

Federal Court



Cour fédérale

Date: 20101026

Docket: T-610-10

Citation: 2010 FC 1058

Toronto, Ontario, October 26, 2010

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

SAWSAN SHARAF

Applicant

and

ATTORNEY GENERAL OF CANADA

Respondent

REASONS FOR JUDGMENT AND JUDGMENT

[1] This is an application for judicial review of a decision of an adjudicator of the Public Service Labour Relations Board (cited as 2010 PSLRB 34) dated February 26, 2010 in which it was determined that the adjudicator lacked jurisdiction to hear a first grievance and that a schedule be set in respect of a second grievance. Only the first grievance is at issue here. As stated to the parties at

the conclusion of the oral hearing of this application, the application is dismissed with costs payable to the Respondent fixed at the sum of \$2,500.00.

[2] The decision that the adjudicator lacked jurisdiction to hear the first grievance was fully supported in the reasons and summarized at paragraphs 88 to 90. In order to have jurisdiction paragraph 209(1)(b) of the *Public Service Labour Relations Act*, S.C. 2003, c. 22, s. 2 requires that the grievance be related to a disciplinary action resulting in termination, demotion, suspension or financial penalty. The grievor's (Applicant) position was that, subsequent to being hired in 2003 in a supervisory managerial position she was relieved of most of her duties, particularly those requiring the supervision of others which, in effect, amounted to discipline, termination or demotion. The Respondent's position was that a number of grievances and complaints respecting the Applicant's conduct and attitude towards others had been received and, in order to deal with a worsening condition in this area of the workplace, administrative action had to be taken to keep the situation under control.

[3] The adjudicator's reasons clearly indicate that he was aware of the pertinent issues, relevant facts and applicable law. His decision whether reviewable on a standard of correctness or reasonableness, was both correct and reasonable.

[4] The Applicant has been self-represented throughout these Court proceedings. In her written material and argument before me she raised a number of issues ranging from bias, conflict of interest, failure to consider pertinent evidence, consideration of impertinent evidence and much more. The only relevant matter is whether paragraph 209(1)(b) in the circumstances of this case

conferred jurisdiction upon the adjudicator to hear the case. His determination that he lacked jurisdiction, as I have said, was correct and reasonable. The application is dismissed.

[5] As to costs, the Applicant was content with an award that the Court found to be reasonable. After hearing from Counsel for the Respondent I find that the sum of \$2,500.00, is reasonable.

JUDGMENT

For the reasons provided;

AND UPON reading the material filed by the Applicant and the Respondent and hearing the submissions from the Applicant:

THIS COURT ORDERS AND ADJUDGES that:

1. The application is dismissed;
2. The Respondent is entitled to costs fixed at the sum of \$2,500.00 to be paid by the Applicant.

"Roger T. Hughes"
Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: T-610-10

STYLE OF CAUSE: SAWSAN SHARAF v.
ATTORNEY GENERAL OF CANADA

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: OCTOBER 25, 2010

**REASONS FOR JUDGMENT
AND JUDGMENT:** HUGHES J.

DATED: OCTOBER 26, 2010

APPEARANCES:

Sawsan Sharaf FOR THE APPLICANT (SELF-
REPRESENTED)

Stephan J. Bertrand FOR THE RESPONDENT

SOLICITORS OF RECORD:

Sawsan Sharaf FOR THE APPLICANT (SELF-
Toronto, Ontario REPRESENTED)

Myles J. Kirvan FOR THE RESPONDENT
Deputy Attorney General of Canada