

Federal Court



Cour fédérale

**Date: 20250722**

**Docket: T-1910-24**

**Citation: 2025 FC 1305**

**Montréal, Quebec, July 22, 2025**

**PRESENT: Mr. Justice Gascon**

**BETWEEN:**

**JULIE PARÉ, ÉMMANUELLE  
CHARPENTIER, AMÉLIE DENONCOURT,  
ANNE ALLEN**

**Applicants**

**and**

**CANADIAN FOOD INSPECTION AGENCY**

**Respondent**

**JUDGMENT AND REASONS**

**I. Overview**

[1] The applicants, Julie Paré, Émmanuelle Charpentier, Amélie Denoncourt, and Anne Allen [Grievors], are employed by the respondent, the Canadian Food Inspection Agency [CFIA]. They all hold the position of “Veterinary Program Officer/Evaluator/Analyst”

[Position]. They seek judicial review of a decision dated June 26, 2024 [Decision] by the delegate of the President of the CFIA, Raman Srivasta, Vice-President of the Human Resources Branch [Delegate]. In the Decision, the Delegate dismissed the Grievors' classification grievance [Grievance] and accepted the recommendation of the Classification Grievance Committee [Committee] to maintain the Position's classification at the VM-03 group and level.

[2] The Grievors submit that the Decision is based on an unreasonable chain of analysis considering the factual matrix of their case, and claim that the Committee's failure to account for central issues justifies this Court's intervention. The Grievors also highlight CFIA's alleged history of resistance to provide accurate job descriptions and to engage in job classification exercises. With this context in mind, they argue that the CFIA erred in law, inappropriately exercised its jurisdiction and/or based its Decision on erroneous findings of fact that it made in an arbitrary and abusive manner.

[3] The only issue is whether the Decision is reasonable.

[4] For the reasons that follow, the Grievors' application for judicial review will be dismissed. The Committee was entitled to conclude that the Position should be classified at the VM-03 group and level. I do not dispute that the Committee could have reasonably concluded that the Position deserved to be reclassified at the VM-04 level. However, the fact that there may be other reasonable interpretations of the facts does not render the Committee's chosen interpretation unreasonable. Moreover, although the Decision is not perfect, the Grievors have not identified any sufficiently serious shortcoming to warrant the Court's intervention. In

addition, the historical context as presented by the Grievors is of no assistance to the Court's review of the reasonableness of the Decision.

## II. Background

### A. *The factual context*

#### (1) Legislative scheme

[5] The CFIA is a “separate agency” within the meaning of section 11 of the *Financial Administration Act*, RSC 1985, c F-11 (*Canadian Food Inspection Agency Act*, SC 1997, c 6 at section 12 [CFIA Act]). Pursuant to this statute, the CFIA President has sole authority for the classification of all positions within the CFIA (CFIA Act at section 13). The *CFIA Organization and Classification Policy* also establishes the President's discretion to delegate the authority to make organization and classification decisions, including how the relevant classification standard is to be applied. A classification standard is a rating tool used in the federal public service to objectively evaluate an approved work description.

[6] In this case, the relevant CFIA classification standard is the Veterinary Medicine Group Classification Standard, Scientific and Professional Category [VM Standard]. The VM Standard outlines the steps in the evaluation process:

- 1) The evaluation of a position begins with a study of the position description and its relationship to positions above and below it with the goal of confirming its group.

- 2) A degree ranging from 1 to 6 is tentatively assigned to the position under each of the five factors used in evaluating positions: (i) Kind of Assignments; (ii) Complexity of Work; (iii) Professional Responsibility; (iv) Management Responsibility; and (v) Impact of Recommendations and Activities [Factors]. This is done by considering the duties and responsibilities of the position in relation to the range described for each factor, and by determining whether the difficulty of work is equal to, or greater or less than a degree that is described. Importantly, the features of the work of the position being evaluated should be related to the degree highlights as a whole in its total context, not to isolated words or phrases.
- 3) The degree is confirmed by comparison with the benchmark [BM] position descriptions to ensure alignment. The BM positions set out a statement of principal duties and features of work to exemplify the application of the evaluation plan and classification level and to serve as a point of comparison. BM positions are used to score the degree of difficulty of each of the five evaluation factors.
- 4) The level of the position is determined by the degree that has been assigned to it for at least three of the five Factors. When one degree does not predominate, raters are to compare the total job with the BM position descriptions and determine the level that best corresponds, in the whole, with the duties and responsibilities of the position.
- 5) The position is compared with BM position descriptions that have been assigned to the same level, as a check on the validity of the level selected by the evaluator.

