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**File:** 566-34-43255

**Citation:** 2024 FPSLREB 156

*Federal Public Sector  
Labour Relations and  
Employment Board Act and  
Federal Public Sector  
Labour Relations Act*



Before a panel of the  
Federal Public Sector  
Labour Relations and  
Employment Board

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BETWEEN

**GUILLAUME MEISTERHANS**

Grievor

and

**CANADA REVENUE AGENCY**

Employer

Indexed as

*Meisterhans v. Canada Revenue Agency*

In the matter of an individual grievance referred to adjudication

**Before:** John G. Jaworski, a panel of the Federal Public Sector Labour Relations  
and Employment Board

**For the Grievor:** Himself

**For the Employer:** James Elford, counsel

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Decided on the basis of the documentation on file.

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**REASONS FOR DECISION**

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**I. Individual grievance referred to adjudication, and the facts relevant to this decision**

[1] Guillaume Meisterhans (“the grievor”) was working for the Canada Revenue Agency (CRA or “the employer”) as an SP-04 in its Collections Branch, in Winnipeg, Manitoba. On February 21, 2020, he was terminated from his employment.

[2] On March 5, 2020, the grievor filed a grievance against the employer’s decision to terminate his employment and requested as relief that he be reinstated with pay and benefits retroactive to the date of his termination, all records and documents related to the termination be destroyed, he be allowed to telework in the same manner that was in place during the time preceding his termination, and he be made whole.

[3] The grievor was a member of the Service and Program (SP) group and, at the time of his termination of employment, was represented by the Public Service Alliance of Canada (“the Alliance”).

[4] On April 28, 2021, the grievance was denied at the final level of the grievance procedure. On July 20, 2021, the Alliance referred it to the Federal Public Sector Labour Relations and Employment Board (“the Board”) under s. 209(1)(b) of the *Federal Public Sector Labour Relations Act* (S.C. 2003, c. 22, s. 2; “the Act”). At the time of the referral, the Alliance advised the Board that it was referring the grievance on behalf of the grievor, as a courtesy to him as a member; however, it would not represent him at adjudication.

[5] Included in the documentation referring the grievance to the Board for adjudication was an address and phone number for the grievor as well as a copy of the grievance presented at the final level of the grievance procedure, which also contained the grievor’s address. The address for the grievor contained in this documentation was on Moncton Avenue in Winnipeg, Manitoba (“the Moncton Ave. address”).

[6] On July 27, 2021, the Board’s registry wrote to the parties, confirming its receipt of the Alliance’s referral of the grievance to adjudication and advising the grievor that the hearing location of his grievance would be Winnipeg. This correspondence also explained the steps in the process and the parties’ responsibilities. It included a section that provided the grievor with the Board’s mailing and email addresses as well

as its phone and fax numbers. It also advised the grievor that the Board should be advised as soon as possible of any change to his contact information.

[7] On October 11, 2023, the Board's registry issued a "Notice of Hearing" ("the Oct. 11 Notice of Hearing") that provided that the hearing in this matter had been scheduled by the Board, in person, for the four days commencing March 12, 2024, and concluding March 15, 2024. It further stated that the parties would be advised of the hearing venue at a later date and that the hearing dates were considered final.

[8] The Oct. 11 Notice of Hearing was sent to the grievor at the Moncton Ave. address by Priority Post Courier on October 11, 2023. A tracking number was assigned to the package, and the Board's registry was advised by Priority Post Courier that the package would arrive on October 12, 2023.

[9] On November 7, 2023, the package containing the Oct. 11 Notice of Hearing was returned to the Board's Registry; the reason given was that it was undeliverable.

[10] On December 20, 2023, the Board's registry emailed counsel for the employer to confirm with them if the address that the Board had on file for the grievor was the same address that counsel for the employer had. On that same day, the office of counsel for the employer confirmed to the Board's registry that the address that it had on file was the one provided to them from the Board, being the Moncton Ave. address.

[11] On December 21, 2023, the Board's registry received email correspondence from a representative of the CRA, advising that it had a different address on file for the grievor. According to this correspondence, the address was on Hamilton Avenue in Winnipeg ("the Hamilton Ave. address"). According to this correspondence, this address was effective April 20, 2020.

[12] On December 21, 2023, the Board issued a new Notice of Hearing ("the Dec. 21 Notice of Hearing"). It was exactly the same as the Oct. 11 Notice of Hearing except that it contained the newly provided address for the grievor, the Hamilton Ave. address. This Notice of Hearing was also sent to the grievor by Priority Post Courier.

[13] On February 5, 2024, I was advised by the Board's registry that it had not received any confirmation that the Dec. 21 Notice of Hearing had been received by the grievor. Further, I have also been advised by the Board's registry that on that day, it had telephoned the number provided for the grievor, which rang and then went to

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voicemail identified as belonging to someone other than the grievor. Given this information, I decided to postpone the hearing scheduled for March 12 through 15, 2024, as the Board had no way of knowing whether the grievor had received the Dec. 21 Notice of Hearing.

