



Public Service Staff  
Relations Act

Before the Public Service  
Staff Relations Board

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BETWEEN

PAUL GILLIS

Grievor

and

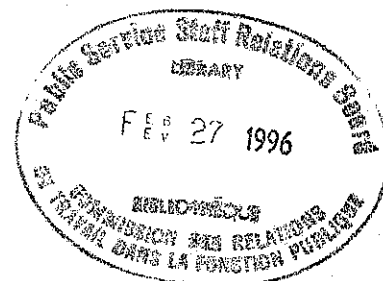
TREASURY BOARD  
(Human Resources Development Canada)

Employer

*Before:* Rosemary Vondette Simpson, Board Member

*For the Grievor:* David Landry, Public Service Alliance of Canada

*For the Employer:* Roger Lafrenière, Counsel



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Heard at Winnipeg, Manitoba,  
November 21, 1995.

## DECISION

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The reference of Mr. Gillis' termination grievance was originally set down for hearing on September 7, 1995, but was adjourned at the request of the grievor with the consent of the employer. The reference was rescheduled for hearing on November 21, 1995.

At the beginning of the hearing I was informed by the grievor's representative, Mr. David Landry of the Public Service Alliance of Canada, that the grievor was not present. I indicated that I would wait for 45 minutes in case the grievor was delayed. However, he never did appear for the hearing.

Mr. Landry asked for a postponement. This was objected to by Mr. Roger Lafrenière, counsel for the employer. Mr. Landry then made a statement regarding the efforts he had made to locate the grievor over the past several weeks.

Despite numerous telephone calls to all known telephone numbers, including those of Mr. Gillis' relatives, Mr. Landry was unable to contact the grievor. Mr. Landry had also arranged for several people, including the grievor's doctor, to make efforts to locate him. All these efforts had been unsuccessful. In addition, a letter had been sent to Mr. Gillis' last known address informing him of the time and date of this hearing and the need to meet with him to prepare the case. When these efforts failed, Mr. Landry contacted the Board and attempted to have the hearing date postponed. This was on November 16, 1995. His request having been refused by the Board, Mr. Landry appeared before me to speak to the case.

Mr. Lafrenière argued that Mr. Gillis was discharged for failure to account for his absences from work and referred me to the letter of discharge, dated July 5, 1994, which is part of the Board's file and reads as follows:

*I have been informed that once again you have been absent from work without leave and have failed to notify your supervisor or manager as required.*

*The evidence I have is that on May 3rd, after returning to work for only one day after serving a 30 day suspension you began another period of absence. You called your Manager on May 3rd, 4th, and 5th to say you were sick and would be going to see the doctor. You did not call your manager again until June. Your brother called on May 9th to say that you had a relapse and would be going to see a doctor as soon as*

he could get you an appointment. In fact you did not see your doctor until the evening of May 12th, when you were admitted to the Stabilization Unit. You have admitted to spending two periods of time in the Stabilization Unit during the month of May, one for twelve days (approx. May 12 to 23) and six days, (approx. May 29 to June 3). You were asked, on two occasions (June 8 and June 14) to provide a medical certificate for your absence. You said you would, at least for the times you were in the Stabilization Unit. To date you have not provided a medical certificate. However, I am convinced that you were in the Stabilization Unit for the periods mentioned above. With respect to the other days (May 3 to May 12, and May 24 to May 27) I have determined that you were absent without leave. You have also failed to follow procedures with respect to calling your manager from May 6 to June 8, 1994. You did, however, make several calls to the Compensation Specialist regarding your Sun Life application and did admit that, on May 25th, your brother told you to call your manager. Your reason for not calling your manager was that you were scared, confused and mixed up. Although, I believe this may be true, I have concluded that you were intentionally avoiding your manager and having to deal with the issue of your latest absence. In doing so, you have demonstrated a serious lack of reliability and disregard for your operational responsibilities.

Your absences have increased in frequency over the last two years. A period of 10 months leave was approved (April 1/92 to January 31/93) during which you were to deal with your alcohol problem. In the last year you have been disciplined three times for identical infractions (10, 15 and 30 day suspensions respectively). You were advised in your last two letters of suspension that your employment would be terminated if there was a recurrence of this conduct. This latest period of absence began one day after serving a 30 day suspension for an identical infraction. Now you say you have been residing at St. Francis House since July 1, 1994 and attending their in-house alcohol rehabilitation program. However, your lack of commitment to remaining abstinent in the past in spite of programs such as this leads me to believe this will not help.

Therefore, by the authority delegated to me, I have decided to terminate your employment effective the close of business July 6, 1994.

In accordance with section 91 of the Public Service Staff Relations Act you may present a grievance against my decision within twenty-five (25) days following receipt of this letter.

Similarly, counsel argued, the grievor failed to appear for this scheduled discharge hearing without calling or letting anyone know. Mr. Gillis' hearing had also been scheduled for September 7 and 8, 1995 and had been postponed once before. The employer's witnesses were present and ready to proceed.

It was decided, with the consent of the employer's counsel and the grievor's representative, that Mr. Gillis be allowed until January 5, 1996 to:

- (1) give reasons for his failure to appear;
- (2) indicate his desire to proceed with this hearing; and
- (3) provide a telephone number and an address, correspondence with which would be considered personal service.

Mr. Landry would continue to attempt to reach him. If Mr. Gillis indicated, in writing, on or before 4:00 p.m. January 5, 1996, a personal undertaking to be present for and ready to proceed with another scheduled hearing, a new date would be set. If, on the other hand, he was not in touch with his representative or otherwise did not comply with the above proceedings, his grievance would be dismissed.

As of the date of this decision, the grievor had not complied with any of the above conditions.

In light of all the above, this grievance is hereby dismissed.

**Rosemary Vondette Simpson,  
Board Member**

OTTAWA, February 20, 1996.