



Order No.: 11915-U

## IN THE MATTER OF THE

*Canada Labour Code*

- and -

Public Service Alliance of Canada,

applicant,

- and -

Foster Family Coalition of the Northwest Territories,  
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 the Foster Family Coalition of the Northwest Territories (the employer) comprising:

All employees working for Foster Family Coalition NWT, including workers of GLOW, Northern Stars, 4Y Program/Justice Program and excluding the HR Director, the HR Assistant and the 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 the Foster Family Coalition of the Northwest Territories in the Northwest Territories, excluding the Executive Director, Finance Manager, Human Resources Coordinator, Program Managers, Funding Coordinator, Staff Training Coordinator, Camp Director, and Finance Clerk.

**AND WHEREAS** the parties agreed to exclude the positions of executive director, human resources coordinator and finance manager from the bargaining unit;

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**AND WHEREAS** the employer submits that the positions of GLOW/4Y justice program manager, Northern Stars program manager, therapeutic program manager, finance clerk, funding coordinator, staff training coordinator and camp director 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 GLOW/4Y justice program manager, Northern Stars program manager and therapeutic 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 camp director, 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** the Board also considered the submissions and evidence relied on by the employer with respect to the position of finance clerk;

**AND WHEREAS** the Board finds that this position is clerical, administrative and supportive in nature and is not vested with independent decision-making authority, finds that, while the person performing these duties may deal with financial matters that the employer may consider confidential, there is no evidence that they have access to confidential industrial relations information, finds that the position is not a management position and does not agree that it 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.

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**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 the Foster Family Coalition of the Northwest Territories in the Northwest Territories, **excluding** the human resources coordinator, 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. 037473-C**