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*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

VALERIE ANDRUSZKIEWICZ

Complainant

and

**TREASURY BOARD
(Canada Border Services Agency)**

Respondent

Indexed as

Andruszkiewicz v. Treasury Board (Canada Border Services Agency)

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

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

For the Complainant: Herself

For the Respondent: Valerie Taitt

Decided on the basis of written submissions,
filed July 25 and August 15, 2025.

I. Complaint before the Board

[1] Valerie Andruszkiewicz (“the complainant”) made this complaint against the Canada Border Services Agency (“the respondent”). She alleges that on November 22, 2023, it violated s. 185 of the *Federal Public Sector Labour Relations Act* (S.C. 2003, c. 22, s. 2; “the *Act*”), which is about unfair labour practices by an employer, a bargaining agent, employee organizations, or persons. Her complaint alleges an unfair labour practice by an employer.

[2] The complainant alleges that between May 2020 and May 2023, the respondent placed her on paid leave instead of addressing her medical accommodation. She alleges that it was intentionally negligent and that its conduct was unprofessional when it chose not to inform her of the options available to her to return to work.

[3] As corrective action, she requests the reimbursement of her lost wages, including lost salary. She alleges that the delay returning to work caused her to be on long-term disability seven months longer than planned. From October 2019 to April 2020, she received 70% of her wages. She also alleges that her lost wages include shift-differential, holiday, and overtime pay from October 2019 to May 2023.

[4] I have read the complaint, and it is not clear what is the triggering event for the reprisal. The respondent submitted that the complainant is trying to litigate her grievance through this complaint.

[5] The respondent made preliminary objections on the basis that the complaint was made outside the 90-day time limit set out in the *Act* and that it does not disclose a *prima facie* violation of the *Act*.

[6] Section 190(1)(g) of the *Act* requires that the Federal Public Sector Labour Relations and Employment Board (“the Board”) examine and inquire into any complaint made to it that an employer committed an unfair labour practice. Under s. 22 of the *Federal Public Sector Labour Relations and Employment Board Act* (S.C. 2013, c. 40, s. 365), the Board “... may decide any matter before it without holding an oral hearing.”

[7] I reviewed the parties’ submissions, and I am satisfied that they provide me with enough information to decide the respondent’s objections, without holding an oral hearing.

[8] For the following reasons, I find that the complaint was made outside the 90-day time limit set out in the *Act*, and I dismiss it. There is no need for me to decide whether it discloses an arguable case.

II. Background

[9] The complainant is a supervisor classified at the FB-05 group and level working for the respondent in the National Targeting Centre in Ottawa, Ontario.

[10] On May 14, 2018, the complainant began sick leave. Some time after that, the respondent restructured the National Targeting Centre into two work units: Targeting Commercial, Marine; and Targeting Commercial, Highway and Rail. The complainant's position was moved to the Targeting Commercial, Highway and Rail unit.

[11] On January 11, 2020, the complainant provided the respondent with a medical note that indicated that she should work in the Targeting Commercial, Marine, unit because working in another unit would negatively impact her recovery.

[12] Some time in January 2020, the complainant made a complaint with the Canadian Human Rights Commission ("the Commission"). The complaint was related to her accommodation request.

[13] The COVID-19 pandemic was declared in March 2020, and the respondent stopped its efforts to find a suitable accommodation for the complainant. She was on approved paid leave from the start of the pandemic until March 2023.

[14] She made this complaint on June 19, 2025.

III. Reasons

A. The complaint is untimely

[15] After reviewing the parties' submissions, I conclude that the complaint is untimely.

[16] The complainant argues that her complaint is timely. She contends that the Commission advised her that she had to "complete the internal grievance process" with respect to the denial of her accommodation request before she could make her human rights complaint with it.

[17] She argues that when she received the Commission's decision, she filed a grievance with the respondent, and the grievance process was finalized in April 2025. I note that her complaint indicates April 11, 2025, as the date that she was provided with a copy of the decision with respect to the grievance.

[18] The respondent argues that the complaint is late and that the essence of her complaint includes events that took place outside the 90-day time limit. It contends that the grievance reply is not related to the events giving rise to the complaint under s. 185 of the *Act*.

[19] Section 190(2) of the *Act* states that a complaint **must** be made to the Board no later than 90 days after the date that the complainant knew, or in the Board's opinion ought to have known, of the action or circumstances giving rise to the complaint.

[20] I conclude that the complaint is untimely by looking at its nature. Complaints are rarely well-crafted legal documents. To determine the nature of a complaint, it is necessary to look at it in the context of the facts, its wording, and the requested corrective action (see *Bowden v. Treasury Board (Canada Border Services Agency)*, 2021 FPSLRB 93 at para. 37).

[21] This complaint is about the respondent's decision to place the complainant on paid leave from May 2020 to May 2023 and the alleged lost wages and salary during that period. My conclusion is based on my review of the context of the facts, the complaint's wording, and the requested corrective action.

[22] I conclude that the complainant knew or ought to have known about the action or circumstances giving rise to her complaint some time during the period from May 2020 to May 2023, which was the last month that she was on paid leave.

[23] Her complaint was made on June 19, 2025. Counting back 90 days is March 21, 2025. The complaint was made well outside the 90-day deadline. That deadline is strict, and the Board does not have the authority to extend it.

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

(The Order appears on the next page)

IV. Order

[25] The complaint is dismissed.

November 3, 2025.

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