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Date: 20031126

File: 166-2-32039

Citation: 2003 PSSRB 104



Public Service Staff  
Relations Act

Before the Public Service  
Staff Relations Board

BETWEEN

**GILLES RICHARD**

Grievor

and

**TREASURY BOARD  
(Statistics Canada)**

Employer

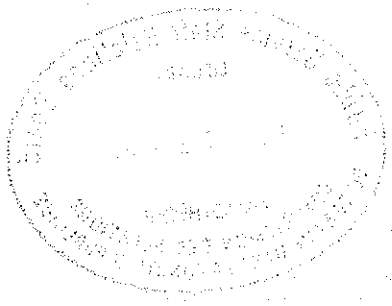
**Before:** Yvon Tarte, Chairperson

**For the Grievor:** Gaby Lévesque, Coordinator, Representation Section, Public Service Alliance of Canada

**For the Employer:** Hélène Brunelle, Counsel



Decided without a hearing.



DECISION

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[1] On December 17, 2002, Gilles Richard filed a grievance against his employer, Statistics Canada, which read as follows:

[Translation]

*I am grieving the letter of November 29, 2002, signed by Guy Oddo, Director, Quebec Region, Statistics Canada (SSO), which terminated my determinate employment as of that date, and this dismissal.*

*I am grieving the suspension imposed by management without explanation on November 20, 2002, in contravention of article 17 of my collective agreement, including all other related and/or applicable articles.*

*I am grieving the fact that the employer failed to respect clause 17 of my collective agreement, including all related and/or applicable articles/clauses.*

[2] The grievance was sent to arbitration on March 18, 2003, and the hearings were set for October 6 to 10, 2003. On September 29, 2003, the Board received from H el ene Brunelle, the employer's representative, a letter which read as follows:

[Translation]

*After reviewing the grievance, the employer will not be submitting any evidence in support of the dismissal imposed on the grievor on November 29, 2003.*

*The employer is prepared to pay the grievor the equivalent of the salary and benefits attached to the position that the grievor had held, for the period between the date of dismissal and the date of termination of his contract for determinate employment, or the period between November 29, 2002, and November 7, 2003.*

*For the period between November 20 and 29, 2002, the employee remained at home at management's request, with pay, during the investigation.*

*The employer is prepared to remove the letter of dismissal dated November 29, 2002, from the grievor's personal file. The employer is prepared to destroy said letter.*

*In light of the above, it is respectfully submitted that there is no need to proceed with the hearing scheduled for October 6 to 10, 2003, in Montr eal, Quebec. Consequently, we respectfully request that the Board bring down its decision as appropriate, based on the above-mentioned terms and without a hearing.*

[3] A copy of the letter was sent to the Public Service Alliance of Canada, the grievor's representative. On October 3, 2003, the Board received a letter from Ms. Lévesque, Coordinator, Representation Section. She wrote:

[Translation]

*The Alliance agrees with the terms set out in Ms. Brunelle's letter.*

*The Alliance asks that the Board bring down its decision as appropriate and without a hearing.*

[4] The remission was granted on October 3, 2003, following receipt of the letter from Ms. Lévesque.

[5] Having reviewed the file, I order as follows:

1. That the employer pay the grievor the equivalent of the salary and benefits attached to the position he had held, for the period between the date of dismissal and the date of termination of his contract for determinate employment, or the period between November 29, 2002, and November 7, 2003;
2. That the employer remove from the grievor's personal file and destroy the letter of dismissal dated November 29, 2002.

[6] I will retain jurisdiction of this file for 90 days from the date of this decision in order to address any implementation issues that may arise from these orders.

**Yvon Tarte,  
Chairperson**

OTTAWA, November 26, 2003.

P.S.S.R.B. Translation