



**SASKATCHEWAN GOVERNMENT AND GENERAL EMPLOYEES' UNION, Applicant v
CANDACE SMITH and REGINA TRANSITION HOUSE, Respondents**

**CANDACE SMITH, Applicant v SASKATCHEWAN GOVERNMENT AND GENERAL
EMPLOYEES' UNION, Respondent**

LRB File Nos. 105-24 and 090-24; August 15, 2024

Vice-Chairperson, Carol L. Kraft (sitting alone pursuant to subsection 6-95(3) of *The Saskatchewan Employment Act*)

Counsel for the Applicant, Saskatchewan Government and
General Employees' Union:

Andrea Johnson

The Respondent, Candace Smith:

Self-Represented

Counsel for the Respondent, Regina Transition House:

Alyssa Phen

Summary dismissal – Clause 6-111(1)(p) of *The Saskatchewan Employment Act* – Union seeking dismissal of applicant's claim for breach of duty of fair representation where applicant had not exhausted her internal rights of appeal with Union – Application Dismissed – While the Board expects employees to exhaust internal appeals before proceeding to the Board that fact alone was insufficient to satisfy the test for summary dismissal.

REASONS FOR DECISION

Introduction:

[1] Carol L. Kraft, Vice-Chairperson: These are the Board's Reasons for Decision in relation to an application for summary dismissal brought by Saskatchewan Government and Employees' Union ("SGEU").

[2] For the reasons that follow, the Board has decided the following:

1. SGEU's Application for Summary Dismissal pursuant to section 6-111(1)(p) of *The Saskatchewan Employment Act* is dismissed.

Background:

[3] On May 1, 2024, Candace Smith ("Smith"), an Employee of Regina Transition House, filed an Application with the Board alleging that SGEU breached its duty of fair representation pursuant to section 6-59 of *The Saskatchewan Employment Act* ("Original Application").

[4] On May 14, 2024, SGEU filed a Reply to the Original Application. SGEU is the certified bargaining agent for all employees of the employer, Regina Transition House except for those employees who work in positions which are explicitly exempted from the certification order.

[5] SGEU's Reply denies that it contravened the *Saskatchewan Employment Act* ("SEA"). The Reply comprehensively sets out details relied upon by SGEU to support its denial. It also includes a letter to Smith dated November 9, 2023, from an SGEU Labour Relations Officer advising Smith of SGEU's recommendation to withdraw and close the grievance on a without prejudice basis.

[6] On May 15, 2024, Regina Transition House filed a Reply. It takes no position with respect to the merits of the Original Application but opposes Smith's requested remedy to have the employment of certain individuals terminated.

[7] On May 31, 2024, SGEU filed an Application for Summary Dismissal.

[8] In support of this Application, SGEU filed an Affidavit from an SGEU Labour Relations Officer, which Exhibited a Decision from the SGEU Screening Committee dated May 27, 2024 ("Screening Committee Decision") along with proof of service of same on Smith.

[9] The Screening Committee Decision at page 8 included the following information:

You, as the grievor, have the right to appeal the decision of the SGEU Screening Committee, to the Provincial Grievance Appeals Committee, under the provisions of SGEU Constitution.

An Appeal Form is attached to this document along with a self-addressed envelope for returning the attached materials to the SGEU Saskatoon Office. Please fill out the attached document, attaching any additional information you will be relying on at the appeal and return it to the SGEU Saskatoon office within 21 calendar days as per Article 13.6 referenced on the attached SGEU Grievance Policy. Our office will forward notification, if you intend to appeal, to the Provincial Grievance Appeals Committee.

If we do not receive a response within the 21 calendar day time limit, the Union will consider you to be in agreement with the Screening Committee's decision to close and will proceed to withdraw and close the grievance, without prejudice.

[10] On June 14, 2024, Smith filed a Reply to SGEU's Summary Dismissal Application ("Smith's Reply"). Her Reply says, among other things, that she is concurrently proceeding with an appeal to the SGEU Provincial Grievance Appeals Committee, although she believes the process may be ineffective and may unnecessarily delay a resolution of her complaints.

[11] On July 3, 2024, SGEU filed Written Submissions in support of its Application for Summary Dismissal.

[12] On July 17, 2024, Smith filed a Response to SGEU's Written Submissions.

[13] On July 19, 2024, SGEU filed a Reply to Smith's Written Submissions.

