



Date: 20040603

File: 166-2-33001

Citation: 2004 PSSRB 50

Public Service Staff
Relations Act

Before the Public Service
Staff Relations Board

BETWEEN

ELIZABETH AUDREY SUTTON

Grievor

and

TREASURY BOARD
(Indian and Northern Affairs Canada)

Employer

EXPEDITED ADJUDICATION DECISION

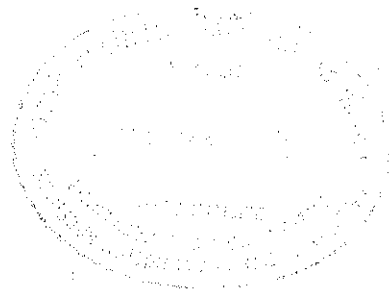
Before: Yvon Tarte, Chairperson

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

For the Employer: Marie-Josée Lemieux

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, Quebec,
May 11, 2004.



REASONS FOR DECISION

[1] This grievance involves the imposition of a one-day suspension imposed by the employer on March 6, 2003. The parties filed the following agreed statement of facts:

1. *The grievor, Ms. Sutton, is a CR-5, Administrative Assistant, Claims and Indian Government Directorate, Yukon Region. At the time of the grievance, she had more than 15 years of service in the department of Indian and Northern Affairs and almost 25 years of service in the Federal Government.*
2. *On March 6th, 2003, Ms. Sutton received a one-day suspension without pay for behaving in a disrespectful manner towards a colleague, the Information Services Clerk of Records Management, Jenny Whitehouse. The incident occurred on February 21, 2003.*
3. *On February 12, 2003, Ms. Sutton received a written reprimand for acting inappropriately towards some of her colleagues.*
4. *On February 12, 2003, Ms. Sutton signed the Standards of Professional Conduct that were attached to the written reprimand.*
5. *The written reprimand of February 12, 2003 was not grieved.*
6. *Ms. Sutton filed a grievance on April 9, 2003, grieving the one-day suspension without pay. The corrective action is to reinstate the one-day pay and benefits and to remove all documents related to this incident from all departmental files.*

[2] The employer argues that Ms. Sutton's actions violate the departmental code of conduct. Further, the discipline imposed is progressive and takes into account a letter of reprimand given to the grievor a month earlier for similar misconduct.

[3] The grievor has a different recollection of the incidents giving rise to the sanction and feels the employer is being punitive in its approach rather than corrective.

[4] On the basis of the documentation provided by the parties at the hearing, I conclude that the employer's version of events is the more accurate. Ms. Sutton would be well advised to watch her language and be more respectful of others.

[5] The grievance is denied.

**Yvon Tarte,
Chairperson**

Ottawa, June 3, 2004.