

Date: 20100820

Files: 561-34-388 and 393

Citation: 2010 PSLRB 92



*Public Service
Labour Relations Act*

Before the Public Service
Labour Relations Board

BETWEEN

FRANCINE BOUCHARD

Complainant

and

PUBLIC SERVICE ALLIANCE OF CANADA et al.

Respondents

Indexed as

Bouchard v. Public Service Alliance of Canada et al.

In the matter of complaints made under section 190 of the *Public Service Labour Relations Act*

REASONS FOR DECISION

Before: [Renaud Paquet, Board Member](#)

For the Complainant: [Lise Pronovost](#)

For the Respondents: [James Cameron, Public Service Alliance of Canada](#)

Heard at Trois-Rivières, Quebec,
August 17, 2010.
(PSLRB Translation)

Complaints before the Board

[1] On March 24, 2009, Francine Bouchard (“the complainant”) filed a complaint (PSLRB File No. 561-34-388) with the Public Service Labour Relations Board (“the Board”) under paragraph 190(1)(g) of the *Public Service Labour Relations Act*, S.C. 2003, c. 22 (“the Act”), against the Public Service Alliance of Canada (PSAC), John Gordon, President; the Union of Taxation Employees (UTE), Betty Bannon, President; Local 10005 of the UTE; Sylvie Lahaie; André Bélanger; Michel Désilets; Patrick Simoneau; Jean-Yves Martel; Danielle Bédard and Jean-Pierre Fraser (“the respondents”). The complainant alleges in her complaint that the respondents engaged in an unfair labour practice by relieving her of her union duties and stripping her of her member status. She also alleges that the PSAC did not comply with the *Act* by failing to hear her appeal of the decision to relieve her of her duties and to strip her of her member status.

[2] On May 5, 2009, the complainant also filed a complaint (PSLRB File No. 561-34-393) under paragraph 190(1)(g) of the *Act* against Mr. Fraser. The complainant alleges that Mr. Fraser threatened to sue her for defamation in an email dated April 14, 2009 following the complaint that she filed with the Board on March 24, 2009.

[3] In the notice of hearing of July 22, 2010, the parties were informed that I would address both complaints at the hearing on August 17, 2010.

[4] At the beginning of the hearing, the parties discussed resolving the two complaints. They reached an agreement that they asked me to include in this decision. The agreement is as follows:

- The complainant will withdraw the complaint against Mr. Fraser filed on May 5, 2009 (PSLRB File No. 561-34-393).
- Joanne Hurens will chair the tripartite panel in charge of hearing the complainant’s appeal under the PSAC regulations. Nycole Turmel and Lise Pronovost will be its other two members.
- The tripartite panel will sit and complete its work in the week of October 4 to 8, 2010. The tripartite panel’s decision report will be completed and published no later than October 22, 2010.

- Should they fail to comply with these conditions, the parties agree that complaint PSLRB File No. 561-34-388 will proceed on its merits.

[5] Once the agreement has been executed, PSLRB File No. 561-34-388 will be closed. Once the tripartite panel has rendered its decision, the complainant may file a new complaint within the timelines set out in the *Act* if she feels that her rights under the *Act* have been violated.

[6] For all of the above reasons, the Board makes the following order:

(The Order appears on the next page)

Order

[7] PSLRB File No. 561-34-393 is closed.

[8] PSLRB File No. 561-34-388 will be closed after the agreement described in paragraph 4 of this decision is executed. In the event of failure to comply with the agreement, I will hear the complaint on its merits.

August 20, 2010.

PSLRB Translation

**Renaud Paquet,
Board Member**