SGEU Application:

[14] SGEU's Application for Summary Dismissal sets out the following:

- (a) *The Applicant, SGEU, is the certified bargaining agent for all employees of the employer, Regina Transition House except for those employees who work in positions which are explicitly exempted from the certification order.*
- (b) *Ms. Smith was, by virtue of her employment with Regina Transition House, a member of SGEU during all time which she was employed by Regina Transition House.*
- (c) *On April 12, 2023, Ms. Smith's employment was terminated with cause by her employer, Regina Transition House.*
- (d) *SGEU filed two grievances on behalf of Ms. Smith following the termination of her employment, including one with respect to the termination of her employment.*
- (e) *Following SGEU's investigation of the merits of the complaint, the SGEU Labour Relations Officer responsible for Ms. Smith's Grievances advised Ms. Smith through SGEU's formal process that she was going to request that SGEU withdraw the Grievances.*
- (f) *Both the SGEU Labour Relations Officer and Ms. Smith made submissions to SGEU's Screening Committee with respect to the request to withdraw the Grievances.*
- (g) *On May 1, 2024, while still awaiting the Decision of the Screening Committee, Ms. Smith filed her Complaint with this Board alleging that SGEU has been or is in contravention its duty of fair representation under s. 6-59 of The Saskatchewan Employment Act.*
- (h) *On May 27, 2024, the Screening Committee released its Decision, and a copy was sent to Ms. Smith by registered mail, along with notification of her right to appeal the Decision.*
- (i) *Ms. Smith has since appealed the Screening Committee Decision to SGEU's Provincial Grievance Committee in accordance with SGEU's internal procedures.*

[15] SGEU asserts in its Application for Summary Dismissal that Smith's Original Application has no reasonable chance of success because:

- *Smith has not fully exhausted her internal rights to appeal with SGEU and that her Application under s. 6-59 of SEA is therefore premature.*¹
- *the Screen Committee decision is evidence that Smith's allegations that SGEU acted arbitrarily in dismissing the grievances filed on her behalf is inaccurate and untrue.*²

SGEU's Internal Review Policy:

[16] SGEU's Provincial Grievance Policy, and SGEU Grievance Administration Guidelines³ includes the following articles regarding an internal review process:

13.4.1 The President shall be responsible for establishing a Screening Committee to determine whether grievances will proceed to a third party resolution process. The Committee will be composed of three LROs (unrelated to the grievance being considered) named to the Committee at the President's discretion for all sectors except the Public Service Sector who shall have a screening committee established as per Article 13.5 of this policy.

...

13.4.5 When the Screening Committee decides that a grievance should not proceed to a third-party process, the Committee will inform the grievor of this decision in writing, with reasons by registered letter. Copies of this letter will be sent to the steward and the bargaining unit. This letter will also inform the grievor of their right to appeal this decision to the applicable Grievance Committee, provided the grievor responds in writing within Twenty one (21) days of receipt of the registered letter. If no response is received from the grievor in the Twenty one (21) day period, the grievance shall be closed. If the registered letter is returned from the post office, the Union will make reasonable attempts to contact with the grievor, prior to closing the grievance.

The Grievances:

[17] Smith's Original Application is in regard to two grievances filed by SGEU on her behalf.

[18] Smith's first grievance is in regard to her termination. Her Employer indicates that Smith was terminated because she filed a report with the Regina Police Service ["RPS"] wherein she falsely accused another employee of assault.

[19] Smith's second grievance relates to allegations of harassing behaviour from the Director of Operations towards Smith.⁴

¹ SGEU Application for Summary Dismissal, para. 3(e).

² Ibid, para 3(f).

³ These documents are referred to in SGEU's Application and in Smith's Reply.

⁴ Screening Committee Decision Letter p. 3.

[20] Smith's allegations in her Original Application and in her Reply are not clearly drafted to correspond to her Grievances. Details of the Grievances are, however, discussed in the Screening Committee Decision letter referenced in her Reply.

Smith's Allegations:

[21] Smith's Original Application contains the following allegations⁵:

My union has engaged in bad faith activities including the handling of my case and grievance. They have withdrawn from my grievance for arbitrary reasons but are failing to take into account my actual evidence. I have an audio recording proving my innocence which the union has failed to acknowledge.

