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**Citation:** 2002 PSSRB 44

Public Service Staff  
Relations Act



Before the Public Service  
Staff Relations Board

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BETWEEN

**ALAIN DESROSIERS, ANICK TARDIF, RENÉE TREMBLAY, LUC GOBEIL, KOSAL KONG,  
MONA DESCHÊNES, STÉPHANE BONNEAU, YVES FLAGEOLE and RICHARD BELLEY**

Grievors

and

**CANADA CUSTOMS AND REVENUE AGENCY**

Employer

***Before:*** Jean-Pierre Tessier, Board Member

***For the  
Grievors:*** Suzelle Brosseau, Professional Institute of the Public Service  
of Canada

***For the Employer:*** Serge Turgeon, Counsel, Treasury Board, and François Auger,  
Counsel, Canada Customs and Revenue Agency

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Heard at Chicoutimi, Quebec  
October 23 to 26, 2001 and January 31, 2002.

## DECISION

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[1] On July 19, 1999, the grievors filed their grievances to contest a decision by their employer, who refused to pay them for the day of March 24, 1999. Although there had been picketing in front of the Jonquière Tax Centre that day, the employer considered that access was still possible and that the employees had not made the necessary effort to report for work.

[2] The grievances were referred to adjudication between July 19 and August 9, 2000. Since the parties were not available in the Fall 2000 or Spring 2001, the grievances were heard from October 23 to 26, 2001 and continued on January 31, 2002.

[3] At the outset of the hearing the employer raised an objection with regard to the adjudicator's jurisdiction. In its view, this was a case of an administrative measure taken pursuant to the "no work, no pay" principle. For their part, the grievors alleged that they followed the employer's instructions and reported to the workplace and that the employer was not meeting its contractual obligations in refusing to pay them part or all of their pay for the day of March 24, 1999.

[4] The objection was taken under advisement. The parties agreed that common evidence would be presented for all of the cases and that the grievors would proceed first.

### The Facts

[5] Three groups of employees work at the Jonquière Tax Centre. Two are represented by the Public Service Alliance of Canada (PSAC), which in 1998-99 negotiated the renewal of the collective agreement for separate tables. The third group, to which the grievors belong, is represented by the Professional Institute of the Public Service of Canada (PIPSC).

[6] At the Tax Centre, seven employees represented at the Alliance's Bargaining Table 2 had been in a legal strike position since December 16, 1998. In the event that they were to set up a picket line at the Tax Centre, in September 1998 and more specifically in December 1998 and January, February and March 1999, the employer issued instructions to the employees on how to report for work (filed as Exhibit F-3). In addition to the employees in a strike position, over 400 employees who were

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Alliance members (Table 1) and nearly 200 employees who were members of the PIPSC worked at the Jonquière Tax Centre.

[7] On 21 occasions, the seven striking employees did in fact delay or prevent the other 600 Tax Centre employees from coming in to work. Their entry was delayed by approximately 60 to 90 minutes on 18 occasions. Twice, with the assistance of colleagues who had come from other cities, the seven strikers from Jonquière blocked the entrance to the Tax Centre for the entire day. Twice the employer decided that the Tax Centre could not operate and the employees who were unable to come into work did not experience any cut in pay. We note that such was the case for the 18 days during which the employees were 60 to 90 minutes late. This time was considered time worked and the employees were paid for a full day of work.

[8] One contentious case, that of the last day of picketing on March 24, 1999, remains from all of these demonstrations. The testimony heard at the hearing was consistent on the whole with respect to the various events and circumstances surrounding March 24.

[9] Daniel Hébert, an employee who holds the position of purchasing officer, indicated that in 1999 he was strike captain at the Jonquière Tax Centre. He explained that he and his six colleagues who had the right to strike generally blocked the entrances to the parking area at the Jonquière Tax Centre either with snow or by making wood fires at around 7:00 a.m. The police usually asked the strikers to clear the entrances for 8:00 or 8:15 a.m. The strikers then went to the entrance of the Tax Centre (photo, Exhibit E-3).

[10] In front of the entrance there is a concrete porch a metre in height with an overhang, commonly referred to as the “marquise”. According to Mr. Hébert, the strikers would sit there after leaving the parking area. During this time the employees, who had to wait either on the street or at the shopping centre according to the employer’s instructions, would enter the parking area (generally between 8:00 and 8:30 a.m.) and head towards the door. After a while, the police would ask the strikers to let them through and would cordon off a passageway so that the employees could get in to work.