[7] When an employee is dissatisfied with a classification decision, a classification grievance may be filed pursuant to paragraph 208(1)(b) of the *Federal Public Sector Labour Relations Act*,

SC 2003, c 22, s 2. Such grievances are to be dealt with in accordance with the procedures set out in the *CFIA Classification Grievance Procedure* [Procedure].

[8] As per the Procedure, the classification grievance is to be examined by a Classification Grievance Committee which evaluates the job classification *de novo* based on the materials before it, such as comparative job descriptions, organizational context, the grievor's oral and/or written submissions and documents, and information gathered from management. The Committee then makes a recommendation regarding the classification of the grieved position to the President or their Delegate, who has the discretion to adopt or reject the recommendation.

[9] An employee who is dissatisfied with the outcome of a classification grievance decision by the President has a right of judicial review. When, as here, the President or Delegate simply adopts the reasons of the Committee, the Committee's report will form part of the decision under review (*Sketchley v Canada (Attorney General)*, 2005 FCA 404 at para 37).

(2) The Grievors

[10] The Grievors are employees of the CFIA who all work in the same Position. They are members of the Veterinary Medicine [VM] group, a bargaining unit represented by the Professional Institute of the Public Service of Canada [Union].

[11] In 2011, the Grievors and several other CFIA employees challenged the content of the job description of the Position through individual grievances. Their grievances were referred to adjudication before the Federal Public Sector Labour Relations and Employment Board [Board].

[12] In *Paré v Canadian Food Inspection Agency*, 2021 FPSLRB 86 [*Paré*], the Board allowed the grievances in part and ordered the CFIA to make several amendments to the Position's standardized job description. The amendments included language on the following responsibilities: (i) conducting independent major programs; (ii) acting as a subject-matter expert; (iii) designing national policies; (iv) providing advice; (v) responding to media inquiries; (vi) participating in national and international conferences; (vii) contributing to the development of training materials and delivering national training sessions; and (viii) leading, planning, and organizing nationwide projects (*Paré* at paras 149, 156, 158, 160, 162, 166, 170, 174, 175). These amendments were to apply retroactively from May 2001 onwards.

[13] In October 2021, the English version of the revised job description was approved and signed. A Job Evaluation Committee was then convened in November 2021 to evaluate the Position in light of the amendments to its job description, pursuant to the collective agreement between the CFIA and the Union.

[14] In March 2022, the Grievors were informed of the Job Evaluation Committee's decision, which concluded that the Position should remain at the VM-03 group and level. The report concluded that the Position should be rated at Degree 3 for each of the Factors, except for Management Responsibility, which it concluded should be at Degree 1.

#### B. *The Decision*

[15] The Grievors subsequently grieved the classification decision with the assistance of their Union. The Grievance was heard by the Committee. In the Grievance, the Grievors and the

Union argued that all Factors — except for Management Responsibility — were incorrectly rated and proposed that they each be upgraded to Degree 4.

[16] The task of the Committee was to establish the appropriate group and level for the Position, and to evaluate the revised job description based on the duties and responsibilities assigned by management and described in the job description, while taking into account the information and arguments made by the Union.

[17] After deliberation, the Committee recommended that the CFIA uphold the decision to maintain the Position's classification at the VM-03 group and level. In conformity with the VM Standard, the Committee examined the five Factors used for classifying VM group positions: (i) Kind of Assignments; (ii) Complexity of Work; (iii) Professional Responsibility; (iv) Management Responsibility; and (v) Impact of Recommendations and Activities.

[18] On the "Kind of Assignments" factor, the Committee found that the Position was less difficult than the position of "Vet Drug Evaluator" [BM 8] at Degree 4, but more difficult than the position of "Veterinarian-in-charge, Poultry Plant" [BM 3] at Degree 2. It concluded that the Position was equivalent to the position of "Veterinarian, Infectious Diseases" [BM 5] at Degree 3. In essence, the Committee determined that both BM 5 and Position employees are required to monitor, evaluate, report, research, and provide interpretations in their area of expertise with the guidance of their supervisors. In contrast, BM 8 employees make determinations and issue decisions without seeking the advice of their supervisors.

[19] Regarding the “Complexity of Work” factor, the Committee ruled that the Position was less complex than BM 8 at Degree 4, but more complex than BM 3 at Degree 2. It rather found that the work done in the Position was comparable in complexity with that of BM 5 at Degree 3. Both Position and BM 5 employees provide technical advice and information to others, deal with new tools/mechanisms and understand the principles and practices of veterinary medicine/animal diseases. In contrast, BM 8 work requires a thorough knowledge of the current clinical veterinary medical practices, whereas the Position merely requires general knowledge. Position employees also do not make and defend recommendations to senior management and external stakeholders.