[22] At the time Smith filed her Original Application on May 1, 2024, she had not received a decision from the Screening Committee. She claims that SGEU failed to communicate with her:

*I applied for a screening committee review of my grievance in November 2023. My union has not communicated with me since February 2023, even after repeated attempts to get an update. The only logical reason would be that I am no longer being represented.*⁶

*I attempted to file a screening committee request but its (sic) been 6 months without an update. 6 months seems excessive for a review. No update for the amount of the time that its (sic) been only means the my union has dropped me.*⁷

[23] She also states in her Reply:

Multiple emails were sent to various levels of the union, including the president, requesting status updates. Despite fair warning in emails that I was seeking legal counsel and preparing for misrepresentation, SGEU did nothing to notify me properly. This can be seen as an attempt to drain my resources.

[24] Smith's Reply also takes issue with several statements contained in the SGEU Screening Committee Decision. She claims that throughout her grievances, SGEU has misrepresented facts, and failed to consider evidence. She claims that this is bad faith decision making. I will refer to only some of Smith's allegations in this regard.

[25] First, Smith alleges the Screening Committee falsely claims to have reviewed an audio recording. She says she provided the Screening Committee with only a small excerpt of the recording and a transcript of "some parts". She claims that she advised the Committee that if they needed to verify the audio the full recording would be provided. She claims this never

⁵ Original Application, p. 4.

⁶ Original Application, para 6.

⁷ Original Application, para. 7.

occurred. She says: “SGEU’s portrayal of events omits these facts, focusing solely on ‘The Assault’ for which they have no proof and are unwilling to provide any proof of its occurrence.”⁸

[26] She says SGEU fails to represent the facts properly. Smith alleges the Screening Committee rendered their decision without full context of issues. She says they ignored crucial evidence. For example, with respect her employer’s conclusion that she falsely reported being assaulted to the RPS, Smith says she never made an accusation of assault. She says the audio recording has her saying simply: “You just slammed that door in my face.” She says “this is a far cry from claiming assault”. Also, she says SGEU has her police statement which does not mention assault either, yet, she says SGEU “still pushes this narrative”.⁹

[27] Smith also claims other statements or findings of the Committee are false:

- She claims that text messages from the ED show that she was asked to “work from home,” as opposed to being advised to “not return till further notice.”
- She says the Committee claims the November meeting was to discuss her performance. This, she says, is false. She says the meeting was due to the Director of Operations acting aggressively towards her. She claims she has documented text messages and complaints made to the union about this behaviour. She says the union has no evidence that this meeting was about performance as evidenced by the “4 strategies moving forward” document which does not pertain to performance issues, and the lack of performance-related notes in follow-up emails from November.
- She claims that the March 23rd incident is misrepresented by the Union. She says an employer-supplied statement for an employee who witnessed the incident confirms that the other party was aggressive, while she acted calmly. This document, she claims, obtained through an ATIP request, contradicts the Union’s narrative. Additionally, she claims a document from the employment insurance agent investigating her termination states that the Executive Director “is not a credible source due to conflicting statements with physical evidence.” (It is not clear to the Board whether these documents were all available to SGEU and the Committee at the time of the Committee’s review.)

Duty of Fair Representation:

[28] As noted, Smith brought the Original Application pursuant to section 6-59 of the *Act*:

⁸ Smith Reply - Schedule “A” p. 1.

⁹ Smith Reply – Schedule “A” p. 2.

6-59(1) *An employee who is or a former employee who was a member of the union has a right to be fairly represented by the union that is or was the employee's or former employee's bargaining agent with respect to the employee's or former employee's rights pursuant to a collective agreement or this Part.*

(2) Without restricting the generality of subsection (1), a union shall not act in a manner that is arbitrary, discriminatory or in bad faith in considering whether to represent or in representing an employee or former employee.

[29] In assessing whether Smith's Original Application pleads an arguable case, the Board must first consider what is needed for a union to fulfill its duty of fair representation.

[30] In *Zalopski v Canadian Union of Public Employees, Local 21*¹⁰ ["Zalopski"], the Board summarized the principles that should guide a labour relations board when assessing the merits of a claim for breach of the duty of fair representation.¹¹

[40] *The Applicant in this case complains that the Union failed to represent him fairly in the prosecution of his promotional grievance. Many, if not most, duty of fair representation claims allege that a member's union failed to prosecute his or her grievance appropriately. It is not surprising, then, that a large body of jurisprudence has evolved about what principles should guide a labour relations board when assessing the merits of such claims. A helpful summary of these principles is found in *Mwemera v United Brotherhood of Carpenters and Joiners of America, Local Union No. 2010*. There the Alberta Board stated as follows at para. 20:*

