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Citation: 2005 PSLRB 61



*Public Service
Staff Relations Act*

Before an adjudicator

BETWEEN

HARVINDER RAKHRA

Grievor

and

**TREASURY BOARD
(Department of Human Resources Development)**

Employer

Indexed as
Rakhra v. Treasury Board (Department of Human Resources Development)

In the matter of a grievance referred to adjudication pursuant to section 92 of the
Public Service Staff Relations Act

REASONS FOR DECISION

Before: John Steeves, adjudicator

For the Grievor: Edith Bramwell, Public Service Alliance of Canada

For the Employer: John Jaworski, Counsel, Treasury Board of Canada

Heard at Toronto, Ontario
June 14, 2005.

REASONS FOR DECISION

Grievance referred to adjudication

[1] This is a decision about the employer's decision to suspend the grievor from work for the period from September 10, 2003, to June 4, 2004.

[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*, I continue to be seized with this reference to adjudication, which 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 grievor filed a grievance about her suspension and I eventually heard it on June 14, 2005.

Summary of the evidence

[4] At the hearing, the employer advised that it would not be presenting any evidence. Since the onus of proof is on the employer to prove that there was just cause for the discipline, I can only conclude that just cause has not been established in this case.

Reasons

[5] The grievance is allowed. The grievor will be reinstated for the period from September 10, 2003, to June 4, 2004, with all back pay and any other entitlements. Her personnel record will reflect this decision.

[6] The parties will discuss any further issues with regard to the grievor's reinstatement.

[7] I remain seized for a period of ninety days from the date of this decision to decide any matter arising from this decision.

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

(The Order appears on the next page)

[9] The grievance is allowed.

June 22, 2005

John Steeves
adjudicator