

**Date:** 20250822

**File:** 566-02-46010

**Citation:** 2025 FPSLREB 98

*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

BETWEEN

**MANDEEP PARIHAR**

Grievor

and

**TREASURY BOARD  
(Correctional Service of Canada)**

Employer

Indexed as

*Parihar v. Treasury Board (Correctional Service of Canada)*

In the matter of an individual grievance referred to adjudication

**Before:** Brian Russell, a panel of the Federal Public Sector Labour Relations and  
Employment Board

**For the Grievor:** Pénélope Enault, counsel

**For the Employer:** Karen Clifford, counsel

---

Decided on the basis of written submissions,  
filed March 18, April 17, and May 8, 2025.

---

## REASONS FOR DECISION

---

### I. Outline

[1] This decision is about the timeliness of this grievance. I must determine whether the action or circumstances that gave rise to it took place within the time limit set out in the relevant collective agreement. I have decided that the grievance was filed outside the time limit. That means that I grant the objection that the Correctional Service of Canada (“the employer”) made to the grievance’s timeliness, and I deny the grievance.

### II. Procedure followed for this decision

[2] This matter was scheduled for a hearing in March 2025. I met with the parties at a prehearing conference. The employer requested to proceed via written submissions concerning the grievance’s timeliness and three jurisdictional issues. I granted the employer’s request after assessing the file.

[3] After the employer made its timeliness objection, the grievor responded by stating that the grievance was not untimely. He did not apply for an extension of time to file the grievance should the Federal Public Sector Labour Relations and Employment Board (“the Board”) conclude that it was untimely. The employer filed a reply to the grievor’s position.

[4] The employer also objected to the Board’s jurisdiction, for three reasons. First, the grievance has no link to the collective agreement, which is between the Treasury Board and the Union of Canadian Correctional Officers - Syndicat des agents correctionnels du Canada - CSN (“the bargaining agent”) that expired on May 31, 2022 (“the collective agreement”). Second, the grievor’s physical and mental injury claims are statute-barred by the *Federal Public Sector Labour Relations Act* (S.C. 2003, c. 22, s. 2) and the *Government Employees Compensation Act* (R.S.C., 1985, c. G-5). Third, there is no basis for the Board to award a refund of a paramedic licence and education to acquire it and lost money for not being able to accept a CX-02 position.

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

[6] After reviewing the parties' written submissions, I conclude that the preliminary objection can be decided in writing because the information in the parties' written submissions is enough for me to determine the timeliness objection.

[7] This decision focuses on the timeliness objection. I do not need to consider the employer's other preliminary objections because its timeliness objection is granted, and the grievance is denied.

### **III. Background**

[8] The grievor is a CX-01 correctional officer working at the employer's Edmonton Institution in Edmonton, Alberta. On June 11, 2021, he injured his left knee at work. He saw a doctor the same day and was diagnosed with a knee sprain. He began physiotherapy on June 16, 2021.

[9] The employer submitted the required documentation to the Workers' Compensation Board - Alberta (WCB) on June 25, 2021. The deadline for the employer to file all documentation to the provincial or territorial workers' compensation authority is set out in a document that the employer and the bargaining agent negotiated and called a global agreement. It states that the deadline to file documents in Alberta is 72 hours (3 days).

[10] The WCB confirmed the grievor's claim for his knee injury and approved his wage-loss benefits starting on June 12, 2021. He had an MRI done on his knee on July 17, 2021. He met with a specialist on August 17, 2021.

[11] In October 2021, the WCB sent the grievor a letter confirming that his doctor had diagnosed him with a left-hip injury. His doctor confirmed that his hip condition was pre-existing because it occurred before his knee injury. The doctor also confirmed that his hip condition was aggravated by his knee injury.

[12] On June 9, 2022, the grievor had a consultation with a surgeon for his hip. The surgeon indicated in a note that it was appropriate for the grievor to take alternate job training because he may not be able to function as a correctional officer, which involves heavy lifting, pulling and pushing.