[20] On the “Professional Responsibility” factor, the Committee again determined that the Position is comparable to BM 5 at Degree 3. Both Position and BM 5 employees must make decisions within existing frameworks and have sound judgment to provide interpretation, respond to questions and provide advice in their work-related specialty. Conversely, the Position did not exhibit the same degree of professional responsibility as BM 8 or the position of “Chief Control” [BM 9], both of which are rated at Degree 4 at this factor. For example, BM 8 workers make decisions concerning the efficacy and safety of drugs for use in the intended species, while decisions by the Position are made in collaboration with higher-level positions like the Program Specialist/Advisor/Coordinator (VM-04) and National Veterinary Program Managers (VM-05).

[21] With respect to the “Management Responsibility” factor, the Grievors and their Union did not contest that the Position should be rated at Degree 1. The Committee agreed.

[22] Turning to the “Impact of Recommendations and Activities” factor, the Committee concluded that the Position was comparable to the position of “Veterinarian-In-Charge, Most



Complex Meat Plant (Kitchener)” [BM 6] at Degree 3. The impact of decisions and recommendations of the Position and BM 6 workers were deemed comparable, as both of their work involves making decisions on improvements and providing enforcement within their work-related speciality. On the other hand, the Committee did not agree with the Union that its proposed BMs were appropriate, i.e., the positions of “Regional Veterinarian, Animal Health Moncton” [BM 7], BM 8 and “Regional Veterinarian, Meat Hygiene Vancouver” [BM 10].

[23] Finally, the Delegate agreed with the Committee’s recommendation and the final Decision dismissing the Grievance was issued in June 2024.

#### C. *Standard of review*

[24] The parties agree that the standard of review applicable to decisions on classification grievances is reasonableness (*Wilkinson v Canada (Attorney General)*, 2020 FCA 223 at para 15 [Wilkinson]; *Canada (Attorney General) v Allard*, 2018 FCA 85 at para 25 [Allard]; *McEvoy v Canada (Attorney General)*, 2013 FC 685 at para 39 [McEvoy], aff’d 2014 FCA 164 at para 17; *Séguin v Canada (Attorney General)*, 2021 FC 45 at para 37 [Séguin]; *Boucher v Canada (Attorney General)*, 2016 FC 546 at para 13 [Boucher]). This is confirmed by the Supreme Court of Canada’s landmark decision in *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 [Vavilov], where the court established a presumption that the standard of reasonableness is the applicable standard in judicial reviews of the merits of administrative decisions (*Mason v Canada (Citizenship and Immigration)*, 2023 SCC 21 at para 7 [Mason]).

[25] Where the applicable standard of review is reasonableness, the role of a reviewing court is to examine the reasons given by the administrative decision maker and to determine whether the decision is based on “an internally coherent and rational chain of analysis” and is “justified in relation to the facts and law that constrain the decision maker” (*Vavilov* at para 85; see also *Mason* at para 64). The reviewing court must therefore ask whether the “decision bears the hallmarks of reasonableness—justification, transparency and intelligibility” (*Vavilov* at para 99). Both the outcome of the decision and the decision maker’s reasoning process must be considered in assessing whether these hallmarks are met (*Vavilov* at paras 15, 95, 136).

[26] Such a review must include a rigorous evaluation of administrative decisions. However, as part of its analysis of the reasonableness of a decision, the reviewing court must take a “reasons first” approach and begin its inquiry by examining the reasons provided with “respectful attention,” seeking to understand the reasoning process followed by the decision maker to arrive at its conclusion (*Mason* at paras 58, 60; *Vavilov* at para 84). The reviewing court must adopt an attitude of restraint and intervene “only where it is truly necessary to do so in order to safeguard the legality, rationality and fairness of the administrative process” (*Vavilov* at para 13), without “reweighing and reassessing the evidence” before it (*Vavilov* at para 125).

[27] The onus is on the party challenging the decision to prove that it is unreasonable. Flaws must be more than superficial for the reviewing court to overturn an administrative decision. The court must be satisfied that there are “sufficiently serious shortcomings” (*Vavilov* at para 100).

[28] The Grievors submit that the Court should afford less deference to the Decision than what is normally applicable in the context of reasonableness review. They believe that it is relevant to consider that the decision makers in this case are not an independent expert tribunal, unlike the

Board in *Paré*. In their view, there is no evidence that the Committee members or the Delegate have any particular expertise in classification matters.

[29] With respect, I do not agree. The Committee has both expertise and independence.

[30] I acknowledge that expertise remains a relevant consideration when conducting reasonableness review, although it is no longer relevant to the determination of the standard of review (*Vavilov* at para 31). As recently explained by Justice Russel Zinn, “[w]hen conducting a reasonableness review of decisions involving highly scientific and technical subject matters, courts must pay careful attention to the decision-maker’s expertise” (*Universal Ostrich Farms Inc v Canada (Food Inspection Agency)*, 2025 FC 878 at para 6 [*Universal Ostrich Farms*], citing *Vavilov* at paras 92–93). This expertise deserves particular judicial deference on the assessment of facts (*Vavilov* at para 125). However, expertise is not presumed and must be demonstrated in the decision maker’s reasons (*Vavilov* at para 93; see also *Universal Ostrich Farms* at para 69).