[11] Daniel Hébert stated that there was an agreement (a *modus vivendi*) between the police and the strikers. He noted that he would try to negotiate and talk things out

every time in order to win some time and delay the employees from entering. On two occasions, however, several other demonstrators joined with the local strikers and there was no discussion. The picket line was imposing and the Tax Centre was closed.

[12] In the days leading up to March 24, the employer threatened that special legislation would be enacted. The Alliance local (Table 1) invited other employees to an evening information session. They spoke of solidarity and about the fact that non-striking employees should give an hour or more of their time. Few employees attended the session. None of the grievors (members of the PIPSC) attended. Gilles Morin, an administrator, heard about the meeting and slept at the Centre on the night of March 23, 1999 in order to film the demonstration anticipated for March 24. A copy of Mr. Morin's tape, obtained by the PIPSC, was filed as Exhibit F-6.

[13] On March 24, management announced on the telephone lines that the Centre was open. However, seeing that, despite the agreement in principle that had been reached the day before (Table 2), the local strikers, with the help of about thirty colleagues from Canadian Forces Base Bagotville, were blocking the entrance to the Centre at around 7:15 a.m., management changed the telephone message to ask employees to wait on the street. Mr. Hébert noted that the strikers were able to delay the police action until 8:30 - 8:45 a.m.

[14] A number of employees arriving by car at around 7:30 and 8:00 a.m. had to continue on their way to the shopping centre, the usual meeting place when the entrance to the Tax Centre was blocked.

[15] The testimony indicated that there was a great deal of confusion at the shopping centre. The managers who were there had to make four announcements to tell the employees to make their way to the Tax Centre. A number of employees found the first messages contradictory. Mona Deschênes noted that at the shopping centre Lise Bouchard (manager) said to go to the Tax Centre when it was impossible to enter the Centre's parking area, as Ms. Deschênes herself had noted 10 minutes earlier.

[16] Finally, at around 8:50 a.m., the first employee car was able to enter the parking area (corroborated by manager Jacques Mongeon). The employees then assembled in front of the doors approximately 10 metres from the "marquise". Contrary to the usual practice, the picketers did not sit down on the "marquise". Approximately 20 picketers placed themselves to the left of the door, some were standing on the

“marquise” and approximately ten were in front of the “marquise” close to the 600 employees gathered there. The tapes (Exhibits F-6 and E-10) do in fact show some police officers in a line, not necessarily in two rows, and some picketers close to them. However, the employees did not go in. The picketers were screaming loudly; one of them was using a megaphone and was asking them to wait and spoke of solidarity.

[17] Given this situation, Jacques Mongeon (manager) left the building at around 9:10 a.m. to speak with the employees. He walked through the picketers and the police. Sergeant-Captain Corneau (of the Jonquière Police) suggested he use the loudspeaker in the police car to address the crowd. Mr. Mongeon asked the employees to enter but was booed by the picketers and by a number of employees. According to the testimony and from what was heard on the tape (Exhibit F-6), he could not be heard very well. Nonetheless, the essence of the message could be understood. No one moved. Managers like Martine Trudeau and Lise Bouchard came out of the Tax Centre, walked between the police and the strikers and went to see the employees in small groups, telling them to go in.

[18] Most of the employees left at around 10:15 a.m. At that point there were fewer than a hundred employees in front of the entrance. The 20 picketers continued making noise. Most of them stayed to the left of the door, while the others walked around in front of and among the employees. The grievors were among the last to leave.

[19] Along with Mr. Morin’s and Daniel Hébert’s testimony was that of Alain Desrosiers, the Purchasing Officers’ Supervisor. He supervises three other employees; Renée Tremblay, Purchasing Officer, who works with Alain Desrosiers; Richard Corriveau, Head of Security; Mona Deschênes, whose supervisor is Michel Perron; Yves Flageole, Analyst; Richard Belly; and Michel Biron, Supervisor. For its part, the employer called Gilbert Tremblay, Assistant Director, Business Returns; Jacques Mongeon, Assistant Director General; Martine Trudeau, Manager; and Lise Bouchard, Manager. Also called were Dominique Corneau, Sergeant-Captain with the Jonquière Municipal Police, and Sylvain Godrault, Detective (Investigator), who had come to film the events on March 24. Employee Simone Villeneuve was also called to testify.

