

**Manitoba Labour Board**

402 – 258 Portage Avenue  
Winnipeg, Manitoba, Canada R3C 0B6  
T 204 945-2089 F 204 945-1296  
[www.manitoba.ca/labour/labbrd](http://www.manitoba.ca/labour/labbrd)

**DISMISSAL NO. 1817**  
**CASE NO. 102/07/LRA**

***IN THE MATTER OF:* THE LABOUR RELATIONS ACT**

**- and -**

**IN THE MATTER OF: An Application by**

**W.D.,**

**Applicant,**

**- and -**

**Winnipeg Association of Public Service Officers (WAPSO),**

**Union/Respondent,**

**- and -**

**Riverview Health Centre (RHC),**

**Employer/Interested Party.**

**This Decision/Order has been edited to protect the personal information of individuals by removing personal identifiers.**

**WHEREAS:**

1. On February 26, 2007, the Applicant filed an Application with the Manitoba Labour Board seeking remedy for an alleged unfair labour practice, contrary to Section 20 of the *Act*.
2. On March 7, 2007, following an extension of time, the Union/Respondent filed its Reply, requesting that the Application be dismissed without a hearing in that the Application is untimely and that there has been no indication of a *prima facie* violation of Section 20(b) of the *Labour Relations Act*.
3. On March 16, 2007, following an extension of time, the Employer filed its Reply requesting that the Board dismiss the Application, without a hearing, in that the Application is untimely.
4. The Board, after considering the material filed is satisfied that:
  - a) as the Applicant was laid off and not dismissed, the relevant provision is Section 20(b) of the *Labour Relations Act*. Accordingly, the relevant standards are arbitrariness, discrimination and bad faith;

- b) the core events upon which the Applicant relies occurred in 2005 and were known to the Applicant at that time. Therefore, the Applicant has unduly delayed the filing of the complaint within the meaning of Section 30(2) of the *Labour Relations Act*; and
- c) the Applicant has failed to establish a *prima facie* case because the Application does not reveal, on its face, any actions or conduct on the part of the Respondent that the Respondent acted in an arbitrary or discriminatory manner or in bad faith, as those terms have been interpreted by the Board.

Accordingly the Board declines to take any further action on the complaint, pursuant to Section 30(3) in the result, the Application is **DISMISSED**.

**T H E R E F O R E**

The Manitoba Labour Board **HEREBY DISMISSES** the Application filed by W.D. on February 26, 2007.

**DATED** at **WINNIPEG**, this 4<sup>th</sup> day of April, 2007, and signed on behalf of the Manitoba Labour Board by

GN\*jjb/rb-s

*"Original signed by"*

---

**W. D. Hamilton, Chairperson**