

**SUPREME COURT OF CANADA**

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| **Citation:** British Columbia Teachers’ Federation *v.* British Columbia Public School Employers’ Association**,** 2014 SCC 70, [2014] 3 S.C.R. 492 | **Date:** 20141112  **Docket:** 35623 |

Between:

**British Columbia Teachers’ Federation** and

Surrey Teachers’ Association

Appellants

and

British Columbia Public School Employers’ Association

and Board of Education of School District No. 36 (Surrey)

Respondents

and

**West Coast Women’s Legal Education and Action Fund**

Intervener

**Coram:** McLachlin C.J. and Abella, Rothstein, Moldaver, Karakatsanis, Wagner and Gascon JJ.

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| **Reasons for Judgment:**  (para. 1) | Karakatsanis J. (McLachlin C.J. and Abella, Rothstein, Moldaver, Wagner and Gascon JJ. concurring) |

b.c. teachers’ federation *v.* bcpsea, 2014 SCC 70, [2014] 3 S.C.R. 492

British Columbia Teachers’ Federation and

Surrey Teachers’ Association Appellants

v.

British Columbia Public School Employers’ Association

and Board of Education of School District No. 36 (Surrey) Respondents

and

West Coast Women’s Legal Education and Action Fund Intervener

**Indexed as:** British Columbia Teachers’ Federation ***v.*** British Columbia Public School Employers’ Association

2014 SCC 70

File No.: 35623.

2014: November 12.

Present: McLachlin C.J. and Abella, Rothstein, Moldaver, Karakatsanis, Wagner and Gascon JJ.

on appeal from the court of appeal for british columbia

*Labour relations — Collective agreements — Grievances — Human rights — Right to equality — Grievance filed by union alleging that employer’s failure to separately provide supplemental employment benefits to birth mothers in relation to both maternity leave and parental leave was discriminatory — Arbitrator allowing grievance and finding employer’s position resulted in discrimination on grounds of sex and family status — Court of Appeal erred in setting aside arbitrator’s decision that birth mothers were subject to unequal treatment — Arbitrator’s award restored.*

APPEAL from a judgment of the British Columbia Court of Appeal (Hall, Frankel and Bennett JJ.A.), 2013 BCCA 405, 50 B.C.L.R. (5th) 39, 342 B.C.A.C. 233, 585 W.A.C. 233, 291 C.R.R. (2d) 96, [2014] 4 W.W.R. 65, [2013] B.C.J. No. 2056 (QL), 2013 CarswellBC 2840, setting aside an arbitrator’s award, [2012] B.C.C.A.A.A. No. 138 (QL). Appeal allowed.

Robyn Trask, Diane MacDonald and *Michael Sobkin*, for the appellants.

Delayne M. Sartison, Q.C., and Jennifer R. Devins, for the respondents.

Clea F. Parfitt and Kasari Govender, for the intervener.

The judgment of the Court was delivered orally by

[1] Karakatsanis J. — The Court of Appeal erred in failing to give deference to the arbitrator’s interpretation of the collective agreement and in failing to recognize the different purposes of pregnancy benefits and parental benefits. The arbitrator was entitled to reach the conclusions that he did and we see no reason to interfere with the remedy. The appeal is allowed with costs and the arbitrator’s award is restored.

*Judgment accordingly.*

Solicitor for the appellants: British Columbia Teachers’ Federation, Vancouver; Michael Sobkin, Ottawa.

Solicitors for the respondents: Roper Greyell, Vancouver.

Solicitors for the intervener: Clea F. Parfitt, Vancouver; West Coast LEAF, Vancouver.