

**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

**DISMISSAL NO. 1831**

**Case No. 324/07/LRA**

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

**- and -**

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

**K.G.,**

**Applicant,**

**- and -**

**THE UNIVERSITY OF MANITOBA and  
THE ALUMNI ASSOCIATION INC.,**

**Employer/Respondent.**

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

**WHEREAS:**

1. On May 10, 2007, the Applicant, through her lawful attorney, filed an Application (the “Application”) with the Manitoba Labour Board (the “Board”), seeking various remedies for an alleged unfair labour practice arising out of her contention that the Respondents The University of Manitoba and the Alumni Association Inc. (hereafter jointly referred to as the “Respondent”) wrongfully terminated her employment on November 27, 2006 due to a medical disability. The Applicant asserts that the termination of her employment amounts to an unfair labour practice. The Applicant seeks, *inter alia*, the following remedies:
  - “a) an order requiring the University of Manitoba and the Alumni Association to reinstate employment, since my employment has been terminated by reason of an Unfair Labour Practice;
  - b) an order that both the University of Manitoba and the Alumni Association pay me an amount in compensation for the diminution of my income and benefits and losses suffered as a result of the unlawful actions of the University of Manitoba and the Alumni Association;
  - c) an order that both the University and the Alumni Association reimburse me for all expenses incurred as a result of their actions.

- d) an order that both the University of Manitoba and the Alumni Association cease and desist in discriminating against me in the workplace.”
2. On May 28, 2007, the Respondent University of Manitoba (the “University”) filed a Reply on its own behalf and on behalf of the Alumni Association Inc., which has agreed to be represented by the University in respect of the Application and to be bound by any decision of the Board in relation thereto. The Respondent asserts that the Application should be dismissed without a hearing because it does not disclose an unfair labour practice. In particular, the Respondent says that:
- a) the Application does not meet the requirements of Section 3(2)(b) of the Board’s Rules in that it does not specify the provisions of *The Labour Relations Act* (the “*Act*”) which are alleged to have been violated;
  - b) the Application alleges a termination of employment due to a medical disability, which does not constitute a violation of the *Act*; and
  - c) the Respondent admits that the Applicant was dismissed from her employment on November 24, 2006 but with notice to May 25, 2007, for reasons relating to job performance.
3. The Board, following consideration of the Application and the Reply, has determined the following:
- a) A hearing is not necessary in that this Application can be determined by a review of the written materials filed by the parties;
  - b) While the Applicant alleges that the termination of her employment constitutes an unfair labour practice, the Application does not specify any provision of the *Act* that has been or is being contravened or violated, as required by Section 3(2)(b) of the Board’s Rules of Procedure;
  - c) Conduct which may constitute (an) unfair labour practice(s) is/are defined in Part I of the *Act* and the Application does not, on its face, allege a breach of any substantive provisions of the *Act* where unfair labour practices are defined;
  - d) An allegation by an employee that he/she has been dismissed without just cause or for an improper reason does not, standing alone, constitute an unfair labour practice, contrary to the *Act*.
  - e) While the Applicant may have grounds to pursue either a complaint with the Human Rights Commission or a civil action in the Courts, the Board is satisfied that the Application as a whole does not disclose any facts which arguably constitute a

prima facie case under any of the substantive unfair labour practice provisions of Part I of the *Act* and, accordingly, the Board declines to take further action on the complaint pursuant to Section 30(3)(c) of the *Act*.

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

The Manitoba Labour Board **HEREBY DISMISSES** the Application filed by K.G., through her lawful attorney, on May 10, 2007.

**DATED** at WINNIPEG, Manitoba, this 20<sup>th</sup> day of June, 2007, and signed on behalf of the Manitoba Labour Board by:

*"Original signed by"*

---

**W.D. Hamilton, Chairperson**

WDH\*jjb/rb-s