

- (a) for the purposes of any of the provisions of this Act respecting grievances, a reference to an "employee" includes a person who would be an employee but for the fact that he is a person employed in a managerial or confidential capacity, and
- (b) for the purposes of any of the provisions of this Act respecting grievances with respect to disciplinary action resulting in discharge or suspension, a reference to an "employee" includes a former employee or a person who would be a former employee but for the fact that at the time of his discharge or suspension he was a person employed in a managerial or confidential capacity;

- Person employed in a managerial or confidential capacity      "Person employed in a managerial or confidential capacity", means any person who
- (a) is employed in a position confidential to the Governor General, a Minister of the Crown, a judge of the Supreme or Exchequer Court of Canada, the deputy head of a department or the chief executive officer of any other portion of the Public Service, or
  - (b) is employed as a legal officer in the Department of Justice,  
and includes any other person employed in the Public Service who in connection with an application for certification of a bargaining agent for a bargaining unit is designated by the Board, or who in any case where a bargaining agent for a bargaining unit has been certified by the Board is designated in prescribed manner by the employer, or by the Board on objection thereto by the bargaining agent, to be a person
  - (c) who has executive duties and responsibilities in relation to the development and administration of government programs,
  - (d) whose duties include those of a personnel administrator or who has duties that cause him to be directly involved in the process of collective bargaining on behalf of the employer,
  - (e) who is required by reason of his duties and responsibilities to deal formally on behalf of the employer with a grievance presented in accordance with the grievance process provided for by this Act,