[31] Here, a reading of the Decision clearly demonstrates that the Committee possesses expertise in the application of the VM Standard and, more generally, in classification matters. The Decision also expressly mentions that one of the Committee members works in the CFIA’s Classification Operations Division, which only reaffirms the Committee’s expertise. Whether or not the Decision is reasonable does not cast doubt on the Committee’s expertise. The Court can recognize the Committee’s expertise while still finding a decision to be unreasonable.

[32] As for the Delegate, I agree that he is not an expert in classification matters, but the Delegate’s role is not to serve as an expert. While Parliament entrusted the power of

classification over CFIA employees to the CFIA President (CFIA Act at section 13), the President created the Committee for the very purpose of providing them and their Delegate with the necessary expertise to make sound decisions on classification grievances. The President and the Delegate's role is only to accept or reject the Committee's recommendation.

[33] I also observe that the jurisprudence prior to *Vavilov* recognizes the complexity of decisions made by classification grievance committees and the expertise of these committees (*Allard* at paras 24–25; *Canada (Attorney General) v Gilbert*, 2009 FCA 76 at paras 21–22; *McEvoy* at para 39, aff'd 2014 FCA 164; *Boucher* at para 13). Indeed, “classification matters are among the most specialized and arcane issues that a labour tribunal may be called upon to determine” (*Allard* at para 25). Since *Vavilov*, this Court has also reiterated that when a deputy head (here the Delegate) departs from the recommendations of their classification grievance committee, such a departure must be justified due to the committee's expertise (*Séguin* at paras 40, 76, citing *Wilkinson v Canada (Attorney General)*, 2014 FC 741 at paras 20, 40).

[34] Regarding the Committee's independence, such a consideration is irrelevant in the context of reasonableness review. There is no case law standing for the proposition that courts must consider the degree of independence of a decision maker when examining a decision under the standard of reasonableness. With respect, I find the Grievors' position on this point to be devoid of any logic. For example, accepting this argument would mean that, in the immigration context, the Court would be empowered to erode the well-established deference allowed to decisions on visa applications for the sole reason that visa officers are not independent from the Minister of Citizenship and Immigration. In reality, it is well accepted that issues of independence and impartiality relate instead to procedural fairness (see for example *Bell Canada*

*v Canadian Telephone Employees Association*, 2003 SCC 36 at paras 17, 21). During the hearing, I confirmed with the Grievors that they do not raise any procedural fairness argument.

[35] To conclude, I will afford the Decision the deference that it deserves by virtue of the Committee's specialization in the highly technical matters of classifications. When Parliament leaves technical assessments to specialized administrative bodies such as the Committee, it signals that those bodies — not the courts — are best positioned to make judgments on complex, expertise-driven matters such as classification matters (*Universal Ostrich Farms* at para 6). Confronted with the decision maker's expertise, the Court cannot stick its head in the sand and avert its gaze from the will of Parliament.

### III. Analysis

[36] The Grievors submit that the Decision is unreasonable given the legal and factual matrix that was before the Delegate. In adopting the Committee's recommendation, the Delegate allegedly ignored the key findings made in *Paré* that led to the amended job description of the Position, failed to grapple with central issues raised by the Grievance, and disregarded important facts and arguments. The Committee's reasoning, the Grievors say, reflects a desire to justify an unreasonable outcome rather than to engage in a good faith evaluation process that considers the consequences of the amendments to the Position. The Grievors also assert that the historical context between the parties weighs in favour of granting their application for judicial review.

[37] With respect, I am not persuaded by the Grievors' submissions. This Court's intervention will only be justified in the presence of "sufficiently serious shortcomings" (*Vavilov* at para 100).

Here, the Committee's reasoning may not be perfect, but there are no errors warranting a finding of unreasonableness.

[38] I agree with the CFIA that it was open to the Committee — and to the Delegate — to conclude that the Position should be classified at the VM-03 group and level. The reasons provided by the Committee are logical and consistent with the contents of the revised job description. When examining the Factors, the Committee carefully considered the impact of the amendments to the job description, the appropriate benchmarks, and the organizational context. Moreover, I find that the historical context presented by the Grievors is irrelevant to the Court's review of the reasonableness of the Decision.

