

JUDGMENTS OF THE SUPREME COURT OF CANADA

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Case name: Construction Labour Relations v. Driver Iron Inc.

Collection: Appeals

Date: 2012-11-29

Neutral citation: 2012 SCC 65

Case number: 34205

Judges: McLachlin, Beverley; LeBel, Louis; Abella, Rosalie Silberman; Rothstein, Marshall; Cromwell, Thomas Albert; Moldaver, Michael J.; Karakatsanis, Andromache

On appeal from: Alberta

Subjects: Administrative law

Notes: SCC Case Information: 34205



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SUPREME COURT OF CANADA

CITATION: Construction Labour Relations v. Driver Iron Inc., 2012 SCC 65
DATE: 20121129
DOCKET: 34205

BETWEEN:

Construction Labour Relations - An Alberta Association
Appellant
and

**Driver Iron Inc., International Association of Bridge, Structural, Ornamental and Reinforcing
Ironworkers, Local Union No. 720 and Alberta Labour Relations Board**
Respondents

CORAM: McLachlin C.J. and LeBel, Abella, Rothstein, Cromwell, Moldaver and Karakatsanis JJ.

REASONS FOR JUDGMENT: The Court
(paras. 1 to 4)

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CONSTRUCTION LABOUR RELATIONS v. DRIVER IRON INC.

Construction Labour Relations - An Alberta Association

Appellant

v.

**Driver Iron Inc.,
International Association of Bridge, Structural,
Ornamental and Reinforcing Ironworkers,
Local Union No. 720 and
Alberta Labour Relations Board**

Respondents

Indexed as: **Construction Labour Relations v. Driver Iron Inc.**

2012 SCC 65

File No.: 34205.

2012: November 15; 2012: November 29.

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

ON APPEAL FROM THE COURT OF APPEAL FOR ALBERTA

Administrative law — Judicial review — Adequacy of reasons — Board declaring that Driver Iron was an employer pursuant to Labour Relations Code and was bound by collective agreements between employers' association and union — Court of Appeal erred in finding that Board had failed to give proper consideration to interplay between provisions of Code — Board not having to consider and comment upon every issue raised by parties — Board's decision, viewed as a whole in context of record, was reasonable.

Held: The appeal should be allowed.

Cases Cited

Referred to: *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708.

Statutes and Regulations Cited

Labour Relations Code, R.S.A. 2000, c. L-1, ss. 176(1)(b), 176(2), 178.

APPEAL from a judgment of the Alberta Court of Appeal (Hunt, Berger and Costigan J.J.A.), 2011 ABCA 55, 502 A.R. 229, 517 W.A.C. 229, 21 Admin. L.R. (5th) 1, 191 C.L.R.B.R. (2d) 1, [2011] Alta. L.R.B.R. 183, 2012 CLLC ¶220-011, [2011] A.J. No. 155 (QL), 2011 CarswellAlta 165, setting aside a decision of Gill J., 2009 ABQB 604, 491 A.R. 14, 1 Admin. L.R. (5th) 305, 174 C.L.R.B.R. (2d) 1, [2009] Alta. L.R.B.R. 349, [2009] A.J. No. 1182 (QL), 2009 CarswellAlta 1687, dismissing an application for judicial review from a decision of the Alberta Labour Relations Board, 164 C.L.R.B.R. (2d) 213, [2009] Alta. L.R.B.R. 26, [2009] A.L.R.B.D. No. 3 (QL), 2009 CarswellAlta 46. Appeal allowed.

Kent H. Davidson, Q.C., Monique Petrin Nicholson and Gordon Nikolaichuk, for the appellant.

Peter A. Gall, Q.C., Joana Thackeray, Jennifer Klinck and Andrea Zwack, for the respondent Driver Iron Inc.

Joanna Gislason, Gary Caroline and Lyndsay Watson, for the respondent the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union No. 720.

Shawn W. McLeod, for the respondent the Alberta Labour Relations Board.

The following is the judgment delivered by

THE COURT —

[1] Construction Labour Relations - An Alberta Association appeals from a judgment of the Alberta Court of Appeal that allowed an appeal from a judgment dismissing an application for judicial review. In so doing, the Court of Appeal quashed a decision of the Alberta Labour Relations Board and remitted to the Board complaints alleging breaches of the *Labour Relations Code*, R.S.A. 2000, c. L-1, that the Board had allowed in part in a decision dated January 8, 2009.

[2] The appeal is well founded. The Board considered the relevant provisions of the *Code* and the facts presented to it by the parties. Its interpretation of the *Code* and its conclusions were reasonable. Its decision was entitled to deference. The Court of Appeal had no valid grounds to review and quash the decision. The court focused on an assertion that the Board had failed to give proper consideration to the interplay between ss. 176(1)(b) and 178 of the *Code* and to the different meanings that could be ascribed to these provisions and to s. 176(2).

[3] The Board did not have to explicitly address all possible shades of meaning of these provisions. This Court has strongly emphasized that administrative tribunals do not have to consider and comment upon every issue raised by the parties in their reasons. For reviewing courts, the issue remains

whether the decision, viewed as a whole in the context of the record, is reasonable (*Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708).

[4] For these reasons, the appeal is allowed, the judgment of the Alberta Court of Appeal is set aside and the judgment of the Court of Queen's Bench is restored, with costs to the appellant.

Appeal allowed with costs.

Solicitors for the appellant: Miller Thomson, Edmonton.

Solicitors for the respondent Driver Iron Inc.: Heenan Blaikie, Vancouver.

Solicitors for the respondent the International Association of Bridge, Structural, Ornamental and Reinforcing Ironworkers, Local Union No. 720: Caroline & Gislason, Vancouver.

Solicitor for the respondent the Alberta Labour Relations Board: Alberta Labour Relations Board, Edmonton.