*This Board's decision in *Reid v United Steelworkers of America Local Union No. 7226*, [2000] Alta. L.R.B.R. LD-064 (at para. 3) summarizes some of the key principles underlying the duty of fair representation:*

- The Union need not take every grievance to arbitration. It need not take a grievance to arbitration just because the grievor asks the Union to do so. The Union is entitled to assess the merits of the grievance, the chances of success at arbitration, the costs of the arbitration process and other factors when deciding whether or not to advance a grievance to arbitration.*
- The Board focuses its examination on the Union's conduct and considerations while the Union represented the employee and in making its decision, rather than on the merits of the grievance, which is the question an arbitrator would answer.*
- The Union is entitled to make a wrong decision, as long as it fairly and reasonably investigates the grievance and comes to an informed decision.*

¹⁰ 2017 CanLII 68784 (SK LRB) at para. 40.

¹¹ See also: *Tim Neish v International Brotherhood of Electrical Workers, Local 2067*, 2022 CanLII 20565 (SK LRB), at para. 54 and *Upper v Saskatchewan Government and General Employees' Union*, 2023 CanLII 120942 (SK LRB) at paras. 49-60.

- *The Union must give the employee a fair opportunity to present the employee's own case to the Union and to provide input on the result of the Union's investigation.*
- *The Union should communicate fairly with the employee about all aspects of its representation. Communication with the employee can play a significant role in representation, but the union need not take direction from the employee or answer all questions to the employee's satisfaction nor must it act within the employee's time limits.*
- *A Union does not breach its duty of fair representation just because it reaches a conclusion with which the employee does not agree.*

[31] The Board has often relied on the description of arbitrary conduct in *Rousseau v International Brotherhood of Locomotive Engineers et al.*¹² [*"Rousseau"*]:

Through various decisions, labour boards, including this one, have defined the term "arbitrary." Arbitrary conduct has been described as a failure to direct one's mind to the merits of the matter; or to inquire into or to act on available evidence; or to conduct any meaningful investigation to obtain the data to justify a decision. It has also been described as acting on the basis of irrelevant factors or principles; or displaying an indifferent and summary attitude. Superficial, cursory, implausible, flagrant, capricious, non-caring or perfunctory are all terms that have also been used to define arbitrary conduct. It is important to note that intention is not a necessary ingredient for an arbitrary characterization.

[32] In *Jason G. Rattray v Unifor National*¹³ [*"Rattray"*], the Board noted the four criteria that a union must fulfill to meet its duty of fair representation:

[90] *Hartmier set out four criteria that a union must fulfill to meet its duty of fair representation:*

- *conduct a proper investigation into the full details of the grievance;*
- *clearly turn its mind to the merits of the grievance;*
- *make a reasoned judgment about its success or failure; and*
- *if it decides not to proceed with the member's grievance, provide clear reasons for its decision.*

Summary Dismissal:

[33] The Board's summary dismissal power is found at clause 6-111(1)(p) of the Act:

6-111(1) *With respect to any matter before it, the board has the power:*

...

(p) *to summarily dismiss a matter if, in the opinion of the board, there is a lack of evidence or no arguable case;*

¹² 95 CLLC 220-064.

¹³ 2020 CanLII 6405 (SK LRB) at para 90.

[34] The test for summary dismissal is well settled and is summarized in *Roy v Workers United Canada Council*¹⁴ [*“Roy”*]:

1. In determining whether a claim should be struck as disclosing no arguable case, the test is whether, assuming the applicant is able to prove everything alleged in his/her claim, there is no reasonable chance of success. The Board should exercise its jurisdiction to strike on this ground only in plain and obvious cases and where the Board is satisfied that the case is beyond doubt.

2. In making its determination, the Board may consider only the subject application, any particulars furnished pursuant to demand and any document referred to in the application upon which the applicant relies to establish his/her claim.

[35] Further, the Board must avoid weighing evidence, assessing credibility, or evaluating novel statutory interpretations. SGEU, as the party seeking summary dismissal, has the onus of proving the claim has no reasonable chance of success, that is, whether it is plain and obvious that the application should be dismissed as disclosing no arguable case.

Preliminary Objection

[36] SGEU submits in its Reply to Smith’s Written Submissions that Smith raises a number of new allegations in her Reply which were not raised in her Original Application. SGEU argues that it is inappropriate for these new allegations to be considered in the Board’s determination of whether Smith has raised an arguable case.