[13] The grievor filed his grievance on June 29, 2022, and was received by the employer on June 30, 2022.

[14] The grievance states as follows:

...

*I grieve that the Employer acted negligently by not submitting my work injury documents to WCB on time.*

*This action had a significant impact on my physical and mental health.*

*The Employer didn't respect his obligation on Health and Safety and specifically art. 18 of the Collective agreement.*

*This impacted me in the long-term as I just learn I can't work as a Correctional Officer anymore.*

...

[Sic throughout]

[15] As corrective action he requested the following:

...

*That the Employer refund me my paramedic licence and education pertaining to acquire that license that I've lost because of its negligence.*

*That the Employer compensated for all monies lost from not being able to accept a position as a CX-02 because of the negligence and compensated for all lost of monies related to this situation (pension, leave, vacation, etc.) that the employer compensate me \$20,000 for pain and suffering.*

*And all other rights that I have under the Collective Agreement. As well as all real, moral or exemplary damages, to be applied retroactively with legal interest as set under section 3 of the Interest Act, RSC 1985, c I-15, without prejudice to other acquired rights.*

...

[Sic throughout]

#### **IV. Summary of the arguments**

##### **A. For the employer**

[16] The employer argues that the Board has no jurisdiction in this matter because the grievance was filed outside the time limit outlined in the collective agreement. According to the employer, the grievance was denied because it was ruled untimely at all level grievance responses and when the grievance was referred to adjudication.

[17] The employer argues that the time to file a grievance runs from when the grievor first becomes aware of the action or circumstances that gave rise to it.

[18] According to the employer, the undisputed facts are that the grievor suffered a knee injury at work on June 11, 2021. It submitted the injury report to the WCB on June 25, 2021.

[19] A year later, the grievor filed his grievance. According to the employer, the grievance's pith and substance relate to allegations that the grievor was aggrieved because the employer acted negligently by not submitting documents to the WCB on time. The grievance also states that the employer did not respect its health-and-safety obligation, specifically article 18 of the collective agreement.

[20] The employer argues that the grievance, filed on June 29, 2022, alleges wrongdoing on its part that occurred over a year earlier.

[21] The employer contends that the grievor provided no evidence, other than a hearsay conversation, to support his position that its delay submitting the injury report to the WCB impacted his injuries and that he did not have any awareness of the impact until June 2022.

[22] The employer argues that the grievor had a pre-existing condition in his hip that his knee injury aggravated. It contends that a doctor confirmed as such in October 2021, as it was referenced in the WCB's letter to the grievor on October 20, 2021, and its note of October 14, 2021.

[23] The employer argues that if one were to consider linking the aggravation of the grievor's hip problem to his knee injury, then the action or circumstances that gave rise to the grievance would have occurred on October 20, 2021, and the grievance would still be untimely.

[24] The employer argues that the June 9, 2022, note does not indicate that the employer's delay submitting the report to the WCB contributed to the aggravation of the grievor's pre-existing hip condition.

[25] The employer argues that the grievor did not experience a delay receiving medical treatment. He provided no evidence to refute the employer's evidence that he

sought and received medical treatment on the same day that he suffered his knee injury and that he started physiotherapy three business days after the injury.

[26] Finally, the employer argues that the Board should take judicial notice of the facts that the grievor lives in Edmonton and that as a full-time public servant, he has access to universal healthcare and associated benefits, including compensation for physiotherapy. According to the employer, it means that no impediments restricted him from receiving medical treatment independent of his WCB claim being processed. It also contends that he provided no evidence of any impediments. It argues that there is no nexus between the timing of his medical treatment and the date on which it submitted its report to the WCB.

**B. For the grievor**

[27] The grievor argues that the employer's delay submitting the report constituted negligence and that it delayed proceeding with the WCB and the proper handling of his injury. According to him, his medical assessment was delayed, which impacted the extent of his injury.

