



Order No.: 11914-U

IN THE MATTER OF THE

Canada Labour Code

- and -

Public Service Alliance of Canada,

applicant,

- and -

Home Base Yellowknife,
Yellowknife, Northwest Territories,

employer.

WHEREAS the Canada Industrial Relations Board (the Board) has received an application for certification pursuant to section 24(1) of the *Canada Labour Code* (the *Code*) from the applicant seeking certification as bargaining agent for a unit of employees of Home Base Yellowknife (the employer) comprising:

All employees working for Home Base YK, including workers of Home Base Youth Dorms and Shelter, Park Place Youth Housing (4906 53rd street, YK, NT), Youth Centre (4903 50th street, YK, NT), excluding the HR Director, Assoc. Director & Executive Director.

AND WHEREAS the employer opposes the application, arguing that the proposed bargaining unit is not appropriate for collective bargaining, and proposes a bargaining unit comprising:

All employees working for Home Base Yellowknife in the Northwest Territories, excluding the Executive Director, Associate Director of Programs & Operations, Human Resources Coordinator, Program Managers, Funding Coordinator, Finance Manager, and Staff Training Coordinator.

AND WHEREAS the parties agreed to exclude the positions of executive director, associate director of programs and operations, human resources coordinator and finance manager from the bargaining unit and agreed to include the positions of recreation program coordinator, wellness program coordinator and family and natural support program coordinator in the bargaining unit;

AND WHEREAS the employer submits that the positions of dorm/EOS program manager, youth centre program manager, youth housing program manager, staff training coordinator and funding coordinator perform management duties and should be excluded from the bargaining unit;

AND WHEREAS the onus lies with the employer to demonstrate that those employees it wants to be excluded are performing management duties;

AND WHEREAS the Board considered the submissions and evidence relied on by the employer and finds that the job descriptions provided for the positions of dorm/EOS program manager and youth centre program manager do not convince it that these positions should be excluded as they are not vested with independent decision-making authority with respect to hiring, termination or discipline, do not have independent financial authority or authorize expenditures based on a predetermined budget and guidelines and do not have access to confidential industrial relations information;

AND WHEREAS the Board also considered the submissions and evidence relied on by the employer with respect to the positions of youth housing program manager, staff training coordinator and funding coordinator;

AND WHEREAS the Board finds that while these three positions may perform supervisory functions, they are not management positions as they do not have independent decision-making authority with respect to hiring, termination or discipline, do not have independent financial authority or authorize expenditures based on a predetermined budget and guidelines and do not have access to confidential industrial relations information, and the Board does not agree that they should be excluded;

AND WHEREAS, following investigation of the application and consideration of the submissions of the parties concerned, the Board has found the applicant to be a trade union within the meaning of the *Code*, has determined the unit described hereunder to be appropriate for collective bargaining and is satisfied that a majority of the employees of the employer in the unit wish to have the applicant trade union represent them as their bargaining agent.

NOW, THEREFORE, it is ordered by the Canada Industrial Relations Board that the Public Service Alliance of Canada be, and it is hereby certified to be, the bargaining agent for a unit comprising:

all employees working for Home Base Yellowknife in the Northwest Territories, **excluding** the human resources coordinator, the associate director of programs and operations, the finance manager and the executive director.

ISSUED at Ottawa, this 11th day of April, 2024, by the Canada Industrial Relations Board.

Roland A. Hackl
Vice-Chairperson

Reference: File No. 037472-C