

Date: 20100114

Docket: A-563-08

Citation: 2010 FCA 11

**CORAM: BLAIS C.J.
SHARLOW J.A.
PELLETIER J.A.**

BETWEEN:

AMALGAMATED TRANSIT UNION, LOCAL 1374

Applicant

and

**CERTAIN EMPLOYEES OF GREYHOUND CANADA TRANSPORTATION
CORPORATION REPRESENTED BY ORVILLE RILEY**

Respondents

Heard at Calgary, Alberta, on January 14, 2010.

Judgment delivered from the Bench at Calgary, Alberta, on January 14, 2010.

REASONS FOR JUDGMENT OF THE COURT BY:

PELLETIER J.A.

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REASONS FOR JUDGMENT OF THE COURT
(Delivered from the Bench at Calgary, Alberta, on January 14, 2010)

PELLETIER J.A.

[1] Despite Mr. Johnson's able argument we are not persuaded that the Canada Industrial Relations Board (the "Board") erred in coming to the decision it did. While Mr. Johnson is correct to say that none of the factors mentioned by the Board could necessarily justify a conclusion that the

union had breached its duty of fair representation, it does not follow that the combination of those factors on the facts of this case does not provide a reasonable basis for the Board's decision.

[2] In the result, the application for judicial review will be dismissed with costs.

“J. D. Denis Pelletier”

J.A.

FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-563-08

**(AN APPLICATION FOR JUDICIAL REVIEW OF CIRB/CCRI DECISION NO. 419
DATED OCTOBER 15, 2008)**

STYLE OF CAUSE: AMALGAMATED TRANSIT
UNION, LOCAL 1374 v. CERTAIN
EMPLOYEES OF GREYHOUND
CANADA TRANSPORTATION
CORPORATION REPRESENTED
BY ORVILLE RILEY

PLACE OF HEARING: Calgary, Alberta

DATE OF HEARING: January 14, 2010

REASONS FOR JUDGMENT OF THE COURT BY: BLAIS C.J.
SHARLOW, PELLETIER JJ.A

DELIVERED FROM THE BENCH BY: PELLETIER J.A.

APPEARANCES:

William J. Johnson, Q.C. FOR THE APPLICANT

Shasta Desbarats FOR THE RESPONDENTS

SOLICITOR OF RECORD:

McGown Johnson FOR THE APPLICANT
Calgary, Alberta

Simon Renouf Professional Corporation FOR THE RESPONDENTS
Edmonton, Alberta