[39] I do not dispute that the Committee could have reasonably adopted other benchmarks and concluded that the Position deserved to be reclassified at the VM-04 level. However, I underline that the issue before the Court is not whether the factual interpretations proposed by the Grievors might be defensible, acceptable, or reasonable. Rather, the Court must examine the reasonableness of the Decision in respect of the findings actually made by the Committee and determine whether the Decision falls within a range of possible, acceptable outcomes considering the facts and the law. The fact that there may be other reasonable interpretations of the facts does not make the Committee's chosen interpretation unreasonable (*Vavilov* at para 86; *Sachdeva v Canada (Citizenship and Immigration)*, 2024 FC 1522 at para 58; *Tong v Canada (Public Safety and Emergency Preparedness)*, 2023 FC 625 at para 32). Otherwise, the Court's review would amount to a mere reweighing of the evidence, something the Court cannot do on judicial review, absent exceptional circumstances (*Vavilov* at para 125).

[40] In my view, the Decision is reasonable with respect to each of the five Factors. Classification issues are heavily factually infused findings that are entitled to significant deference. Courts have repeatedly held that “[when] decisions made by administrative decision makers lie more within the expertise and experience of the executive rather than the courts, courts must afford administrative decision makers a greater margin of appreciation” (*Gitxaala Nation v Canada*, 2016 FCA 187 at para 147; see also: *Mikisew Cree First Nation v Canadian Environmental Assessment Agency*, 2023 FCA 191 at para 120; *Delios v Canada (Attorney General)*, 2015 FCA 117 at para 21). This is the situation here.

A. *Kind of Assignments*

[41] The “Kind of Assignments” factor measures the difficulty of the work in terms of its objectives and extent, the variety of activities, and the scope for planning and conducting work.

[42] The Grievors submit that the Committee erred in concluding that their Position is comparable to BM 5 as opposed to BM 8 under the “Kind of Assignments” factor. More specifically, the Committee’s reasoning allegedly fails to account for two central amendments made to the job description in *Paré*: the Position’s national expert status and its independence.

[43] In *Paré*, the Board did indeed recognize that the Position involves acting as a subject-matter expert as well as providing expert scientific and technical advice (*Paré* at paras 149, 160). In the Decision, the Committee concurred with the Board and recognized that those in the Position provide “veterinary expertise, with various areas of knowledge” (Decision at p 10). However, neither BM 5 nor BM 8 are clearly described as general expert-level positions.

[44] The only explicit mention of any genuine “expert” work done by BM 5 and BM 8 is that other duties of BM 8 may include “acting as an expert witness in court” (Applicants’ Record at p 303 [AR]). I admit that, under the “Impact of Recommendations and Activities” factor, it is also mentioned that BM 8 contributes to the “capacity” of the Bureau of Veterinary Drugs [Bureau] “for providing expert and timely advice” (AR at p 306). Yet, this is not expert advice *per se*, rather contributive work to the Bureau’s overall capacity as an expert in its field. The Grievors’ argument as to expert work does not hold water.

[45] Furthermore, the Grievors correctly point out that the Board found that employees in the Position must be given latitude to lead, plan, organize, and carry certain tasks (*Paré* at para 174), something that is expressly noted by the Committee (Decision at p 10). Based on the degree of independence accepted by the Board, the Grievors submit that the Committee could not reasonably compare the Position with BM 5, which requires “continuous supervision.”

[46] I am not persuaded by the Grievors’ position.

[47] It is not disputed that employees serving in the Position must work in collaboration and discuss their approach/recommendations with their higher-ups, i.e., the Veterinary Program Specialist/Advisor/Coordinator and/or the National/Network Program Managers. In my opinion, collaboration may constitute a certain form of supervision, though it may be of a less hierarchical nature. This explains why the Committee accepted the latitude to lead involved in the Position, while at the same time noting that the Position is still subject to review by others. In *Paré*, the Board also found that there was no clear indication that the Position was a “leadership position,” and it declined to order amendments suggesting a managerial role or indicating that the Position



demonstrated “veterinary leadership” (*Paré* at paras 147–149, 164). I am unable to find the Committee’s reasoning on this issue devoid of any logic.

[48] In my view, the Committee cannot be faulted for comparing the Position with BM 5. Both positions require monitoring, evaluating, reporting, researching, and providing interpretations with the guidance of supervisors. BM 8 does not require any such supervision.

B. *Complexity of Work*

[49] The “Complexity of Work” factor measures the difficulty of the work in terms of the nature of information and data used, any external influences, the nature and purpose or contacts made with others, and the requirement for the application or development of approaches, practices and techniques, and application of theoretical and subject-matter knowledge.

[50] The Grievors submit that the Committee’s analysis of the “Complexity of Work” factor is unreasonable for three reasons: (i) the Committee unreasonably associated collaborative work with reduced complexity of work; (ii) it committed a factual error in concluding that those in the Position do not make and defend recommendations to senior management and external stakeholders; and (iii) the Decision completely fails to address the issue of the degree to which the Position is responsible for training.

