

Date: 20041206

File: 161-24-1284

Citation: 2004 PSSRB 170



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

PUBLIC SERVICE ALLIANCE OF CANADA

Complainant

and

STATISTICAL SURVEY OPERATIONS, C. JERRY PAGE

Respondent

RE: Complaint under section 23 of the
Public Service Staff Relations Act

Before: Sylvie Matteau, Deputy Chairperson

For the Complainant: Shannon Blatt, Public Service Alliance of Canada

For the Respondent: Neil McGraw, Counsel

Heard at Ottawa (Ontario),
November 16 and 17, 2004.

DECISION

[1] On November 12th 2003, the Public Service Alliance of Canada (PSAC) signed and filed a complaint under section 23 of the *Public Service Staff Relations Act (PSSRA)* regarding alleged reprisal actions against employees of Statistical Survey Operations exercising their legal rights to strike. The respondent did not file a reply to the complaint. On October 18, 2004, the complainant filed an Application to amend the complaint, accompanied by a number of procedural requests. The respondent filed a response to the latter, dated November 4, 2004.

[2] At the suggestion of the Chairperson, a pre-hearing conference was held on November 16, 2004, in order to discuss, and if necessary to dispose of, the applications to amend the complaint, as well as to discuss the complainant's requests and the respondent's answer. Both parties agreed to address these issues, as well as any other procedural matter, through the pre-hearing conference process. Reasons for the preliminary rulings made will appear in the final decision.

Preliminary ruling

[3] There being no agreement between the parties as to the applications for amendments, the parties were invited to comment and further argue on said applications. I subsequently issued a preliminary ruling, which I communicated orally to the parties. It is as follows:

- a) The application for the amendment regarding the addition of Mr. Wayne Smith as a respondent to the complaint is denied;
- b) The application for the second amendment is also denied. This is in regard to terminations dating back to August 2004.

[4] Other arguments and discussions addressed procedural matters. With respect to the order of proceedings and the request that the respondent be called to proceed first in this matter, the request was denied.

[5] The parties were invited to discuss between themselves documentation and details that needed to be disclosed in order for the complainant to prepare the case and determine witnesses. As such, their private discussions have brought about an agreement.

[6] Finally, there was the issue of witnesses to be called and declarations to be made under section 9(1) of the *Canada Evidence Act*. I informed the parties that it was premature to make any such determination at this stage of the proceedings.

**Sylvie Matteau,
Deputy Chairperson**

OTTAWA, December 6, 2004