[14] On February 6, 2024, upon my instruction, the Board's registry wrote to the parties, advising them that the hearing scheduled for March 12 through 15, 2024, was postponed. In that correspondence, the grievor was advised that two Notices of Hearing had been sent to the two addresses: the Moncton Ave. address and the Hamilton Ave. address. The grievor was reminded that it was his responsibility to advise the Board of any change to his contact information. The Board further requested that the grievor provide to the Board, by no later than February 21, 2024, notice as to whether he intended to proceed with his grievance, and that if he did, to provide to the Board his contact information, including a mailing address, phone number, and email address (if he had one). This correspondence was sent by Priority Post Courier and registered mail to the Hamilton Ave. address on February 7, 2024. A tracking number was provided.

[15] On February 26, 2024, I was advised by the Board's registry that it had not received any response from the grievor. Further, the information provided by the tracking number showed that the courier attempted delivery on February 9, 2024, and that it left a notice card at the address as to where and when the letter could be picked up. The letter was not claimed. A further notice was provided to the address on February 14, 2024, indicating that the letter would be returned to the Board's registry if it was not picked up within 10 days. The letter was not picked up and was returned; the Board's registry received it on February 29, 2024.

[16] On August 29, 2024, the Board's registry advised that it still had not heard anything from the grievor. It also advised that on that day, it again tried calling him on the phone number on file; however, the phone number was not assigned to him.

## **II. Reasons**

[17] Section 22 of the *Federal Public Sector Labour Relations and Employment Board Act* (S.C. 2013, c. 40, s. 365) provides that the Board may decide any matter before it without holding an oral hearing.

[18] The information in the reference to adjudication provided by the Alliance listed the grievor's address as the Moncton Ave. address. It also contained a phone number for him. The Board's Registry wrote to the grievor on July 27, 2021, upon its receipt of the reference to adjudication documentation from the Alliance. In that correspondence was a reminder to the grievor to advise the Board of any changes to his contact information.

[19] When the Board's Registry sent the grievor the Oct. 11 Notice of Hearing, it was returned to the Board's offices as undeliverable. An attempt to contact him by the Board's Registry services determined that the phone number appeared to not be his, as a different person's name was associated with the voicemail. The Board's Registry was advised by a representative of the employer that it had a different address on file for the grievor, the Hamilton Ave. address.

[20] The Board's registry sent the Dec. 21 Notice of Hearing to the grievor at the Hamilton Ave. address, both by courier and by registered mail. Like the Oct. 11 Notice of Hearing, it was also not successfully delivered.

[21] The Board's jurisprudence on the doctrine of abandonment clearly indicates that it is incumbent on a party, be they represented by a bargaining agent or self-represented, to keep the Board as well as the other party informed of their up-to-date contact information. In *McKinnon v. Deputy Head (Department of National Defence)*, 2016 PSLREB 32, in setting out my reasoning with respect to abandonment, I stated as follows:

...

*75 In Fletcher, Cardinal, and Howitt, the Board's predecessor, the PSLRB, maintained that it is well recognized in arbitral jurisprudence that an employer has a legitimate interest in the timely resolution of a dispute. The Board has also stated that one of the interests at play in adjudication hearings is the general public interest when considering requests for dismissal on the ground of abandonment. This public interest was characterized at paragraph 36 of Fletcher as follows:*

[36] ... It is the general public interest in an efficient administration of justice that avoids undue delays, promotes the final resolution of conflict and is respected by the parties. This interest becomes a concern in this case, to the extent that the grievor appears not to have cooperated with the efforts to provide her a hearing and to have disregarded the Chairperson's notices and instructions. To

some extent, a decision to grant a further postponement in this context could be read by others as rewarding behaviour that undermines a well-functioning dispute resolution process.

...

*77 Grievors have an obligation to pursue their cases with diligence and assist their representatives (if they are represented), be they bargaining agent representatives or legal counsel, in the steps that are necessary to bring their cases to hearing. This obligation includes, at a bare minimum, keeping their representatives informed of their current addresses as well as of a means to communicate with them, be it via email or telephone (smart-phone, mobile phone, or old-fashioned landline). This allows their representatives to keep in touch with them to inform them of steps that may be taken for or against them and the potential scheduling of hearings of their cases.*

*78 The failure of a grievor to keep in touch with his or her representative does not meet the very simple and basic obligation placed upon him to pursue the case with due diligence.*

...

[22] Based on the information on file, this matter bears all the hallmarks of a grievor who has abandoned his grievance, as he has failed to provide, at the very least, the Board with up-to-date contact information and, at the very most, all of his former bargaining agent, former employer, and the Board with his contact information. I find that this behaviour demonstrates that the grievor, for all intents and purposes, abandoned his grievance. In addition, the public interest and the effective administration of justice also weigh in favour of concluding that the grievance has been abandoned.

[23] For all of the above reasons, the Board makes the following order:

*(The Order appears on the next page)*

**III. Order**

[24] The grievance is denied.

November 14, 2024.

**John G. Jaworski,  
a panel of the Federal Public Sector  
Labour Relations and Employment Board**