

Date: 20091208

Docket: A-180-09

Citation: 2009 FCA 364

**CORAM: BLAIS C.J.
NADON J.A.
TRUDEL J.A.**

BETWEEN:

ROY HAGEL, ALAIN AUBUT, DAVID ALEXANDER, LYNN ANDERSON, CHRIS ARGUE, MICHAEL BAHLS, TERRY BARSANTI, JAMIE BASTARACHE, ROGER BEAUDIN, PAULAMARIE BEAUDOIN, PHIL BECKERSON, MANDY BELDOCK, STEPHANE BELOIN, DOUG BENNIE, LOUIS BERBERI, JATINDER BHANGAV, BRUCE BICKLE, PERRY BIRTCH, CATHERINE BLACK, MERLE BLACK, DARRIN BOISMIER, CHANTAL BOULET, FRANCINE BOULIANNE, DOUG BRANTON, JAN BROCK, JOANNE BROWN, ROGER BROWN, DANIEL BUBAS, JACQUES BUJOLD, LUKE BURY, SHERI BUSWELL, JEAN CAMPBELL, PAUL CAREY, BRADLEY CARLETON, LUCIE CELLUCCI, CLAY CHAPPELL, BENOIT CHARRON, MARIE CHEVRY-GEORGES, DEVESH CHIKHLIA, GLENN CLEARY-FORTIN, PHILIP CRABBE, JACQUES CRÊTE, GARY CROWE, BRUCE CUMMINGS, DANIELLE DANEAU, HARRY DEARING, ISABELLE DESLAURIERS, MICHELINE DICAIRE, DONNA DIDONATO, LARRY DOHERTY, HERVE DOMINIQUE, MICHAEL DOUGHERTY, YVES DUTEAU, JUDITH-ANNE DYMOND, THOMAS DYMOND, SHEILA ELLIS-BAILEY, ROSA FEBBRARO, PIERRE FONTAINE, MANON FORTIN, RICHARD FOURNIER, TRACEY GAGNON, STEVEN GAULIN, SYLVAIN GAUTHIER, MARG GAYLER, SHERRY GERSTL, RICHARD GILL, PIERRE-PAUL GINGROW, MARTIN GODARD, NICOLE GOODMAN, SERGE GOSSELIN, DOUG GOURLIE, HELEN GOWARD, DOUG GRANDFIELD, PHILIPPE GRENIER, KEN GRESLEY-JONES, RAYMOND GUAY, PIERRE GUILLEMETTE, CLAYTON HALL, ED HART, PHILIP HAUGH, MARK HAYES, HELEN HEMMINGS, JIM HENDERSON, NICOLE HOULE, RUTH-ANN ILIGAUDS, DUANE INGRAM, DANIEL JACQUES, MICHELE JARRY, RICK JOHNSON, MONIQUE JOLIN, NANCY KELLY, JONATHAN KINI, ANDRE LACHAPELLE, SUSAN LANGLEY, ERIC LAPIERRE, CLAUDE LAURENCE, DARRYL LAVIA, SYLVAIN LECLERC, BOB LEDOUX, PIERRE LEMIEUX, CLAUDE LEMOINE, BRIAN LENEVE, PIERRE LESSARD, GILLES LESSNICK, ZETTA LOBSINGER, ROB LONG, NATHALIE LONGPRE, DAN LORENTE, FRANK LORITO, CLAUDE LUSSIER, BARBARA MACDONALD, MAUREEN MACDONALD, INA MACRAE, DARRELL MAILLET, DANIEL MALLORY, MIKE MALLOY, ELIZABETH MALONEY, ROSS MANGAN, JOHN MARIC, MICHEL MARTINEAU, TANYA MCALEER, CAROLE MCCLELLAND, ANNE MCCONNEL, BRUCE MCKEEVER, MARG MCPHEDRAN-AXFORD, GORD MELANSON, ANDRE METIVIER, MARISA MINNITIROCCO, JOHN MOERLAND, MANJIT SINGH MOORE, DON MURRAY, MARILYN MURRAY, MARIA NOHOS, MARTIN OHARA-MINER, MICHAEL OKOROSFSKY, SYLVIA OSBOURNE, CLAUDE PAQUET, MARY PARENTE, GREG PATTERSON, MARK PERGUNAS, MARIANNE PERREAULT, BRAD PERZUL, IVAN PETERSON, MARGO PICARD, BERNIE PITURA,

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Appellants

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at Ottawa, Ontario, on December 8, 2009.

Judgment delivered from the Bench at Ottawa, Ontario, on December 8, 2009.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

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Appellants

and

ATTORNEY GENERAL OF CANADA

Respondent

REASONS FOR JUDGMENT OF THE COURT

(Delivered from the Bench at Ottawa, Ontario, on December 8, 2009)

NADON J.A.

[1] Notwithstanding Mr. Rootham's forceful arguments, we are all agreed that there is no basis to intervene. In our view, Mr. Justice Zinn made no reviewable error in dismissing the appellants' judicial review application.

[2] Even if we were to accept the appellants' argument that the Judge erred as to the applicable standard of review, our view of the matter remains unchanged as we are satisfied that Mr. Burkholder, the decision maker at the final level of the grievance process, made no error of law and, in particular, made no error in interpreting the *Regulations Respecting Pay on Reclassification or Conversion* and the *Terms and Conditions of Employment Policy*.

[3] For these reasons, the appeal will be dismissed with costs.

“M. Nadon”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-180-09

STYLE OF CAUSE: ROY HAGEL ET AL v.
ATTORNEY GENERAL OF
CANADA

PLACE OF HEARING: Ottawa, Ontario

DATE OF HEARING: December 8, 2009

REASONS FOR JUDGMENT OF THE COURT BY: BLAIS C.J., NADON, TRUDEL JJ.A.

DELIVERED FROM THE BENCH BY: NADON J.A.

APPEARANCES:

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