

Date: 20171201

File: 561-02-621

Citation: 2017 FPSLREB 44

*Federal Public Sector
Labour Relations and
Employment Board Act and
Federal Public Sector
Labour Relations Act*



Before a panel of the
Federal Public Sector
Labour Relations and
Employment Board

BETWEEN

ROMAIN CHAMPAGNE

Complainant

and

**TREASURY BOARD
(Correctional Service of Canada)**

Respondent

Indexed as

Champagne v. Treasury Board (Correctional Service of Canada)

In the matter of a complaint made under section 190 of the *Federal Public Sector
Labour Relations Act*

Before: Stephan J. Bertrand, a panel of the Federal Public Sector Labour Relations
and Employment Board

For the Complainant: Himself

For the Respondent: Andr  anne Laurin, counsel

Heard at Qu  bec, Quebec,
October 18, 2017.
(FPSLREB Translation)

I. Complaint before the Board

[1] Romain Champagne (“the grievor”) is an employee at Port-Cartier Institution, a federal penitentiary of the Correctional Service of Canada (“the employer”) in Port-Cartier, Quebec. On March 12, 2013, he filed an unfair labour practice complaint against the employer and one of its officials.

[2] On November 1, 2014, the *Public Service Labour Relations and Employment Board Act* (S.C. 2013 c. 40, s. 365) was proclaimed into force (SI/2014-84), creating the Public Service Labour Relations and Employment Board (“the new Board”) to replace the Public Service Labour Relations Board (“the former Board”) and the Public Service Staffing Tribunal. On the same day, the consequential and transitional amendments contained in ss. 366 to 466 of the *Economic Action Plan 2013 Act, No. 2* (S.C. 2013, c. 40) also came into force (SI/2014-84). Pursuant to s. 393 of the *Economic Action Plan 2013 Act, No. 2*, a proceeding commenced under the *Public Service Labour Relations Act* (S.C. 2003, c. 22, s. 2; *PSLRA*) before November 1, 2014, is to be taken up and continue under and in conformity with the *PSLRA* as amended by ss. 365 to 470 of the *Economic Action Plan 2013 Act, No. 2*.

[3] On June 19, 2017, *An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures* (S.C. 2017, c. 9) received Royal Assent, changing the name of the Public Service Labour Relations and Employment Board and the titles of the *Public Service Labour Relations and Employment Board Act*, the *Public Service Labour Relations Act*, and the *Public Service Labour Relations Regulations* to, respectively, the Federal Public Sector Labour Relations and Employment Board (“the Board”), the *Federal Public Sector Labour Relations and Employment Board Act*, the *Federal Public Sector Labour Relations Act* (“the Act”), and the *Federal Public Sector Labour Relations Regulations* (“the Regulations”).

[4] In a letter dated September 12, 2017, the registry of the Board’s Secretariat informed the parties that the hearing for this case would be held on October 18 to 20, 2017, in Québec.

[5] On September 14, 2017, the Board received a letter from the Public Service Alliance of Canada (“the Alliance”) advising it that it was ending its representation of

the grievor. It confirmed that he could be reached by email and provided a recent email address, the same one indicated in the complaint.

[6] On September 19, 2017, the Registry Officer responsible for the case wrote to the grievor by email and registered letter at the email and postal addresses in the file, which were the email address provided by the Alliance and the mailing address indicated in the complaint. The letter confirmed the hearing dates and location, advised the grievor that those dates were considered definitive, and asked him to contact the Board. He did not contact the Board or the Registry Officer.

[7] The Registry Officer tried several times to contact the grievor by telephone at the home number indicated in the Board's file, without success.

[8] Note that a search on the *Canada411* website on October 16, 2017, confirmed that the grievor's mailing address and home telephone number were the same as the ones in his complaint.

[9] The hearing began on October 18, 2017. The grievor was not present.

[10] Counsel for the employer informed me that since she had been advised that the Alliance had terminated its representation of the grievor, she and her client had both tried to reach him by telephone and email, without success.

[11] Counsel for the employer asked that the complaint be dismissed due to abandonment. She argued that there was no reason to think that the grievor had been unaware of the hearing dates, given that his contact information had not changed. She also argued that he was required to take reasonable steps to inquire about the status of the complaint that he had filed. On that point, the employer referred me to *Smid v. Deputy Head (Courts Administration Service)*, 2014 PSLRB 24, and *Cardinal v. Deputy Head (Department of Citizenship and Immigration)*, 2013 PSLRB 137.

[12] I adjourned the meeting for one hour to allow the Registry Officer to try to contact the grievor. She was able to reach him by telephone at his work number indicated in his complaint. He did not provide any clear reasons to justify his absence from the hearing, but he clearly noted that he had no intention of attending. No request was sent to the Board to postpone the hearing.

II. Reasons

[13] In *Cardinal*, the Board recognized that the employer and the public have an interest in the timely and effective resolution of a dispute. The adjudicator in that case cited paragraph 36 of *Fletcher v. Treasury Board (Department of Human Resources and Skills Development)*, 2007 PSLRB 39, as follows:

... It is the general public interest in an efficient administration of justice that avoids undue delays, promotes the final resolution of conflict and is respected by the parties. This interest becomes a concern in this case, to the extent that the grievor appears not to have cooperated with the efforts to provide her a hearing and to have disregarded the Chairperson's notices and instructions. To some extent, a decision to grant a further postponement in this context could be read by others as rewarding behaviour that undermines a well-functioning dispute resolution process.

[14] In addition, the grievor was required to take reasonable steps to inquire about the proceeding that he started (see *Cardinal* and *Smid*).

[15] I am satisfied that the grievor was properly advised of the hearing dates and location for his complaint — the contact information that he provided to the Board did not change, as seen in a recent search on the *Canada411* website, the Alliance confirmed his personal email address, and the Registry Officer was able to reach him at his work telephone number on the hearing day.

[16] I am also satisfied that he had no intention of attending the hearing or of pursuing his complaint and that he deliberately ignored the many efforts of the employer and the Board to contact him.

[17] I can do nothing other than conclude that his complaint has been abandoned. Therefore, the complaint is dismissed.

[18] I must also emphasize that the Board spent considerable public funds to prepare and hold the hearing and to have the parties appear. As dates were reserved for this hearing, other outstanding cases submitted to the Board could not be heard during that time.

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

(The order appears on the next page)

III. Order

[20] The complaint is dismissed. I order the file closed.

December 1, 2017.

FPSLREB Translation

**Stephan J. Bertrand,
a panel of the Federal Public Sector
Labour Relations and Employment Board**