



EXCLUSIONS

When a job description contains duties which could be considered of a managerial or confidential nature, the position can be proposed for exclusion from the bargaining unit. The definition of what constitutes managerial or confidential is outlined in Section 59 of the *Public Service Labour Relations Act* (PSLRA). As in the essential services process it is the position – rather than an employee, that is excluded and this, in turn, excludes the incumbent from being a member of the bargaining unit.

When a new position is created and the employer (Department/Agency) proposes it for exclusion, consultation then takes place between the Agriculture Union and the employer to determine if there is agreement to the proposed exclusion. The relevant Local will also be advised of the employer's proposal and their comments will be sought. The Agriculture Union then advises the PSAC of their acceptance or rejection of the proposal.

If there is an objection to the proposed exclusion, the employer is now obligated to hold the amount that would otherwise be the membership dues, in respect of the occupant of the proposed exclusion. Once the Public Service Labour Relations Board makes a decision on the proposal, the dues will either be returned to the incumbent (if the position is excluded) or provided to the bargaining agent (if the decision is to maintain the position in the bargaining unit). This is a different process from under the previous legislation.

Under section 77 of the PSLRA, if the bargaining agent considers that a position is no longer a managerial or confidential position, they may apply to the Board for an order revoking the order that declared the position to be excluded from the bargaining unit.

Employees who are required to act in an excluded position for a period of more than one month will be considered excluded from the bargaining unit during the period of acting. Dues cease on the first day of the month following the effective date of the acting appointment.

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