

**SUPREME COURT OF CANADA**

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| **Citation** : Public Service Alliance of Canada *v.* Canada Post Corp., 2011 SCC 57, [2011] 3 S.C.R. 572 | **Date** : 20111117  **Docket** : 33668, 33669, 33670 |

Between:

Public Service Alliance of Canada

Appellant

and

Canada Post Corporation and Canadian Human Rights Commission

Respondent

And Between:

Public Service Alliance of Canada

Appellant

and

Canada Post Corporation and Canadian Human Rights Commission

Respondent

And Between:

Canadian Human Rights Commission

Appellant

and

Canada Post Corporation and Public Service Alliance of Canada

Respondent

**Coram :** McLachlin C.J. and LeBel, Deschamps, Fish, Abella, Rothstein, Cromwell, Moldaver and Karakatsanis JJ.

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| **Reasons for Judgment** :  (paras. 1 to 2) | McLachlin C.J. (LeBel, Deschamps, Fish, Abella, Rothstein, Cromwell, Moldaver and Karakatsanis JJ. concurring) |

Public Service Alliance of Canada *v*. Canada Post Corp., 2011 SCC 57, [2011] 3 S.C.R. 572

Public Service Alliance of Canada *Appellant*

v.

Canada Post Corporation and

Canadian Human Rights Commission *Respondents*

- and -

Public Service Alliance of Canada *Appellant*

v.

Canada Post Corporation and

Canadian Human Rights Commission *Respondents*

- and -

Canadian Human Rights Commission *Appellant*

v.

Canada Post Corporation and

Public Service Alliance of Canada *Respondents*

**Indexed as:  Public Service Alliance of Canada *v*. Canada Post Corp.**

2011 SCC 57

File Nos.:  33668, 33669, 33670.

2011:  November 17.

Present:  McLachlin C.J. and LeBel, Deschamps, Fish, Abella, Rothstein, Cromwell, Moldaver and Karakatsanis JJ.

on appeal from the federal court of appeal

*Human rights — Discriminatory practices — Equal wages — Largely female group of employees receiving lower pay than largely male comparator group — Canadian Human Rights Tribunal finding pay inequity — Finding overturned on judicial review — Tribunal committed no reviewable error in finding largely female group paid less for work of equal value.*

APPEALS from a judgment of the Federal Court of Appeal (Sexton, Evans and Ryer JJ.A.), 2010 FCA 56, [2011] 2 F.C.R. 221, 399 N.R. 127, 15 Admin. L.R. (5th) 157, 2010 CLLC ¶230-015, [2010] F.C.J. No. 272 (QL), 2010 CarswellNat 416, affirming a decision of Kelen J., 2008 FC 223, [2008] 4 F.C.R. 648, 321 F.T.R. 196, 2008 CLLC ¶230-012, 62 C.H.R.R. D/378, [2008] F.C.J. No. 273 (QL), 2008 CarswellNat 471. Appeals 33668 and 33670 allowed and appeal 33669 dismissed.

*David Yazbeck*, *James Cameron*, *Andrew Raven* and *Andrew Astritis*, for the appellant (33668 and 33669) and the respondent (33670) the Public Service Alliance of Canada.

*Peter A. Gall*, *Q.C.*, *Donald R. Munroe*, *Q.C.*, *Robert Grant* and *Joana Thackeray*, for the respondent the Canada Post Corporation.

*Philippe Dufresne* and *Daniel Poulin*, for the respondent (33668 and 33669) and the appellant (33670) the Canadian Human Rights Commission.

The judgment of the Court was delivered orally by

1. The Chief Justice ― I turn first to the appeals on the merits of the case (33668 and 33670). We all agree with the dissenting reasons of Evans J.A., which comprehensively address the issues on these appeals. We would allow these appeals, with costs to Public Service Alliance of Canada in this Court and below.
2. This leaves Public Service Alliance of Canada’s appeal from the Canadian Human Rights Tribunal’s reduction of damages (33669). We are all of the view that this appeal should be dismissed, again for the dissenting reasons of Evans J.A., with costs to Canada Post Corporation in this Court and below.

*Judgment accordingly.*

*Solicitors for the appellant (33668 and 33669) and the respondent (33670) the Public Service Alliance of Canada:  Raven, Cameron, Ballantyne & Yazbeck, Ottawa.*

*Solicitors for the respondent the Canada Post Corporation:  Heenan Blaikie, Vancouver.*

*Solicitor for the respondent (33668 and 33669) and the appellant (33670) the Canadian Human Rights Commission:  Canadian Human Rights Commission, Ottawa.*