[20] The employer maintained that March 24 was no different from the other 18 days during which the employees had been able to report for work 60 or 90 minutes late. The grievors claimed otherwise.

[21] Daniel Hébert, strike captain, stated that in general (on the other days of picketing) employees would proceed through the passageway cordoned off by the police. According to him, March 24, 1999 was different; the strikers were everywhere. There was no area cordoned off on the “marquise” and they noticed that they were between the police and the workers. Regarding the entry that was supposed to take place at 3:30 p.m., he noted that the employees were blocked at the exit from the weather shelter and added that the strikers were in control and were still between the police and the workers.

[22] Alain Desrosiers noted that the demonstrators were walking around among the employees. He said that they felt stuck and no longer knew what was going on. Mr. Desrosiers has a hip problem and cannot stand up for long. That morning he stood for almost three hours, although he was able to lean on a post at some points. At noon he telephoned again but the message was still the same. He concluded that the day was ruined and that he would not be able to get in to work.

[23] Renée Tremblay spoke of a highly charged atmosphere. She said that she did not feel safe and that it was different from the other days. There was usually a cordon of police officers but that day people were in front of her. She did not see a cordon. She indicated that she waited for instructions and a clear path. The picketers were asking the employees to support them, to give some of their time. However, she wanted to go in to the office. She left shortly before 11:00 a.m. because, according to her, the employer was not making an effort to enable her to enter. Richard Corriveau, Head of Security at the Tax Centre, explained that every time there was picketing and they had to wait to get in to work (18 times) he was always paid for the time he had to wait. It was true that on March 24 the employees were gathered in front of the entrance and did not move but he had the impression that the police were waiting for instructions. Late that morning, when he was close to Messrs. Laberge, Biron and Godrault, some strikers pushed them towards the parking area.

[24] Mona Deschênes testified that a manager, Martine Trudeau, was walking around in the crowd telling people to go ahead. However, at that point in time there was no police cordon and the police were behind the strikers. According to her, at around

10:30 a.m. there were no more managers outside the building. Ms. Deschênes drove by the Tax Centre in the afternoon and there were no employees or cars in the parking area. The picketers were still there and there were no managers outside the Tax Centre to assist employees in entering. Ms. Deschênes added that, in the morning, the more employees left the more the strikers moved forward.

[25] Richard Belly works under Michel Biron's supervision. On the morning of March 24 he sensed that something was not normal. There was tension in the air, he did not know what to do and he had the impression there was collusion between the police and the strikers. He stated that normally (the other 18 times) the police would open the way but on March 24 the police seemed less vigilant. According to Mr. Belly, it was as if the police were saying, "It's the last day of the strike; it's yours".

[26] Mr. Biron indicated that he did not see a police cordon with the main door open. Late that morning some strikers approached him. One of them told him that if he left the other employees would do likewise. Mr. Biron replied that he did not want to leave. A burly striker leaned on him and forced him to back up to the parking area. Mr. Biron finally left and returned in the afternoon. There were no cars in the parking area and the picketers were still there.

[27] With respect to the evening shift, witness Yves Flageole explained that he was a temporary employee and that on March 24 he was to start work at 5:00 p.m., unlike the rest of his colleagues, who started at 3:30 p.m. When he arrived at the Tax Centre almost all of the employees had left. The last ones were next to a van in the parking area and were getting ready to do the same. He did not notice any managers outside the Centre and about a dozen demonstrators were gathered near the entrance.

[28] Mr. Flageole waited for a while. A striker then shouted to him not to go in, indicating that no one had gone in that day. Mr. Flageole was alone with 12 strikers and a few police officers. He did not see how he could get in and found the atmosphere not very reassuring.

[29] Testifying for the employer, Gilbert Tremblay (manager) indicated that he went to the shopping centre where the employees were gathered to ask them to return to the Tax Centre. He then went to the Tax Centre, where he noticed that there were police and strikers on the "marquise". He was able to enter and did not come out again all day.

[30] Jacques Mongeon, Assistant Director General, indicated that the first employee car entered the parking area at around 8:50 a.m. on March 24. Shortly after 9:00 a.m. he left the building, walked around amongst the police and the strikers and asked a few employees to go in; they did not move.

