Date: 20250627

Files: 561-02-49903 and 51570

Citation: 2025 FPSLREB 81

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

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

BETWEEN

NEIL KILLIPS

Complainant

and

TREASURY BOARD
(Public Service Commission)

Respondent

Indexed as
Killips v. Treasury Board (Public Service Commission)

In the matter of a complaint made under section 190(g) of the *Federal Public Sector Labour Relations Act*

Before: Bryan R. Gray, a panel of the Federal Public Sector Labour Relations and Employment Board

For the Complainant: Himself

For the Employer: Brenden Carruthers, counsel

Heard at Ottawa
February 28, 2025.

REASONS FOR DECISION

[1] The complainant, Neil Killips, failed to appear for his hearing and failed to respond to communications from the registry of the Federal Public Sector Labour Relations and Employment Board ("the Board") to contact him.

[2] Nearly two months after the February 28, 2025, scheduled hearing date for the complaints, and four weeks after the deadline given in writing to the complainant after his hearing offering him an opportunity to explain his absence, the complainant did write to the Board.

[3] His April 22, 2025, letter is reproduced in full later in this decision. Curiously, the complainant did not explain his failure to communicate with the Board to either say he could not attend in person or why on the date of his hearing he could not respond while the Board and respondent client and counsel sat waiting for him.

[4] Due to the complainant's failure to attend, or to communicate in advance that he would not attend and given his later communication which offers no explanation at all for these omissions, the motion to dismiss the complaints that the Treasury Board ("his former employer") made, due to abandonment, is granted.

[5] The complainant alleged that his former employer committed an unfair labour practice against him for exercising his rights under the *Canada Labour Code* (R.S.C., 1985, c. L-2).

[6] Mr. Killips complained of nine years of disputes with his former employer, which included problems related to the Phoenix pay system that then became tax challenges. The Board addressed his many allegations against his former employer in detail in *Killips v. Treasury Board (Public Service Commission)*, 2024 FPSLREB 97, in which his unfair labour practice complaint was dismissed.

[7] His subsequent complaints arose after he found what he alleged was a fraudulent T4 tax slip on April 28, 2024, which he stated was related to monies that he never received.

[8] The Board received another complaint from Mr. Killips on January 28, 2025. Amongst the 15 pages of allegations and requested remedial orders it included this brief excerpt of his statement of the recent history of alleged impropriety by the respondent:

16.4 Concise statement of each act, omission or other matter giving rise to the complaint:

The act giving rise to this complaint is the demand a fraudulent amount by the respondent, meant to harass the complainant.

About December 23, 2024 the respondent sent another demand to the complainant demanding several thousand dollars. The respondent is aware these amounts are fraudulent and the complainant does not owe these amounts.

The complainant received a letter from the pay centre in 2021 saying the following:

- Client Service Bureau will review and reconcile all overpayments created and cancelled. Tax slips for all years from 2016 to 2020 will be reviewed after these overpayments are reconciled and amended slips will be requested for any year in which the slips are incorrect, including for 2017 and 2018.
- Client Service Bureau will provide a detailed breakdown of the overpayment and T4 reviews, along with options for repayment if required, to Mr. Killips by August 31 2021.
- Client Service Bureau will process Mr. Killips retirement. If any outstanding amounts are owed, they will be issued by September 29 2021.

Over three years later the respondent continues to demand money from the complainant. ***THE RESPONDENT WILL CONTINUE TO DO THIS FOR THE REST OF THE COMPLAINANT'S LIFE, AND WILL CONTINUE TO GO AFTER THE COMPLAINANT'S ESTATE AFTER THE DEATH OF THE COMPLAINANT. THE RESPONDENT WILL NOT STOP, AND GIVEN THEIR ACTIONS OVER THE LAST TEN YEARS, THEY HAVE MADE IT CLEAR THEY HAVE NO INTENTION OF STOPPING.***

…

Around April 2022 the complainant filed a complaint with the Board regarding the respondent's above actions (561-02-44559). In response to the complaint, the respondent attempted(?) to obstruct justice by breaking the confidentiality clause of the 2021 agreement. In the most public manner possible, effectively printing it out and nailing it to the courthouse door, the respondent disclosed to the public and, importantly, to the Board, the contents of that agreement. Also importantly, the contents disclosed were irrelevant to the proceedings, and therefore the act was criminal in nature, and done to intimidate the complainant and obstruct justice.

Under the auspices of the Board, the complainant foolishly participated in mediation with the respondent in 2023. The respondent did not participate in good faith. Soon after the failed mediation the respondent stole several thousand dollars from the complainant, and then later issued the fraudulent T4 that originated this complaint.

