

Date: 20140530

File: 166-02-33990

Citation: 2006 PSLRB 65



*Public Service
Staff Relations Act*

Before an adjudicator

BETWEEN

CLAIRE HÉBERT

Grievor

and

**TREASURY BOARD
(Department of Fisheries and Oceans)**

Employer

Indexed as
Hébert v. Treasury Board (Department of Fisheries and Oceans)

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

REASONS FOR DECISION

Before: Georges Nadeau, adjudicator

For the Grievor: Herself

For the Employer: Stéphane Hould, counsel

Heard at Ottawa, Ontario,
May 3, 2006.
(P.S.L.R.B. Translation)

Grievance referred to adjudication

[1] Ms. Hébert worked for the Department of Fisheries and Oceans as a legal assistant. She presented a grievance against her dismissal. She alleged, *inter alia*, that there was no valid reason for her dismissal and that she had been dismissed in retaliation for previously exercising her right to present a grievance.

[2] In its grievance reply, the employer maintained that this was in fact a rejection on probation in accordance with the provisions of the *Public Service Employment Act (PSEA)* and that, under the *Public Service Staff Relations Act*, R.S.C., 1985, c. P-35 (the “former Act”), no grievance could be presented against the rejection.

[3] After this grievance was referred to adjudication on April 29, 2004, a hearing was scheduled for May 3 to 6, 2006.

[4] 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*, this reference to adjudication must be dealt with in accordance with the provisions of the former Act.

Summary of the evidence

[5] On the morning of May 3, 2006, the grievor did not appear at the hearing. I therefore asked the Registry Operations and Policy Branch of the Public Service Labour Relations Board to ask the grievor what her intentions were. When contacted by telephone, the grievor said that she did not intend to appear at the hearing because “[translation] it would be pointless”. I began the hearing and informed the employer of Ms. Hébert’s decision not to proceed with her grievance.

[6] The employer’s representative then asked me to close the file because of the grievor’s decision.

[7] For these reasons, I make the following order:

(The Order appears on the next page)

Order

[8] I order that this file be closed.

May 30, 2006.

**Georges Nadeau,
adjudicator**