[31] At that point strikers Sylvain Tremblay and Daniel Hébert asked Mr. Mongeon to give them some time but he replied that the employees had to go in. Daniel Hébert (strike captain) then asked to speak to the employees, promising he would let them go in afterwards. Mr. Hébert thanked the employees. Mr. Mongeon then asked the employees to go in, using the loudspeaker from the police patrol car.

[32] During his message Mr. Mongeon was shouted down by both the strikers (using a megaphone) and a large number of employees (the message is difficult to hear on the videotape). He then went back into the Centre, walking among the strikers and the police. Alerted to the fact that his message may not have been heard, he came out again and delivered a second message. According to Mr. Mongeon, the police were expecting the employees to move closer.

[33] At around 10:30 a.m. there were 75 employees outside and the employer decided not to deliver a third message.

[34] With regard to the evening shift (3:30 p.m.), Mr. Mongeon was inside the Tax Centre when Sergeant-Captain Corneau met him at around 4:00 p.m. to tell him that the employees on the evening shift (approximately 100 people) wanted to speak with management. When he came out 10 to 15 minutes later the employees had left.

[35] The testimony of two police officers and the viewing of the videotapes (Exhibits F-6 and F-7) serve to clarify how the police conducted themselves during the strike. Sergeant-Captain Dominique Corneau is in charge of the police officers who intervened at the Jonquière Tax Centre. When the strike started he met with the Alliance and the employer to come to an agreement on how to proceed.

[36] He explained that he preferred to solve problems through discussion and persuasion rather than by force. The employer was in agreement with this approach. Sergeant-Captain Corneau convinced Daniel Hébert that it was preferable to agree on how to proceed.



[37] On most of the picketing days Sergeant-Captain Corneau gave the strikers a time by which the entrances to the parking area had to be cleared, namely around 8:00 - 8:30 a.m. He then told them that when the police cordoned off a passageway on the “marquise” at the entrance to the centre the strikers would have to go behind the police, at least 30 centimetres behind, and not push them.

[38] He indicated that on March 24 he had asked his men (police officers) to cordon off a passageway. He stated that the entrance was clear but the employees were not moving.

[39] Concerning the evening shift, Sergeant-Captain Corneau confirmed that the strikers were more agitated. At around 3:30 p.m. the strikers went to meet with the employees who were arriving. A blockage had formed at the exit from the corridor (weather shelter) that leads from the parking area to the entrance to the Tax Centre. He asked for Detective Godrault’s assistance in coming to film. According to him, it was difficult to maintain order in the evening because the situation was fairly chaotic.

[40] Mr. Corneau confirmed that the transcription of the tape from March 24 (Exhibit E-8 at the bottom of page one) shows that he did in fact ask Daniel Hébert to give the employees on the evening shift the opportunity to proceed to the main entrance.

[41] Detective Sylvain Godrault confirmed Sergeant-Captain Corneau’s testimony regarding the evening shift. He indicated he had gone to film at the request of Sergeant-Captain Corneau, who reported to him by radio that the situation was starting to become intimidating (transcription of tape F-7, marked as Exhibit E-8).

[42] In closing, the employer noted that Simone Villeneuve, an employee assigned to the evening shift, went in the Tax Centre on March 24, 1999. In her testimony, she indicated she went to the front door (under the “marquise”) while the strikers and the police had moved to the weather shelter at the exit from the parking area. She was able to convince the two picketers who had stayed close to the entrance to let her go inside the Centre.

[43] In addition to the various sets of testimony, the parties referred me to the four videotapes filed in evidence:

F-6: Events of March 24, 1999 taped by the employer;

F-7: Video of picketing of February 16, 1999;

E-7: Afternoon of March 24 taped by Detective Godrault;

E-10: End of tape F-6 showing the television news bulletin.

[44] In closing, the grievors' counsel advised that Mr. Kong was withdrawing his grievance. In addition, the parties agreed to apply this decision to Pierre Fortin's case.

### Arguments

[45] With regard to the preliminary objection, the grievors referred to the days of picketing prior to March 24, 1999 and noted that on 18 occasions they were paid for their waiting time (60 to 90 minutes) as well as for the rest of the day. According to them, on March 24 the employer failed to fulfil its obligations by not paying them for the time they were present during the morning and again in cutting their pay for the entire day given that it did not make it easy for them to access the workplace. They alleged that they followed the employer's instructions (Exhibit F-3), which indicated (page 2) that in the event of a strike a manager would intervene to assist them in getting in to work.