Since the complainant was in the process of destroying complainant's records after the complainant's retirement, ***the above is only a selection of the facts and context of the complainant's case****. The underlying pattern, however should be clear: the respondent is using threats, lies, extortion, fraud, forgery, theft, administrative refusals, acts of omission, and harassment against the complainant because the complainant brought (successful!) grievance(s) against the respondent and is participating in proceedings under the PSLREA.*

Commentary

<Poke, poke, poke>

Look! I'm poking you. What are you going to do about it, huh?

<Poke, poke, poke>

You don't like it do you? So, make me stop!!

<Poke, poke, poke, poke>

See, you can't make me stop!

<Poke, poke, poke, poke, poke, poke ...>

Etc ...

What is the respondent hoping to achieve by all this poking?

Does the respondent want to end its association with the complainant? Obviously not, or it would stop poking.

Does the respondent want the complainant to go away? If the respondent wanted the complainant to go away, the respondent would not keep contacting the complainant, essentially begging the complainant to stop ignoring them and come back. When the complainant ignores the respondent: <Poke, poke, poke> The respondent is poking the complainant so the complainant pays attention to them.

Does the respondent not want the complainant to respond? If so, then why continue when the complainant does not respond?

What is the respondent is hoping to achieve by all this poking?

The complainant wants this to stop, which is exactly *why the respondent will not stop.*

Not once in the 15 years previous to 2015 had the respondent contacted the complainant to claim the complainant had been overpaid and demanded money. Not once had the respondent denied the complainant any of the complainant's personal information or any matters relating to the complainant's pay. Not once did the respondent harass the complainant. Over the subsequent nine years (the time in question), the only interactions the complainant has had with the respondent are through the complainant's grievances and processes under the PSLREA, or responding to the respondent's ***continual harassment*** *arising from the grievances and processes under the PSLREA. Therefore, the respondent's actions must reasonably be a result of the complainant's grievances and processes under the PSLREA.*

Taking all of the facts alleged in this complaint as true, there is more than just an arguable case that the respondent is discriminating against the complainant with respect to pay and employment, and is intimidating, threatening and otherwise disciplining the complainant because the complainant filed grievances against the respondent; the respondent has committed an unfair labour practice within the meaning of section 185 of the Federal Public Sector Labour Relations Act. *The facts establish a clear and* probable *link between the respondent's actions and the complainant's grievances and processes under the PSLREA.*

The only reasonable, and in fact the most likely, explanation is that the respondent is criminally harassing and otherwise harming the complainant because the complainant filed grievances against the respondent and is participating in processes under the PSLREA, and the respondent is taking revenge.

Although most of the actions of the respondent are clearly criminal and in breach of the Criminal Code, the complainant is obviously not asking the Board to make any judgments outside of the Board's jurisdiction. The complainant is only asking the Board to decide the case as presented: that the respondent violated sections 190 and 186 of the PSLREA. Obviously the respondent's criminal acts are currently criminally unproven, but they do not need to be criminally proven for this case to be resolved by the Board in favour of the complainant. The Board only needs to determine if the respondent violated sections 190 and 186 of the PSLREA, not whether the respondent is criminally responsible for offences prohibited by the Criminal Code. Whether the fraud, harassment, theft, etc are criminal in nature is not for the Board to decide. The Board, however, can determine that the respondent's actions amount to "other discipline", "threats" (implied), "intimidation", etc.

How has the respondent been allowed to continue this harassment for almost 10 years?? If the roles were somehow reversed, the complainant would ***certainly*** *have been put in jail long ago.*

How is it that the respondent can break (almost?) every provision of the 2021 agreement without any consequences, and yet the complainant is still held to every provision on his end?

The respondent's current actions are clearly part of a larger, ongoing action of intimidation, annoyance and harassment of the complainant that began in 2015. The respondent and its low-IQ employees are ***clearly out of control****.*

Where does this end? Violence? Murder? Is that so ridiculous? If the respondent could get away with it, why not? They are getting away with criminal harassment. What is the next step? Knowing the Board is not going to do anything about the harassment, why not incite somebody to go farther? Is that so hard to believe from this respondent?

