

MANAGERIAL OR CONFIDENTIAL EXCLUSIONS

A Managerial or Confidential Exclusion under the Public Service Labour Relations Act (PSLRA) refers to a position – rather than an employee – being excluded from the bargaining unit.

A position is excluded because the duties and responsibilities assigned to the position are deemed by the PSLRB to warrant exclusion.

The process begins with the Department or Agency proposing – to both Treasury Board and the USGE – positions it believes should be excluded. Consultation then takes place between the Department or Agency and the USGE to determine if there is agreement to the proposed exclusions. The USGE forwards the proposed exclusion(s) with relevant documentation to the Local and Regional Vice-President affected. The USGE then advises the Public Service Alliance of Canada – in its role as bargaining agent – as to which (if any) positions are acceptable.

Should the union side agree to an exclusion, the documentation is prepared and the position is excluded from the bargaining unit. Should there be no agreement, the parties make their respective cases before the Public Service Labour Relations Board. The PSLRB will either confirm or revoke the exclusion.

Those employees occupying positions proposed for exclusion remain in the bargaining unit and are subject to the terms and conditions of the relevant collective agreement until such time as an agreement is reached or, in the event of an objection, the PSLRB renders a decision.

Since a position is now identified as being excluded, those employees who are either acting in that position or have assumed wholly or substantially the duties and responsibilities of that position for a period of more than one month will be considered as being excluded during that period of time. Union dues cease on the first day of the month following the effective date of the acting appointment.

If the duties and responsibilities of a position have changed or no longer warrant exclusion, the Public Service Labour Relations Act allows the bargaining agent to object to the position being identified as excluded. It is important that Locals keep this in mind and advise the USGE National Office should they become aware of any positions where the duties and responsibilities would no longer support its exclusion, or where employees are no longer occupying an excluded position.

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