[46] Concerning the events of March 24, they noted that the day started with a great deal of confusion; they were unable to park their cars at the workplace until approximately 8:50 a.m.

[47] It is true, as it appears from the television news bulletin of March 24 (Exhibit E-10), that some employees admitted to having a sense of solidarity with the strikers. However, none of the grievors appeared in this segment of the news bulletin.

[48] The grievors stated that they never had the chance to report for work. Although they showed up and waited in front of the Tax Centre until 11:00 a.m., the police never pushed back the strikers who were moving around them and never freed up a clear passageway as on the other occasions.

[49] For its part, the employer argued that the pay cut is an administrative measure. However, it could not indicate what remedy the grievors had to contest such a measure. Concerning the events of March 24, it argued that the police made a line to assist the employees in getting in to work but that the employees refused to move.

According to the employer, the grievors did not make the necessary effort to get in to work.

### Reasons for Decision

[50] I cannot accept the employer's claim that the pay cut is an administrative measure. The grievors did in fact report for work, followed the employer's instructions and could not get into the parking area at the Tax Centre until 8:50. In addition, the grievors stayed in front of the Tax Centre until the morning was almost over. I have to determine whether they could have had access to their workplace at some point and whether they are entitled to some or all of their pay.

[51] With regard to the merits of the case, the employer claimed that March 24, 1999 was no different from the other 18 days when the employees reported for work. According to the employer, on March 24 the police formed a police cordon, that is, a line enabling the employees to get in to work.

[52] A collective working relationship entails bilateral obligations on the employer's part to provide work and an accessible workplace and on the employees' part to report for work and to perform duties. I am in agreement with the decisions in *Morneau* (Board file 166-2-10080) and *Berthiaume* (Board file 166-2-2335), in which the adjudicators indicated that, in the event of picketing, when employees show up at the workplace they have come to report for duty.

[53] The adjudicator therefore has jurisdiction to evaluate, where applicable, the payment of remuneration, in whole or in part, for services rendered. It should be noted that the adjudicator could also find that an employee has not reported for duty when the employee is present at the workplace for only a few minutes and could find that the employee declined to perform the work.

[54] I have carefully reviewed the videotapes filed in evidence and I refer to the various sets of testimony and have concluded that there was a major difference between the notion of a police cordon or receiving line such as that formed on various occasions and what took place on March 24. As Sergeant-Captain Corneau's testimony indicated, an agreement was reached with the strikers when the strike started that they would stand behind the police, at least 30 centimetres behind, and would not push so that the employees could have free access to the Tax Centre.

[55] It must be understood from this that there was a kind of “ritual” in which, as soon as the police left the parking area at around 8:00 - 8:30 a.m. and approached the “marquise”, the strikers who were sitting there would normally get up and move behind the police. There would be a police cordon, the doors would open and the employees would go in.

[56] Witness Biron said that on March 24, 1999 he did not see a police cordon with the main doors open; a number of the grievors indicated that people were waiting and that it was not like it usually was.

[57] For a better understanding of what took place, we need to analyze all of the circumstances surrounding March 24. This was the last day of the strike. An agreement in principle had been reached the night before. However, when they arrived at the workplace on March 24, the employees noticed that the strikers were expressing their discontent loudly. They had a megaphone and were appealing to solidarity; they were urging the employees to wait and were chanting, asking them to give an hour of their time.

[58] This was different from the other days (the 18 others) when, after the employees had arrived at the parking area, the strikers would sit down close to the entrance and then, almost docilely, would go behind the police standing in line (police cordon). Moreover, the tape of the picketing on February 16, 1999 shows strikers lined up 30 centimetres behind the police line. One police officer, the one closest to the door, turns toward a striker to tell him to stay slightly behind him and not to push. At one point the strikers were screaming to go in backwards. This is very different from March 24, when people were not told to enter, and were told that it would be better if they did not go in.

[59] I agree that a number of employees felt solidarity with the strikers on March 24. Some of them admitted this to journalists (Exhibit E-10). A number were no doubt very docile or receptive to the comments of the strikers, who were asking them to show solidarity, to wait and to give them some time. A number of them started going in to work and left at around 9:30 a.m. Things were not taking place as usual; the strikers were not lining up behind the police under the “marquise”. The strikers were to the right of the marquise, a number were close to the employees in front of the entrance to the Centre and were between the police and the employees.