The respondent is a malevolent organization which for the last 10 years (and continuing) has used the vast resources of the Canadian Government to target and wage war against a Canadian Citizen

> *just because he dared to question (rightly, as it turned out) the respondent's improper behaviour.*
>
> *Throughout the past 10 years the complainant has approached the respondent's harassment in a spirit of compromise, in the search for a solution. That was obviously a mistake. The complainant's good faith has obviously encouraged more bad behaviour by the respondent.*
>
> ***Britannica Dictionary definition of DERANGED***
>
> *: unable to think or act in a normal or logical way especially because of severe mental illness : crazy or insane*
>
> *□ The former employee was being followed and harassed by deranged fans.*
>
> *□ deranged criminals*
>
> *□ a deranged mind*
>
> *Three years after the complainant's resignation the respondent continues to come after and harass the complainant. Literally(!) all of the evidence demonstrates that the respondent is deranged, out of control, and obsessed with the complainant. Consequently, the complainant believes, on reasonable grounds, that a threat of force is being made against the complainant. The respondent is deliberately inflicting on the complainant conditions of life calculated to bring about his destruction.*
>
> ***The respondent is clearly deranged.***
>
> ***The respondent is clearly obsessed with the complainant.***
>
> ***The respondent is literally(!) out of control.***
>
> ***The respondent will not stop.***
>
> ***The respondent must be stopped.***
>
> [Emphasis in original]
>
> [*Sic* throughout]

[9] I ordered that the hearing of the complaints be joined given their subject matter being essentially the same.

[10] By December 2024 the Board had received written objections from the employer requesting the matter be dismissed without hearing. Mr. Killips provided a written response opposing the motion to dismiss.

[11] In order to ensure Mr. Killips had every reasonable opportunity to reply to the motion to dismiss, I wrote to the parties on December 17, 2024, and requested their availability for a video conference. Mr. Killips replied the next day and provided his availability but also stated that he had poor internet service and that his internet connection would fail at least once every 30 minutes for a period of at least 5 minutes.

[12] Given this unfavorable information regarding the Wi-Fi challenges, I wrote the following to the parties on December 19, 2024:

> …
>
> *The Board acknowledges receipt of the parties' replies in which they provided their respective availability for oral submissions.*
>
> *It is in light of there not being mutually convenient availability and especially given the complainant's statement of his having poor internet capacity, that* ***the Board has directed that an in-person one day hearing*** *to receive oral submissions on what the parties have already sent to the Board will be scheduled and that potential dates will be forthcoming as soon as possible.*
>
> …
>
> [Emphasis added]

[13] On December 20, 2024, and again on February 25, 2025, Mr. Killips was notified by email of his February 28, 2025, hearing date in-person at the Board's offices in Ottawa. No reply was received from him to either of these hearing notices.

[14] At the appointed time and place for the hearing, I waited, along with his former employer's counsel and representative, for a half-day on the hearing day. The Board's registry telephoned and emailed the complainant, to try to ascertain whether he intended to attend the hearing. The communications were not answered.

[15] At 9:51 a.m. on that day, the registry emailed Mr. Killips as follows:

> …
>
> *The Member of the Board assigned this matter, Mr. Gray wishes to advise the complainant that the hearing of his two complaints numbered 561-02-49903 and 561-02-51570 is awaiting his arrival and was scheduled to begin at 9:30 a.m. this morning.*
>
> ***If Mr. Killips does not attend and does not provide a valid and compelling rational to support his absence and a possible postponement of the hearing the Board may possibly deem his files to be abandoned*** *and close both of his files with no further opportunity for him to have his complaints heard.*
>
> …
>
> [Emphasis added]

[16] Subsequently, the following letter from the Board registry was sent. On Friday, February 28, 2025, at 3:37 p.m., FPSLREB-CRTESPF Director Directeur wrote:

> *Dear Mr. Killips,*

> *The Board attempted to convene your hearing today into files 561-02-49903 and 561-02-51570. You were informed in writing on December 20, 2024 of this hearing date and received notice again on February 25, 2025 of this hearing date, time and location.*
>
> *Upon your failure to appear at your hearing this morning, the Registry telephoned you and left a voicemail and also emailed you to ask if it was your intention to attend. We have as yet not received a response from you.*
>
> *The Board and the respondent representatives and their counsel waited until 12:00 noon for your appearance.*
>
> *Counsel for the respondent has moved a motion to have your complaints dismissed due to their being abandoned given your failure to attend your hearing today.*
>
> *The Board has reserved ruling on this motion and wishes to* ***offer you an opportunity to reply and show cause as to why your files should not now be closed. After which you will not have an opportunity to have the complaints heard by the Board.***
>
> *Your reply in writing is welcome* ***no later than March 21, 2025,*** *after which the Board may possibly rule to accept the motion of abandonment and close your files.*
>
> …
>
> [Emphasis added and in the original]

[17] After the deadline for the complainant to reply passed with no response, I drafted this decision accepting the motion to dismiss due to abandonment. In the following weeks, as the draft awaited preparation to be issued, the complainant replied on April 22, 2025, well after the deadline, as follows:

