

Public Service Staff
Relations Act



Before the Public Service
Staff Relations Board

BETWEEN

FEHIM KAMALI

Grievor

and

**TREASURY BOARD
(National Defence)**

Employer

Before: J. Barry Turner, Board Member

For the Grievor: Francine Cabana, Public Service Alliance of Canada

For the Employer: Roger Lafrenière, Counsel

Heard at Winnipeg, Manitoba,
January 6, 1999.

DECISION

At the outset of the hearing, the representative of the bargaining agent asked for some time to meet with the grievor. I granted her request. After a brief break, Ms. Cabana advised me that the bargaining agent, with the consent of the grievor, was withdrawing its support for the grievance. Since the grievance applies to an interpretation of a collective agreement that now no longer has the support of the bargaining agent, it cannot proceed to adjudication according to subsection 92(2) of the *Public Service Staff Relations Act*. Subsection 92(2) reads:

(2) Where a grievance that may be presented by an employee to adjudication is a grievance described in paragraph (1)(a), the employee is not entitled to refer the grievance to adjudication unless the bargaining agent for the bargaining unit, to which the collective agreement or arbitral award referred to in that paragraph applies, signifies in the prescribed manner its approval of the reference of the grievance to adjudication and its willingness to represent the employee in the adjudication proceedings.

Under the circumstances, I therefore ended the hearing and order that this Board file be closed.

**J. Barry Turner,
Board Member.**

OTTAWA, February 8, 1999.