[51] I am not convinced that the Decision is unreasonable on this factor.

[52] First, I agree in principle that the need to collaborate with others in a job in no way detracts from its complexity. In fact, common sense dictates that collaboration is often required to complete certain complex tasks. As the saying goes, “two heads are better than one.” The Committee appears to have erred in agreeing with the Union’s statement that the Position has “expert and policy-related characteristics,” but then repeating the collaboration aspect of the Position. That said, this logical incoherence is not a sufficiently serious shortcoming that would make the Decision unreasonable as a whole (*Vavilov* at para 100). As explained below, the Grievors misconstrue the Committee’s core reasoning, which is unrelated with the collaboration element of the Position.

[53] Notwithstanding the mistake as to collaboration, I find that the Committee could reasonably determine that the work done by BM 5 was of equal complexity to the work performed for the Position. The Position and BM 5 both require employees to provide technical advice and information to others, to deal with new tools/mechanisms, and to have knowledge of the principles and practices of veterinary medicine/animal diseases. On the other hand, the work done in the Position is seemingly less complex than with BM 8. The former requires general veterinary knowledge, while the latter requires a thorough knowledge of veterinary medical practices.

[54] Second, I find that the Committee did not err in determining that Position employees do not make and defend recommendations to senior management and external stakeholders. The Grievors highlight that the job description specifically states that the Position involves “developing recommendations based on the results of research, investigation and analytical processes that are used by PPB/Agency officials, internal and external stakeholders.” A plain

reading of the excerpt in question indicates that the Grievors overstate their case (VM-03

Revised Generic Job Description at p 4):

Prepares and develops background information and advice (through detailed written reports and responses to inquiries while addressing problems with compliance or existing policies and developing recommendations) based on the results of research, investigation and analytical processes that are used by PPB/Agency officials, internal and external stakeholders in order to coordinate activities and ensure the efficient exchange of information.

[55] The Position therefore requires preparing and developing background information and advice, which may include certain recommendations. These materials are afterwards used by senior management and external stakeholders. There is no direct communication. In contrast, BM 8 workers directly defend recommendations to the Division Chief of the Bureau and with specialists representing drug manufacturers. Moreover, the Board in *Paré* found no evidence of direct communication with CFIA senior management and denied the Grievors' request to include such language (*Paré* at paras 149, 160). In the words of the Board, "[o]bviously, the work of all levels informs what will be communicated to senior management; there is no evidence that the communication was so direct" [emphasis added] (*Paré* at para 149).

[56] Third, I do not find that the Committee failed to grapple with a "key contentious issue" by not addressing the significance of training to the "Complexity of Work" factor. I admit that the Position "contributes subject matter in order to develop, in collaboration with the National Training Section, materials and documents for national distribution and use," and that Position employees deliver national training sessions (*Paré* at para 170). However, the Union's Classification Grievance Presentation only makes passing reference to the training duties in

question, and makes no reference to them in its analysis against the relevant benchmarks (AR at p 245–246). Consequently, the issue of training was in no way part of the central issues and concerns raised by Grievors before the Committee. Administrative decision makers are not expected to respond to each and every possible argument (*Vavilov* at paras 127–128).

[57] In short, the Committee’s comparison of the Position with BM 5 is reasonably supported by the facts and the law.

C. *Professional Responsibility*

[58] The “Professional Responsibility” factor is used to measure the difficulty of the work in terms of the checks and controls over the work and the professional leadership received. It is also used to measure the requirement to exercise professional judgment in defining objectives and problems and establishing guidelines, reviewing the work of others, interpreting results and findings, and providing and assessing advice.

[59] The Grievors assert that the Committee did not meaningfully consider the Position’s responsibility for development and design in making its classification decision, thereby failing to deal with important additional responsibilities that were acknowledged in *Paré* as missing from the previous job description. They also argue that the Committee further mischaracterized the Position’s responsibilities by finding that the Position makes decisions using existing policies, and that it unreasonably focused again on the collaborative nature of the Position in order to deliberately ignore the Position’s significant level of independence. They conclude that the responsibilities of the Position align more closely with BM 8 than with BM 5.

[60] Once again, I do not find the Decision to be unreasonable based on this third factor. In *Paré*, the Board did order that the revised work description should specify that the Position “develops and designs national policies, directives, manuals, design initiatives, systems and processes related to complex program areas” (*Paré* at para 149). However, this was not squarely ignored. At the outset of its deliberations, the Committee acknowledged that the work involves “providing scientific and technical information and developing policies, regulations, directives, manuals and export certificates/import conditions” (Decision at p 9).