[37] SGEU says Smith’s allegations against it must be “frozen” at the time Smith filed her Original Application.”¹⁵ SGEU argues that the content of Smith’s Reply creates a moving target which will make it difficult for SGEU to mount full answer and defence. SGEU submits this “moving target style of arguments by Smith and its interference with SGEU’s procedural right to defend itself against the claims in exemplifies the reasons that the Complaint should be dismissed as premature.”¹⁶

[38] As this Board noted in *Saskatchewan Government and General Employees’ Union v Rodney Wilchuck*¹⁷ [*“Wilchuk”*], a strict application of *Roy* would limit the Board to only considering Smith’s Application for the purposes of the SGEU’s application.

¹⁴ 2015 CanLII 885 (SK LRB).

¹⁵ SGEU Written Submissions, paras. 36 and 37.

¹⁶ SGEU Written Submissions para 34.

¹⁷ 2023 CanLII 50900 (SK LRB) para. 32.

[39] In *Canadian Union of Public Employees v Rosom*¹⁸ [“Rosom”], the Board concluded that it was appropriate to consider the employee’s reply to the applicant’s summary dismissal application as the equivalent of particulars, stating the following:

[24] In these proceedings, the application for summary dismissal operates in a manner that is comparable to (but not the same as) a request for particulars. The parties have had a further opportunity to file submissions. As such, there is no unfairness in considering the Employee’s reasons as set out in his reply to the application. It is appropriate for the Board to exercise some flexibility in considering the submissions made by self-represented parties.

[40] Following the Board’s decision in *Wilchuck*,¹⁹ this Board concludes that the reasoning in *Rosom* applies. Accordingly, the Board will consider Smith’s Reply along with the essential documents it incorporates as akin to particulars with respect to the Original Application.

Discussion and Analysis:

[41] The question for the Board to consider in a summary dismissal application is whether, assuming the Employee proves the allegations contained in her pleading, the claim has no reasonable chance of success, that is, whether it is plain and obvious that the application should be dismissed as disclosing no arguable case.

[42] While Smith does not provide extensive particulars to support her claim against the Union she has stated:

- That the Union has “withdrawn from my grievance for arbitrary reasons”;
- That the Union is “failing to take into account my actual evidence”; and
- That she has an “audio recording proving my innocence which the union has failed to acknowledge”.

[43] Smith claims that SGEU failed to communicate with her. She states that she applied for a screening committee review of her grievance in November 2023 but that her union has not communicated with her since February 2023, even after repeated attempts to get an update. She claims that six months for a review seems excessive. She says that the only logical reason for this is that her union is no longer representing her.

[44] She also states in her Reply:

¹⁸ 2022 CanLII 100088 (SK LRB) para 24.

¹⁹ *supra*, para. 39 herein.

Multiple emails were sent to various levels of the union, including the president, requesting status updates. Despite fair warning in emails that I was seeking legal counsel and preparing for misrepresentation, SGEU did nothing to notify me properly. This can be seen as an attempt to drain my resources.

[45] This Board has in the past stated that inadequate communication by a union with a grievor, in and of itself, does not constitute a breach of a union's duty to represent its member fairly.²⁰ However, unlike the grievor in *Nichols* who had effectively removed himself from the process, Smith alleges that she sent multiple emails to various levels of the union requesting updates. Smith alleges that she provided "fair warning" in the emails to SGEU that she was seeking legal counsel and "preparing for misrepresentation" but yet claims "SGEU did nothing to notify me properly." She claims this could be seen as an attempt to drain her resources.

[46] Communication with the employee can play a significant role in representation. The Union should communicate fairly with the employee about all aspects of its representation of the employee. Lack of communication, particularly after an employee's repeated efforts to contact their union, could be a factor in assessing whether a union's behaviour is arbitrary.

[47] Smith's termination was based on the Employer's conclusion that she filed a report with the RPS falsely claiming she was assaulted. The Employer and the Screening Committee both indicate that the false allegation is a serious offence justifying her termination.²¹ However, in her Original Application and in her Reply, Smith denies that she filed a false report with the police. She says the audio tape proves her innocence. She claims SGEU falsely claimed to review the audio recording. She claims that SGEU has her police statement and that it does not mention assault either.²²

[48] SGEU's allegations set out in its Reply to the Original Application (including the documents attached thereto) are not considered in an application for summary dismissal. SGEU may have a strong defence to Smith's allegations and may present strong arguments against her claim; however, the Board must assume only that the allegations set out by Smith in the Original Application and in her Reply are true or provable. Further, the Board must avoid weighing evidence and assessing credibility. Given this strict criteria, the Board has determined that it is not plain and obvious that the Original Application will not succeed.