[60] The employer lost an excellent opportunity to assist the employees in entering the Tax Centre. In my view, all of this could have taken place at approximately 9:30 a.m. At that point striker Daniel Hébert asked Mr. Mongeon to give him some time. He asked to speak to the employees to thank them for their attitude during the entire period of the strike. He suggested that Mr. Mongeon give him some time, after which he would let the employees enter for work. Mr. Mongeon said that the employees had to go in. After Daniel Hébert's comments, Mr. Mongeon spoke to the employees and asked them to go in. At that point he was booed by both strikers and employees. The strikers were using a megaphone to scramble his message

[61] At that point, the employer should have made a decision. The strikers were not acting like they usually did; they were walking around close to the employees, using a megaphone and screaming not to go in. There were two options: either an agreement could be reached whereby the strikers would move behind the police cordon or the police could be asked to take greater control and to direct the strikers back towards the right of the main door and to ensure that none of them was between the police and the employees.

[62] The employer had another opportunity to provide access to the employees who were in front of the Tax Centre after 10:00 a.m. It could have made a third appeal and asked the police to exercise greater control over the strikers. At that point there were only about a hundred employees and about forty demonstrators. The employer chose not to make a third announcement.

[63] It is necessary to go back to the circumstances of March 24. This was probably the last day of the strike. Sergeant-Captain Corneau admits he would rather negotiate with picketers than use force. To that point, except on two occasions when several hundred picketers prevented the employees from entering, Sergeant-Captain Corneau was successful in negotiating with the picketers and having them take a moment to line up on either side of the "marquise" to allow the employees to enter.

[64] March 24 was clearly the last day of picketing. A witness said that the police seemed to be awaiting orders.

[65] The tone used by Sergeant-Captain Corneau was indicative. In the afternoon, no doubt deciding he had tolerated enough, Sergeant-Captain Corneau spoke to

Daniel Hébert (strike captain), telling him the workers had to be given a chance to get to the door (transcription of tape, Exhibit E-8).

[66] The viewing of tape E-8 clearly shows that in the afternoon the strikers were basically going wherever they wanted to. There were few if any instructions on the part of the police. Someone speaking on behalf of the strikers screamed that it would be better if they did not enter. Sergeant-Captain Corneau admitted in his testimony that things were quite chaotic in the afternoon.

[67] The situation was roughly the same late that morning. A number of witnesses indicated that the strikers came up to Mr. Biron and that a burly man leaned on him and made him back up to the parking area.

[68] Considering all of the evidence, I believe that the grievors wanted to come in to work on March 24. A number of factors made it difficult for them to go in to work that day. First, there was a great deal of confusion at the entrance to the parking area. Then, when the employees came close to the Tax Centre, a number of them went in front of the entrance and listened to what the strikers had to say.

[69] It is obvious that a number of employees sympathized with the strikers and preferred not to go in to work but there is nothing in the evidence that would indicate such was the case with the grievors. The police did not have any specific instructions from the employer to take decisive action in moving the strikers to the right of the Centre. They did not make a point of ensuring there were no strikers between the employees and the front entrance.

[70] The grievors remained on the premises until late that morning. A number of them had to leave when two strikers pushed Mr. Biron back to the entrance to the parking area. The employer decided not to make a third appeal. No managers came out after the second appeal, at around 9:30 a.m., to assist the employees who were still there in getting in to work.

[71] With regard to the evening shift, when Mr. Flageole reported for work at around 5:00 p.m. there were no managers outside the Centre; the strikers were blocking the entrance in front of the weather shelter; no one was able to go in; and a striker was indicating with a megaphone that it would be preferable if Mr. Flageole did not go in.

[72] There is nothing in the evidence that leads me to conclude that the situation could have been otherwise on the afternoon of March 24. There were no managers outside to direct the employees.

[73] Accordingly, there is no reason to think that anyone could have reported for work that afternoon.

[74] I therefore allow the grievors' grievances and I direct the employer to pay them their day's salary for March 24, 1999. Since Kosal Kong has withdrawn his grievance, Board file 166-34-30047 is closed.

**Jean-Pierre Tessier,  
Board Member**

OTTAWA, April 25, 2002.

PSSRB translation