[61] There is no evidence of a deliberate attempt to minimize the Position’s degree of responsibility, as alleged by the Grievors. In any event, the Committee also discusses that the Position involves contributing to the development, interpretation, and evaluation of policies. The Committee thus admits that the Grievors work in the field of policy development in some manner. Concluding that the Committee erred by adding the word “contribution” amounts to a semantic debate, which does not justify the Court’s intervention.

[62] I recognize that further discussion on the development and designing of new material may have been welcome. Having said that, this is insufficient to make the Decision unreasonable. Reasons must not be assessed against a standard of perfection (*Vavilov* at para 91). In this case, it was not unreasonable for the Committee to conclude that the Position was comparable to BM 5. Both positions require making decisions within existing frameworks and to have sound judgment to provide interpretation, respond to questions and provide advice in their work-related specialty.

[63] Moreover, I do not agree that the Committee mischaracterized the Position's responsibilities by observing that the Position makes decisions within existing policies. The Position is indeed responsible for designing and developing new policies, but this does not appear to be part of its main duties, whereas its work within established frameworks is one of its general responsibilities: "[d]evelopment of new mechanisms and tools to carry out monitoring, reviews and evaluation of inspection program policies are generally conducted within generally accepted and established conceptual/program/policy/legislative frameworks" [emphasis added] (VM-03 Revised Generic Job Description at p 7).

[64] A Position employee may generally work within accepted guidelines while still occasionally working outside them for select projects. For example, the Board noted that the Position workers designed the "permanent zoonotic surveys" (*Paré* at para 149). In contrast, BM 8 primarily operates in policy-making by dealing with problems for which the knowledge has not yet been sufficiently developed. I remind that the task of the Committee was to determine comparable benchmarks, not to identify other positions with work identical to that of the Position. Faced with this reality, identifying BM 5 as a comparable for the Position falls within the range of possible, acceptable outcomes considering the facts and the law (*Vavilov* at para 86).

[65] Contrary to what the Grievors allege, this is also not a situation like in *Wilkinson*, where a deputy head decided to reject the recommendation of a Classification Grievance Committee. In such a situation, I agree that it is not enough for the deputy head to be able to point to some element of the work description which might support their decision. When rejecting a committee's recommendation, a deputy head has a higher burden and must explain why the committee should have preferred the elements they relied upon (*Wilkinson* at para 21). Here, the

Delegate completely endorsed the Committee's recommendation. The Delegate was therefore not obliged to provide any particular reasons of their own. In any case, I am unconvinced that the Committee's reasons constitute a cherry-picking exercise as conceived in *Wilkinson*. The Committee was sufficiently alive to the findings in *Paré* and detailed them by summarizing the Union's representations near the beginning of the Decision.

[66] Lastly, it was reasonable for the Committee to consider the impact of the words "in collaboration with" in their evaluation since it reflects the language of the work description, including the amendments ordered by the Board. The Grievors themselves admit that the VM Standard sets out that independence is relevant to the "Professional Responsibility" factor, noting that "[t]he extent to which work is checked by others" is a characteristic to consider (Grievors' Memorandum at para 37, citing AR at p 275). As explained previously, collaboration is an aspect of supervision. While the Board recognized the latitude of the Position in executing tasks, it found the position was not as autonomous as the Grievors suggest (*Paré* at para 154).

D. *Impact of Recommendations and Activities*

[67] The "Impact of Recommendations and Activities" factor is used to measure the impact of a given VM position on recommendations and activities on departmental work, industrial or commercial operations, the Canadian livestock industry, the Canadian public's health, and the development of knowledge in specialized fields.

[68] The Grievors submit that it was unreasonable for the Committee to have found no change to the appropriate benchmark comparator when considering the revised work description's

increased recognition of the Position's responsibility to provide expert advice. They also argue that the Decision on this final factor is unreasonable because the "Impact of Recommendations and Activities" factor does not examine the degree to which decisions are made autonomously, while the Committee unreasonably relied on the Position making decisions "in collaboration with" others as the primary justification for a lower benchmark.

[69] A cursory reading of the Decision reveals that the Committee properly applied the impact of the Position's recommendations and activities. I do not agree with the Grievors' contention that the Committee's references to the collaborative nature of the Position are demonstrably its primary justification for assigning BM 6 as a comparable for the Position.

[70] In the Decision, the Committee found that BM 6 and the Position have a comparable impact in terms of recommendations and activities, since both require recommendations and decision-making on process improvements and enforcement within their area of expertise.