> *To the Board,*
>
> *It is a curious feature of institutional processes that one may be punished not for misconduct, but for consideration. In informing the Board—out of courtesy—that my internet connection may not support an uninterrupted Zoom hearing, I made the mistake of assuming the Board valued logistical foresight and procedural honesty. Instead, it appears I have been made to suffer for it.*
>
> *Let us be plain: the Complainant had no obligation to warn the Board of potential technical instability. It would have been far easier, and perhaps strategically advantageous, to say nothing and allow the hearing to collapse midstream in a tangle of frozen screens and lost audio. The inconvenience would have been universal—except, notably, for the Complainant, who could have rightly insisted that he made himself available as requested.*
>
> *But the Complainant did not take that path. Instead, he placed the Board's efficiency and dignity before his own. And what was the response? Not gratitude, nor even neutrality, but a punitive demand to travel several hundred kilometres to attend in person—a demand not rooted in necessity, but in the Board's evident pique.*

> *This is not standard procedure. The Board knows it. The Complainant knows it. Remote participation has been permitted in countless cases, including under less predictable circumstances. That this flexibility was suddenly revoked*—uniquely—*for the Complainant, and only after his transparent admission of technical difficulty, reveals a decision not borne of equity or policy, but of vanity and bias.*
>
> *Let it be clearly understood:* ***the matter at hand is unresolved****. The Complainant's tax burden has been unlawfully and improperly increased by the Respondent. Regardless of how the Board chooses to proceed—or not proceed—this issue will not vanish. It will proceed, as it must, to the Court system. And when it does, the Complainant will conduct himself differently. He has learned, from the actions of this Board, that candour is not rewarded but exploited. The Complainant will therefore refrain from volunteering any information—not about technical limitations, not about logistics, not about anything beyond what the law obliges—lest the Courts, like this Board, seize upon it as pretext to manipulate proceedings under the guise of administrative order.*
>
> *And should those Courts find themselves frustrated, inconvenienced, or even tempted to sanction the Complainant for non-disclosure of minor logistical issues, the Complainant will be pleased to refer them to this very case, and to the Board's precedent: that openness invites reprisal, that clarity results in penalty, and that the system incentivizes silence.*
>
> *It is an old and wearied phrase, but one that continues to echo because it remains so often true:* ***no good deed goes unpunished****. The Complainant offered the Board a courtesy. The Board returned it with contempt.*
>
> *The Complainant will not be travelling. He will not feign belief in a process that weaponizes its discretion to punish cooperation. And should the Board proceed to dismiss the matter, let them do so in full view of the fact that the outcome was not determined by substance, but by ego, short-sightedness, and the subtle vindictiveness of authority cloaked in procedure.*
>
> *Yours—*
>
> *with diminishing faith, but unyielding clarity—*
>
> *Neil Killips*
>
> [Emphasis in the original]
>
> [*Sic* throughout]

[18] All parties who have made complaints or filed grievances that are to appear before the Board are informed in writing at the outset of their process that it is their responsibility to inform the Board of any change to their contact information. The Board received no such notice of change in this matter.

[19] The Board's case law states that a grievance may be considered abandoned where a grievor fails to appear at a hearing, makes no attempt to contact the Board, or fails to update their contact information with the Board (see for example *Cooper v. Deputy Head (Correctional Service of Canada)*, 2013 PSLRB 119, at para. 15; *Dubord v. Union of Safety and Justice Employees*, 2018 FPSLREB 92, at paras. 58 to 70; *Smid v. Deputy Head (Courts Administration Service)*, 2014 PSLRB 24).

[20] In this case, the complainant appears content to criticize the Board for its failure to accommodate his being located far from Ottawa and for his having unreliable internet service. And yet, he made no attempt to inform the Board that an in-person hearing was inconvenient and that he apparently had no intention to attend.

[21] A litigant before the Board has the onus to indicate that some form of accommodation or special arrangement is required to assist their participation.

[22] In this case, where a detailed Board analysis of essentially the same complaint has already been heard and a decision rendered, and efforts were made to convene a one-day hearing to allow the complaint an opportunity to be heard again on mostly the same subject matter and he apparently had no intention to attend and provided no communication of notice of this to the Board, I find it unnecessary to continue this effort any further.

[23] The Board grants his former employer's motion that these matters have been abandoned and dismisses both complaints.

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

(The Order appears on the next page)

I. Order

[25] The complaints 561-02-49903 and 561-02-51570 are dismissed.

June 27, 2025.

Bryan R. Gray,
a panel of the Federal Public Sector
Labour Relations and Employment Board