



**Manitoba Labour Board**  
Suite 500, 5<sup>th</sup> Floor - 175 Hargrave Street Winnipeg, Manitoba, Canada R3C 3R8  
T 204 945-2089 F 204 945-1296  
[www.manitoba.ca/labour/labbrd](http://www.manitoba.ca/labour/labbrd)  
[MLBRegistrar@gov.mb.ca](mailto:MLBRegistrar@gov.mb.ca)

**DISMISSAL NO. 2413**  
**Case No. 141/21/LRA**  
**C/R Case No. 62/21/LRA**

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

**- and -**

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

**B.T.,**

**Applicant,**

**- and -**

**Amalgamated Transit Union, Local 1505,**

**Respondent,**

**- and -**

**CITY OF WINNIPEG (WINNIPEG TRANSIT),**

**Employer.**

**BEFORE: C.S. Robinson, Chairperson**

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

### **SUBSTANTIVE ORDER**

1. On August 11, 2021, the Manitoba Labour Board (the “Board”) issued Dismissal No. 2403 (Substantive Order) dismissing an unfair labour practice application pursuant to section 20 of *The Labour Relations Act* (the “Act”) filed by the Applicant, having determined that the Application was untimely and the Application did not establish a *prima facie* violation of section 20 of the *Act*.
2. On August 23, 2021, the Applicant filed an Application seeking Review and Reconsideration (the “Review Application”) of Dismissal No. 2403 pursuant

to section 143(3) of the *Act* and section 17 of the *Manitoba Labour Board Rules of Procedure* (the “*Rules*”).

3. On September 1, 2021, the Respondent, through counsel, filed its Reply. The Respondent submits that the Applicant has not met the requirements for Review and Reconsideration as set out in section 17(1) of the *Rules* as she failed to provide any new evidence within the meaning of the *Rules* and has not otherwise shown cause why the Board should review or reconsider Dismissal No. 2403. The Respondent further submits that even if the information provided is accepted as new evidence, it does not demonstrate that the Respondent violated section 20 of the *Act*. The Respondent says the Review Application reiterates and supplements the arguments made in the initial Application with further allegations of harassment and discrimination. The Respondent takes the position that the Review Application should be dismissed without a hearing.
4. On September 8, 2021, following an extension of time, the Employer, through counsel filed its Reply. The Employer submits the Applicant has not demonstrated any basis for the Board to review or reconsider Dismissal No. 2403 and, therefore, requests that the Review Application be dismissed without a hearing.
5. On September 15, 2021, the Applicant filed a Response to the Replies.
6. Following consideration of material filed, the Board has **DETERMINED** the following:
  - a. The Review Application may be assessed on the basis of the written material filed and an oral hearing is not necessary;
  - b. The Review Application is to be assessed in accordance with the criteria outlined in subsection 17(1) of the *Rules* which states:

17(1) Where an application is made to the board under subsection 143(3) of the *Act*, to review, rescind, amend, alter or vary any decision, order, direction, declaration or ruling made by it, the applicant, in addition to the material required to be filed under section 2, shall

- (a) file a concise statement of any new evidence with such evidence being verified by statutory declaration;
- (b) file a statement explaining when and how the new evidence became available and the applicant’s reasons for believing that the new evidence so changes the situation as to call for a different decision, order, direction, declaration or ruling; and

- (c) in the absence of any new evidence, file a concise statement showing cause why the board should review or reconsider the original decision, order, direction, declaration or ruling.
- c. The Review Application discloses no new evidence, within the meaning of Rule 17(1) of the *Rules*, that would constitute a reasonable basis for review and, further, even if the Board accepted that the information constituted “new evidence”, it would not call for a different decision, order, direction, declaration or ruling.
- d. The Review Application does not reveal cause why the Board should review or reconsider its original decision either on a principle of law or on a matter of labour relations policy. Dismissal No. 2403 does not constitute a departure from principles established by this Board in previous decisions. While the Board accepts that the Applicant disagrees with the findings in the decision, this does not constitute grounds for varying or rescinding the Board’s Order.

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

The Manitoba Labour Board **HEREBY DISMISSES** the Application filed by B.T. on August 23, 2021.

**DATED** at **WINNIPEG, Manitoba** this 26<sup>th</sup> day of November, 2021, and signed on behalf of the Manitoba Labour Board by

*“Original signed by”*  
\_\_\_\_\_  
**C.S. Robinson, Chairperson**

CSR/dh/sl/lo-s