Federal Court of Appeal | Cour d'appel fédérale

Date: 20250513

Docket: A-44-24

Citation: 2025 FCA 95

CORAM: **LOCKE J.A.**
MONAGHAN J.A.
PAMEL J.A.

BETWEEN:

TAMMIE GREENING

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

Heard at St. John's, Newfoundland and Labrador, on May 13, 2025.
Judgment delivered from the Bench at St. John's, Newfoundland and Labrador, on May 13, 2025.

REASONS FOR JUDGMENT OF THE COURT BY: MONAGHAN J.A.

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at St. John's, Newfoundland and Labrador, on May 13, 2025).

MONAGHAN J.A.

[1] The applicant, Tammie Greening, was one of several employees locked out by their employer during a labour dispute. The applicant and other locked-out individuals applied for employment insurance benefits but were denied because benefits are not available to an

individual who loses employment because of a work stoppage attributable to a labour dispute: *Employment Insurance Act*, S.C. 1996, c. 23, s. 36.

[2] The applicant appealed that decision to the General Division of the Social Security Tribunal. The appeal was a representative case for the group of locked-out individuals. Although satisfied there was a labour dispute, the General Division concluded that there was no work stoppage because the employer was able to continue operations during the lockout by redeploying non-union staff and engaging others, including summer students and contractors: *TG et al. v. Canada Employment Insurance Commission*, 2023 SST 1871.

[3] The Canada Employment Insurance Commission appealed, arguing the General Division erred in law in interpreting "work stoppage" as used in section 36 of the *Employment Insurance Act*. The Appeal Division of the Social Security Tribunal agreed. It concluded that the General Division's interpretation both misinterpreted the jurisprudence and was inconsistent with the text, context and purpose of the relevant provision. The Appeal Division found there was a work stoppage, allowed the appeal and, in a decision that applied to the group, decided the applicant was not entitled to employment insurance benefits: *TG et al. v. Canada Employment Insurance Commission*, 2024 SST 32.

[4] The applicant now seeks judicial review of that decision for herself and the group. The applicant takes no issue with the factual findings. Rather, she submits the Appeal Division erred in interpreting the statutory provision, and that we should review the interpretation on a correctness standard.

[5] We disagree. None of the exceptions to reasonableness review applies here.

[6] The scope of the exception for questions of central importance to the legal system as a whole is narrow, not "a broad catch-all category for correctness review": *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65 at para. 61 [*Vavilov*]. As this Court has explained, such questions "must be 'general questions of law' of 'fundamental importance' and 'broad applicability' with 'significant legal consequences' for 'the legal system', 'the justice system', 'the administration of justice as a whole', or 'other institutions of government'": *Portnov v. Canada (Attorney General)*, 2021 FCA 171 at para. 12 (citations omitted). While we do not doubt the importance of the issue to the applicant and others, it is not a question of central importance to the legal system.

[7] Thus, the only question before us is whether the Appeal Division's interpretation is reasonable: *Vavilov* at paras. 23-25, 83, 115. The applicant's alternative argument is it is not.

[8] The Appeal Division is responsible for interpreting the provision "in a manner consistent with the text, context and purpose, applying its particular insight into the statutory scheme at issue": *Vavilov* at para. 121. On judicial review, we do not "perform a *de novo* analysis or… determine the 'correct' interpretation": *Vavilov* at para. 124. Rather, we decide whether the Appeal Division's interpretation is reasonable, having regard to those principles. We conclude it is. We consider the Appeal Division's consideration of section 53 of the *Employment Insurance Regulations*, S.O.R./96-332, as part of its contextual analysis in interpreting section 36 of the *Employment Insurance Act* as justified, intelligible and transparent.

[9] Accordingly, we will dismiss the application for judicial review without costs, since none were requested.

[10] The Attorney General of Canada asks that the style of cause be amended to name him as the sole respondent. We agree and so order: *Federal Courts Rules*, S.O.R./98-106, s. 303. The amended style of cause appears in these reasons and will appear in the judgment.

"K.A. Siobhan Monaghan"
J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET:	A-44-24
STYLE OF CAUSE:	TAMMIE GREENING v. ATTORNEY GENERAL OF CANADA
PLACE OF HEARING:	ST. JOHN'S, NEWFOUNDLAND AND LABRADOR
DATE OF HEARING:	MAY 13, 2025
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DELIVERED FROM THE BENCH BY:	MONAGHAN J.A.

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