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File: 166-2-32695

Citation: 2004 PSSRB 62



Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

PAUL BILODEAU

Grievor

and

TREASURY BOARD
(Solicitor General Canada - Correctional Service)

Employer

EXPEDITED ADJUDICATION DECISION

Before: Yvon Tarte, Chairperson

For the Grievor: Cécile La Bissonnière, Public Service Alliance of Canada

For the Employer: Marie-Josée Décoste

Note: The parties have agreed to deal with the grievance by way of expedited adjudication. The decision is final and binding on the parties and cannot constitute a precedent or be referred for judicial review to the Federal Court.

Heard at Saint-Sauveur, Québec,
May 12, 2004.



DECISION

[1] Mr. Bilodeau's grievance relates to a financial penalty in the amount of \$100 set on March 7, 2002. The parties have agreed on the following facts:

[Translation]

1. *Paul Bilodeau is an electrician instructor, GL-EIM-11, employed by the Solicitor General Canada - Correctional Service Canada at Laval's Montée St. François Institution, a minimum security establishment.*
2. *On December 10, 2001, an inmate escaped from the institution.*
3. *Following the escape, the Investigation Committee met with Mr. Bilodeau in connection with a local investigation, since the inmate worked in the electrical workshop that Mr. Bilodeau ran.*
4. *During this investigation, Mr. Bilodeau indicated that the inmate in question had never worked on his team, even though the attendance reports for November 12, 13, 14, 15, 18, 19, 20, 21, 22 and 23, 2001, and December 3, 4, 5, 6 and 7, 2001, indicated that he was present.*
5. *The inmate had been paid for these 15 days. The procedure governing the work of inmates requires that inmates be present in the workshop during working hours to be paid. If anyone is absent, the instructor must so indicate to the security staff and to the pay clerk, who must then adjust the inmate's wages accordingly.*
6. *The reason given by Mr. Bilodeau was one of disagreement with another inmate who also worked in his workshop and the fact that he preferred that the inmate remain in the institution.*
7. *Mr. Bilodeau had not notified the Supervisor, Correctional Operations, or anyone else in the security sector of this situation.*
8. *He had not completed the morning and afternoon visual spot-check monitoring reports on daily attendance on inmates required since September 14, 1999, to deter escapes.*
9. *On December 10, 2001, the day of the escape, Mr. Bilodeau had not made sure whether the version provided by the inmate he had met that morning was true by checking with the parties involved.*

10. *Mr. Bilodeau did not have any disciplinary measure on his file.*
11. *The employer imposed a financial penalty of \$100 on Mr. Bilodeau.*
12. *Mr. Bilodeau filed a grievance on March 26, 2002.*

[2] At the hearing, the union representative filed a document signed by Michel Charbonneau, staff relations officer, indicating that: “[translation] on a number of occasions, instructors report inmates as attending the workshop even though they are at interviews, working on projects in their cells or absent for other known reasons [...]”. Thus, the grievor claimed that the conduct for which he had been penalized was “tolerated” by the employer.

[3] The practice described by Mr. Charbonneau does not in any way justify Mr. Bilodeau’s actions, which involved falsifying the attendance reports on an inmate in his workshop on a daily and regular basis.

[4] Notwithstanding the mitigating circumstances, the sanction imposed is not unreasonable.

[5] The grievance is denied.

**Yvon Tarte,
Chairperson**

Ottawa, June 7, 2004.

P.S.S.R.B. Translation