[71] The Committee then went on to analyze in detail the impact of recommendations and activities of the Position compared to BMs 8, 7, and 10, which are all rated at Degree 4. In my view, the Committee reasonably justified why the Position did not exhibit the same degree of this factor as these three benchmarks. First, BM 8 directly influences the decisions of the Division Chief of the Bureau regarding veterinary drug approvals. Second, BM 7 contributes substantially to the effectiveness of the enforcement of the *Health of Animals Act*, SC 1990, c 21 and other legislation, with impacts on the national livestock sector. Third, BM 10 contributes substantially to the effectiveness of the meat inspection systems in the region, which is similar to BM 7.



[72] The Committee concluded that, in contrast with BMs 8, 7 and 10, the work done in the Position regarding various policies, regulations, and directives exhibited a lesser impact of recommendations and activities. The Committee was entitled to conclude as it did. Nowhere in the Decision does the Committee mention — or even suggest — that the fact that the Position’s work is done in collaboration with senior level positions is the main reason why BM 6 is the proper benchmark. The Committee merely repeats the fact that the Position’s work is done in collaboration with higher-ups. It does not form the basis of its reasoning on this last factor.

[73] Finally, even if I did consider that the Committee disregarded the Position’s provision of expert advice in its analysis of the last factor, it is unclear how this aspect of the work would have sufficed to set the Position at Degree 4 on this factor. The Position’s expert scientific and technical advice pertains to certain “zoosanitary program issues” (*Paré* at para 160). In contrast, for instance, the work performed by BM 8 contributes to the Bureau’s overall expertise (AR at p 306). There is a difference as to the overall impact of the work done by the Position and BM 8.

E. *Historical context*

[74] As a final argument, the Grievors submit that the historical context between them and the CFIA weighs in favour of granting their application for judicial review. They believe that the Court should consider the alleged resistance and obfuscation that they have faced in response to their attempts to have their work properly described and evaluated. In support of their position, they point out that the Supreme Court of Canada has held that reviewing courts must read the decision maker’s reasons in light of the history and context of the proceedings in which they were rendered. To do so, the Court may consider “the evidence before the decision maker, the

submissions of the parties, publicly available policies or guidelines that informed the decision maker's work, and past decisions of the relevant administrative body" (*Vavilov* at para 94).

[75] With respect, the Grievors misapprehend the role of the historical context within the exercise of reasonableness review.

[76] On judicial review, the historical context of the proceedings serves to contextualize the written reasons given by the decision maker. Written reasons must indeed be read holistically and contextually considering the administrative context in which the decision was rendered and the entire evidentiary record (*Mason* at para 61; *Vavilov* at paras 91, 94, 103). Such an analysis may "explain an aspect of the decision maker's reasoning process that is not apparent from the reasons themselves, or may reveal that an apparent shortcoming in the reasons is not, in fact, a failure of justification, intelligibility or transparency" (*Vavilov* at para 94). The historical context may even permit the Court to "connect the dots on the page where the lines, and the direction they are headed, may be readily drawn" (*Vavilov* at para 97, citing *Komolafe v Canada (Minister of Citizenship and Immigration)*, 2013 FC 431 at para 11).

[77] However, in my view, the Grievors exaggerate the relevance of the general context between the parties. The fact that the Union has been engaged in contesting the job description and classification of the Position for over twenty years does not assist the Court in connecting the dots on any point not discussed in the Decision. The Court's role here is strictly to determine whether the Decision is reasonable, not to chastise any of the parties' previous conduct that is outside the bounds of this judicial review. For example, the Board's decision in *Paré* is relevant because it was part of the Grievors' submissions before the Committee and directly discusses the

job description of the Position. Endorsing the Grievors' view would essentially imply that the Committee was not impartial towards the Grievors and that the Decision is procedurally unfair. Yet I remind that the Grievors confirmed at the hearing that they do not raise any such procedural fairness argument.

#### IV. Conclusion

[78] For the reasons set forth above, the Grievors' application for judicial review is dismissed. I am satisfied that the Committee reasonably concluded that the Position should be classified at the VM-03 group and level. While the Committee's reasons are not perfect, the Decision as a whole bears the hallmarks of justification, transparency, and intelligibility required under the standard of reasonableness. There are no sufficiently serious shortcomings.

[79] The CFIA is entitled to its costs, and the parties have agreed on an all-inclusive, lump-sum amount of \$3,000.

**JUDGMENT in T-1910-24**

**THIS COURT’S JUDGMENT is that:**

1. This application for judicial review is dismissed.
2. Costs in the all-inclusive, lump-sum amount of \$3,000 are awarded to the Respondent.

“Denis Gascon”

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Judge

**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** T-1910-24

**STYLE OF CAUSE:** JULIE PARÉ ET AL v CANADIAN FOOD  
INSPECTION AGENCY

**PLACE OF HEARING:** OTTAWA (ONTARIO)

**DATE OF HEARING:** MAY 8, 2025

**JUDGMENT AND REASONS:** GASCON J.

**DATED:** JULY 22, 2025

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