²⁰ *Stephen Nichols v Construction Workers Union (CLAC), Local 151 and Westwood Electric Ltd.*, 2017 CanLII 72971 (SK LRB) at paras 41-43

²¹ Steering Committee Report dated May 27, 2024, p. 7.

²² Smith Reply – Schedule "A" p. 2.

[49] The difference between Smith's version of the false RPS report and the Employer's version, which is maintained by SGEU, is remarkable. The Employer and SGEU say Smith made a false police report. Smith denies it. Assuming, as I must for the purposes of the within application, that Smith's version of events is proven, and that she did not falsely report an assault to the RPS, then it is arguable that SGEU failed to direct its mind to the merits of the matter and to inquire into available evidence. It is arguable that SGEU failed to conduct a meaningful investigation or that it displayed an indifferent or summary attitude toward Smith's grievances. Further, an indifferent attitude is consistent with Smith's allegations that SGEU failed to communicate with her or disregarded evidence contradicting the employer's narrative.²³ These are hallmarks of arbitrary conduct referred to in *Rousseau*.

[50] SGEU claims that it is plain and obvious that Smith's claim must fail specifically because she has not fully exhausted her internal rights to appeal with SGEU. However, as this Board stated in *Basaraba v S.G.E.U.* ²⁴ [*"Basaraba"*], such internal review process is but "a factor".

67. Though we do not see exhaustion of internal remedies as a necessary precondition for the success of an application before us, as we indicated in the Berry and Banga decisions, supra, the availability of reasonable recourse within the Union, of which Mr. Basaraba did not make use, is in our view a factor to be considered in deciding whether the Union failed in its duty to represent him.

[51] Accordingly, this Board finds that failing to exhaust the internal review process does not necessarily mean that Smith's Original Application must fail. The internal review process, its result, and whether or not an employee exhausted the process are all factors to be considered along with all the other evidence to be provided in due course.

[52] SGEU submits *Unifor 649 v Jensen*²⁵ [*"Jensen"*] in support of its argument that an applicant pursuant to 6-58 or 5-59 of *SEA* must exhaust their internal rights or appeal prior to bringing an application for breach of duty to represent.²⁶

[53] The Board does not read *Jenson* as applying to 6-59 (fair representation) but only to 6-58 which provides employees with a right to the application of the principles of natural justice with respect to disputes concerning internal union affairs. At paragraph 5 the Board stated:

²³ See para. 26 herein.

²⁴ *Basaraba v. S.G.E.U.* , 1994 CarswellSask 496, para. 47.

²⁵ 2023 CanLII 13065 (SK LRB).

²⁶ SGEU Application, para 4(c).

[5] The Original Application did not indicate which section of the Act the Applicants alleged that the Union contravened. In this Application, the Union argues that section 6-59, the duty of fair representation, has not been engaged as this dispute, it says, is of a purely internal nature between the Applicants and their Union. In their Reply to this Application, the Applicants indicated that they agree with that comment. Accordingly, the Board will consider the Original Application as if it claimed that the Union has breached section 6-58 of the Act.

[54] For these reasons, the Board finds that it is not plain and obvious that Smith's Original Application has no reasonable chance of success. SGEU's Application for Summary Dismissal is dismissed.

[55] At the time Smith filed her Original Application on May 1, 2024, she had, allegedly, not heard from SGEU since February 23, 2023, and felt that she had been abandoned by SGEU. It is therefore perhaps not unreasonable that she chose to pursue filing a claim with the Board before her internal review process had been exhausted.

[56] However, the Board expects employees to utilize all internal remedies available to them before proceeding to the Board. As stated by this Board in *Emeka-Okere v CUPE Local 5430*, at para 85:

...The Board expects employees, wherever possible, to exhaust all internal remedies available to them. The Applicant has not done so. There was nothing preventing the Applicant from attending her appeal. The appeal was her opportunity to make her final pitch to the executive. The Board's process should not be used as a substitute for that process....

[57] An appropriate order will accompany these Reasons.

DATED at Regina, Saskatchewan, this **15th** day of **August, 2024**.

LABOUR RELATIONS BOARD

Carol L. Kraft
Vice-Chairperson