

Date: 20080528

Docket: A-216-07

Citation: 2008 FCA 197

**CORAM: LINDEN J.A.
NADON J.A.
SEXTON J.A.**

BETWEEN:

SUSAN COMSTOCK

Appellant

and

**TREASURY BOARD OF CANADA and
PUBLIC SERVICE ALLIANCE OF CANADA**

Respondent

Heard at Toronto, Ontario, on May 28, 2008.

Judgment delivered from the Bench at Toronto, Ontario, on May 28, 2008.

REASONS FOR JUDGMENT OF THE COURT BY:

NADON J.A.

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Toronto, Ontario, on May 28, 2008)

NADON J.A.

[1] While we are respectful of the deeply held religious convictions of the appellant, we all agree that there is no basis upon which we should interfere with Justice Gibson's decision pursuant to which he upheld the Canadian Human Rights Commission's decision that it was without jurisdiction to entertain the two (2) complaints filed by the appellant.

[2] In so concluding, we express no view with regard to the meaning of clause 11.04 of the collective agreement nor as to whether Treasury Board's interpretation of that clause was correct.

[3] The appeal will therefore be dismissed, but in the circumstances without costs.

“M. Nadon”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-216-07

**(AN APPEAL FROM THE ORDER OF THE HONOURABLE MR. JUSTICE
FREDERICK E. GIBSON, DATED MARCH 30, 2007, WHEREBY TWO DECISIONS
OF THE CANADIAN HUMAN RIGHTS COMMISSION, DATED FEBRUARY 3, 2006,
WERE DISMISSED, IN FEDERAL COURT FILE DOCKET NO. T-381-06.)**

STYLE OF CAUSE: SUSAN COMSTOCK v.
TREASURY BOARD OF CANADA
and PUBLIC SERVICE ALLIANCE
OF CANADA

PLACE OF HEARING: TORONTO, ONTARIO

DATE OF HEARING: MAY 28, 2008

**REASONS FOR JUDGMENT OF
THE COURT BY:** (LINDEN, NADON & SEXTON
J.J.A.)

**DELIVERED FROM THE
BENCH BY:** NADON J.A.

DATED: MAY 28, 2008

APPEARANCES:

PHILIP H. HORGAN
DOMINIC NICASSIO

FOR THE APPELLANT

GILLIAN PATTERSON
JAMES GORHAM

FOR THE RESPONDENT (Treasury
Board)

ANDREW RAVEN

FOR THE RESPONDENT (PSAC)

SOLICITORS OF RECORD:

PHILIP HORGAN LAW OFFICE
TORONTO, ONTARIO

FOR THE APPELLANT

JOHN H. SIMS, Q.C.
DEPUTY ATTORNEY GENERAL OF CANADA
OTTAWA, ONTARIO

FOR THE RESPONDENT (Treasury
Board)

RAVEN, CAMERON, BALLANTYNE & YAZBECK
BARRISTERS & SOLICITORS
OTTAWA, ONTARIO

FOR THE RESPONDENT (PSAC)