300 positions) that the Corporation has unilaterally excluded from the UPCE bargaining unit. Under the *Canada Labour Code*, there is a process for the Union to challenge the exclusion of positions from the bargaining unit. Under that process, any other bargaining unit, in this case APOC, can file to intervene. Instead of proceeding in front of the CIRB, the parties agreed to resolve the matter in front of an arbitrator. It resulted in a framework where the parties (including APOC) decided to review the jobs and come to an agreement. During the process, APOC had claimed that 17 of the 44 jobs belong to their bargaining unit. We had 90 days to review all the jobs. The discussions were not conclusive therefore, UPCE has filed two grievances. The first one grieves 23 jobs of the 27 jobs for which APOC does not have intervenor status. The Corporation agreed to include 2 positions in the PSAC/UPCE bargaining unit while two (2) jobs have been eliminated since the Corporation advised us that they will not fill those vacancies. The second one has 15 jobs claimed by APOC (2 eliminated). This matter will go in front of an arbitrator. We have dates scheduled in August, September and October 2020.

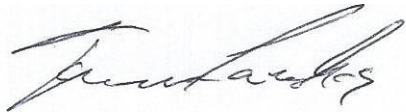


In addition, the corporation recently provided us with more job descriptions that we intend to review in the very near future. We continue to ask you to send us any job descriptions, posters, or information on excluded positions you believe should be included in the bargaining unit. We are reviewing and compiling this information as well.

In solidarity,



Julie Chiasson  
PSAC Exclusions Officer



François Paradis  
UPCE National President

