

APPLICATION

Court File Number: *A-21-21*



FEDERAL COURT OF APPEAL

BETWEEN:

JOHN J BURNS

Applicant

And

ATTORNEY GENERAL OF CANADA

Respondent

APPLICATION UNDER

s.18 of the Federal Court Act (R.S.C., 1985, c. F-7)

Notice of Application

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED by the applicant. The relief claimed by the applicant appears on the following page.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at Thunder Bay, Ontario.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the Federal Courts Rules and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the Federal Courts Rules, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Date 21-01-2021

Issued by: C. de Montigny

Address of local office:

^{Sparks}
90 rue ~~Elgin~~ Street
Ottawa, Ontario
K1A 0H9

C. DE MONTIGNY
REGISTRAR
AGENT DE LA C.C.T.L.

TO: Attorney General of Canada
Deputy Attorney General of Canada
Department of Justice, Legal Services
Public Sector Labour Relations and Employment Board
240 Sparks St.
Ottawa, ON K1A 0A5

Application

1. This is an application for judicial review in respect of the complaint under section 190 of the Federal Public Sector Labour Relations Act decision by the Federal Public Sector Labour Relations and Employment Board in December 2020 and communicated to the Applicant on December 21, 2020, deciding that Unifor Local 2182 provided a violence and harassment free workplace.

2. The Applicant makes application for:

a) A writ of mandamus quashing the decision of the PSLREB dated December 2020, correcting an abuse of discretion by the same, and referring the matter back for a hearing with the PSLREB.

3. The grounds for the application are:

a) The PSLREB erred by failing to observe a principal of procedural fairness thru failing to:

(i) properly identify the Applicant's position, his position within his union, and his concerns regarding the work environment;

(ii) properly identify the 90-day window set out in the Act;

(iii) provide the Applicant an opportunity to direct the PSLREB to sources of information sufficient to meet the standard of proof of failure of a Duty of Fair Representation;

b) The PSLREB erred by basing its decision on erroneous findings of fact that it made with regard to the material before it.

c) Any other and further grounds as the Applicant may propose and this Honourable Court may allow.

4. This application will be supported by the following material:
- (a) An affidavit to be delivered pursuant to the Federal Court Rules;
 - (b) Document of Complaints submitted;
 - (c) Document of emails and texts supporting Allegations;
 - (d) Copy of Work Schedule spreadsheet;
 - (e) Grievance presentations and decisions;
 - (f) LTD submissions decisions;
 - (g) WCB submission and decision;
 - (h) Such other and further material as the Applicant may propose and this Honourable Court may permit.

2021-01-20



John J Burns
P.O. Box 1316
323 Ballpark Cr.
Geraldton, ON P0T 1M0

- SOR/2004-283, ss. 35, 38
- SOR/2013-18, s. 16

I HEREBY CERTIFY that the above document is a true copy of
the original issued out of / filed in the Court on the 21

day of January A.D. 20 21

Dated this 21 day of January 20 21



C. DE MONTIGNY
REGISTRY OFFICER
AGENT DU GREFFE