[28] The grievor argues that his medical specialist "clearly confirmed" that his physical condition deteriorated "significantly" because of the delays, which forced him to walk improperly for an extended period, thus causing excess pressure on his hip. According to him, his hip aggravation led medical specialists to confirm to him that it would be impossible for him to return to his job after rehabilitation.

[29] The grievor argues that the employer failed to submit the report to the WCB within the timeline provided in the global agreement. He contends that had it not been for the delays caused by the employer's negligence, his rehabilitation would not still have been underway as of when his submissions were made, and it would not have had the impact that it did on his career.

[30] The grievor argues that the grievance was filed within the time limit stated in the collective agreement.

[31] The grievor argues that the action or circumstances that gave rise to the grievance occurred on June 9, 2022. As noted, he had the consultation with the surgeon on that day, and during the consultation it was confirmed to him that he

would never return to his correctional officer job or to any first-responder job because of the aggravation of his hip injury.

[32] The grievor argues that before that date, he was not completely aware of the extent of the consequences related to the employer's late submission of the report to the WCB. He argues that a grievance filed before that date would have been preventive and moot.

[33] The grievor argues that it is not in the best interests of the administration of justice or the best use of resources to encourage bargaining agent members to file grievances in large numbers as preventive measures. He argues that if I accept the employer's position that the grievance should have been filed after it submitted the report to the WCB outside the agreed timeline, it encourages the filing and a multiplicity of grievances without all the constitutive elements.

[34] The grievor argues that the grievance should not be denied because he should have filed it when the employer failed to meet its obligations without knowing the extent of the results of that failure. He argues that the repercussions of the employer's negligence materialized 12 months later and that he should not be deprived of his recourse and the exercise of his rights.

## V. Reasons

### A. The grievance was not filed within the time limit

[35] I find that the action or circumstance that gave rise to the grievance took place on June 25, 2021, when the employer submitted the report to the WCB. The wording in the grievance states as follows:

...  
***... the Employer acted negligently by not submitting my work injury documents to WCB on time.***

*This action had a significant impact on my physical and mental health.*

*This impacted me in the long-term as I just learn [sic] I can't work as a Correctional Officer anymore.*

...  
[Emphasis added]

[36] The collective agreement sets out the time limit for filing a grievance as follows:

---

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

...

[...]

**20.11** A grievance may be presented at the first (1st) level of the procedure in the manner prescribed in clause 20.07 no later than the twenty-fifth (25th) day after the date on which he or she is notified orally or in writing or on which he or she first becomes aware of the action or circumstances giving rise to the grievance.

**20.11** Au premier (1er) palier de la procédure, un grief de la manière prescrite au paragraphe 20.07 peut être présenté, au plus tard le vingt-cinquième (25e) jour qui suit la date à laquelle il est notifié, oralement ou par écrit, ou prend connaissance, pour la première fois, de l'action ou des circonstances donnant lieu au grief.

...

[...]

[37] To determine the action or circumstances that gave rise to the grievance, I followed the approach in *Bowden v. Treasury Board (Canada Border Services Agency)*, 2021 FPSLRB 93 at para. 37, which is to review the grievance form along with both parties' submissions.

[38] I understand that the grievor argued that he did not have full understanding of the impact of the employer's actions until he met with the surgeon on June 9, 2022. But that is not the action or circumstance that gave rise to the grievance. The action that he contested was the employer not submitting the report to the WCB within the prescribed timelines. The grievance was filed a year later, which is outside the deadline set out in the collective agreement.

[39] The grievor's arguments about the administration of justice and the best use of resources are not helpful to determining the action or circumstance that gave rise to the grievance.

[40] As I mentioned earlier, the grievor did not file an application to extend the time limit to file his grievance. I do not have jurisdiction to hear this grievance.

[41] The employer's other objections will not be addressed because the grievance is untimely.

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

*(The Order appears on the next page)*



**VI. Order**

[43] The employer's timeliness objection is allowed.

[44] The grievance is denied.

August 22, 2025.

**Brian Russell,  
a panel of the Federal Public Sector  
Labour Relations and Employment Board**