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*Public Service
Staff Relations Act*

Before an adjudicator

BETWEEN

CHRISTOPHER MARENTETTE

Grievor

and

**TREASURY BOARD
(Canada Border Services Agency)**

Employer

EXPEDITED ADJUDICATION DECISION

Before: [Yvon Tarte, adjudicator](#)

For the Grievor: Cécile La Bissonnière, Public Service Alliance of Canada

For the Employer: [Leslie Kathmann, Canada Border Services Agency](#)

Note: The parties have agreed to deal with the grievances by way of expedited adjudication. The decision is final and binding on the parties and cannot constitute a precedent or be referred for judicial review to the Federal Court.

[Heard at Ottawa, Ontario,
November 25, 2005.](#)

REASONS FOR DECISION

[1] The grievances dealt with in this decision involve two suspensions (one and five days) imposed on Mr. Marentette for incidents which occurred in June 2000 and November 2001.

[2] On April 1, 2005, the *Public Service Labour Relations Act*, enacted by section 2 of the *Public Service Modernization Act*, S.C. 2003, c. 22, was proclaimed in force. Pursuant to section 61 of the *Public Service Modernization Act*, these references to adjudication must be dealt with in accordance with the provisions of the *Public Service Staff Relations Act*, R.S.C., 1985, c. P-35 (the “former Act”).

[3] The parties filed an Agreed Statement of Facts which reads as follows:

1. *At the material time, Mr. Marentette was a PM-02, Customs Inspector employed part-time at the Ambassador Bridge. He has been an employee with Customs since 1994.*
2. *At issue is the Agency's Standards of Conduct — January 1995 which states:*

“Contact with the public — This means that you should conduct all of your official functions professionally and cordially, even during periods of stress or when faced with provocation. Your actions, comments, behaviour, and attitude have to remain polite and courteous.”

and the Standard of Ethics and Conduct Policy — February 2001 which states:

“Carrying out our mission requires us to interact daily with thousands of Canadians from every walk of life. Effective interaction among colleagues and co-workers is also a critical factor in fulfilling our mission. We strive to ensure that our behaviour toward clients and colleagues alike is guided by four key values: integrity, professionalism, respect, and cooperation.”

3. *The grievor has been the subject of numerous officer conduct complaints that, upon investigation, have resulted in the grievor being counseled and disciplined for incidents involving unprofessional behaviour when dealing with the public.*

Record of Discipline:

- *May 2000 — written reprimand imposed July 6, 2000*
 - *June 2000 — one-day suspension imposed July 6, 2000 — subject of adjudication*
 - *June 2000 — two-day suspension imposed October 1, 2000 — not grieved*
 - *August 2000 — five-day suspension imposed October 1, 2000 — suspension held in abeyance - not grieved*
 - *November 2001 — five-day (45.5 hours) suspension imposed January 11, 2002 — subject of adjudication*
4. *The grievor was counseled that even during periods of stress or when faced with provocation, his actions, comments behaviour and attitude must remain polite and courteous.*
 5. *The grievor submitted grievance number 00-3942-0076 on July 17, 2000 grieving his one-day suspension and requesting that the Disciplinary Action Report be removed from his file and that he be made whole.*
 6. *The grievor submitted grievance number 02-3942-33315 on January 7, 2002 grieving his suspension of 45.5 hours and requesting that this suspension be rescinded and that he be made whole.*

[4] The grievor holds a position which requires that he be in regular contact with members of the public. He must conduct himself in a professional and courteous manner in his dealings with the public.

[5] The record shows that, from May 2000 to November 2001, Mr. Marentette failed on several occasions to carry out his duties in an acceptable manner.

[6] I simply cannot accept the grievor's statement, which flies in the face of reality, that he always acts professionally. To the contrary, the evidence shows that Mr. Marentette was rude and unprofessional in his dealings with the public on several occasions.

[7] The sanctions imposed by the employer follow the principle of progressive discipline and in my view were quite warranted.

[8] For all of the above reasons, I make the following order:

(The Order appears on the next page)

Order

[9] The grievances are denied.

December 2, 2005.

**Yvon Tarte,
adjudicator**