

**Federal Court of Appeal**



**Cour d'appel fédérale**

**Date: 20151124**

**Docket: A-148-15**

**Citation: 2015 FCA 264**

**CORAM: GAUTHIER J.A.  
BOIVIN J.A.  
DE MONTIGNY J.A.**

**BETWEEN:**

**RICHARD CHAMPAGNE**

**Applicant**

**and**

**INTERNATIONAL ASSOCIATION OF  
MACHINISTS AND AEROSPACE WORKERS  
(IAMAW/AIMTA - DISTRICT 140)**

**Respondent**

**and**

**AIR CANADA AND  
ANTONIO DE BENEDETTO**

**Third party**

Heard at Montréal, Quebec, on November 24, 2015.

Judgment delivered at Montréal, Quebec, on November 24, 2015.

**REASONS FOR JUDGMENT OF THE COURT BY:**

**GAUTHIER J.A.**

**Federal Court of Appeal**



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**REASONS FOR JUDGMENT OF THE COURT  
(Delivered from the Bench at Montréal, Quebec, on November 24, 2015.)**

**GAUTHIER J.A.**

[1] In his application for judicial review, Mr. Richard Champagne challenged the decision of the Canada Industrial Relations Board (the Board) dismissing his complaint under section 37 of the *Canada Labour Code* (R.S.C. (1985), c. L-2) (the Code).

[2] As this Court previously decided in *Dumont v. Canadian Union of Postal Workers, Montréal Local*, 2011 FCA 185 at paragraphs 33-34, [2011] F.C.A. No. 796, the standard of review applicable to matters involving the Board's interpretation of the provisions of the Code is that of reasonableness. That is the same standard that applies to the Board's rulings regarding the application of section 37 of the Code to the particular circumstances raised in a complaint, including a Board decision dealing with, as in this case, the *prima facie* evaluation of such a complaint (*Blanchet v. International Assoc. of Machinists and Aerospace Workers, Local 712*, 2009 FCA 103 at paragraph 6, [2009] F.C.A. no. 399).

[3] Nevertheless, the Applicant argues that the applicable standard in this case is that of correctness because, in his view, the Board simply refused to exercise its jurisdiction. We do not agree.

[4] In its decision, the Board considered the nature of the complaints before it, as well as the allegations therein. According to the Board, the only real criticism made by the Applicant to the union is having unreasonably and trivially interpreted an arbitral award issued at the request of the union and the employer as part of an agreement undertaken by the Board in its order no. 9996-U (amended).

[5] After reiterating that its role in the context of a complaint under section 37 of the Code is not to review the validity of a union's interpretation of a collective agreement or arbitral award, the Board indicated that, in this case, the union had indeed justified and explained its interpretation to the Applicant (and the other complainants). It was satisfied that no facts related to the process leading to the contested decision made it possible to find that the union had acted in a manner that was arbitrary, discriminatory or in bad faith within the meaning of section 37 of the Code. On that basis, the Board ruled that the complaint should be dismissed.

[6] The Applicant has not persuaded us that the Board's interpretation regarding its role in the context of a complaint under section 37 of the Code was unreasonable (in this regard, see *Bomongo v. Communications, Energy and Paperworkers Union of Canada*, 2010 FCA 126 at paragraphs 11 and 18, [2010] F.C.J. No. 635). In his brief and before us, the Applicant essentially just reiterated his disagreement with the interpretation of the union's arbitral award, which he considers trivial and unreasonable. Therefore, we are satisfied that the Board's finding is one potential and acceptable outcome, considering the facts and the law.

[7] The application for judicial review will be dismissed with costs set at a lump sum of \$3,000 (taxes and expenses included).

“Johanne Gauthier”

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J.A.

Certified true translation  
François Brunet, Revisor

**FEDERAL COURT OF APPEAL**

**NAMES OF COUNSEL AND SOLICITORS OF RECORD**

**DOCKET:** A-148-15

**STYLE OF CAUSE:** RICHARD CHAMPAGNE v.  
INTERNATIONAL  
ASSOCIATION OF MACHINISTS  
AND AEROSPACE WORKERS  
(IAMAW/AIMTA – DISTRICT  
140) AND AIR CANADA AND  
ANTONIO DE BENEDETTO

**PLACE OF HEARING:** MONTRÉAL, QUEBEC

**DATE OF HEARING:** NOVEMBER 24, 2015

**REASONS FOR JUDGMENT OF THE COURT BY:** GAUTHIER J.A.  
BOIVIN J.A.  
DE MONTIGNY J.A.

**DELIVERED FROM THE BENCH BY:** GAUTHIER J.A.

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