

Supreme Court of Canada / Cour suprême du Canada

(le français suit)

JUDGMENT IN APPEAL

January 30, 2014

For immediate release

OTTAWA – The Supreme Court of Canada has today deposited with the Registrar judgment in the following appeal.

Reasons for judgment will be available shortly at: <http://scc.lexum.org/decisia-scc-csc/scc-csc/en/nav.do>

JUGEMENT SUR APPEL

Le 30 janvier 2014

Pour diffusion immédiate

OTTAWA – La Cour suprême du Canada a déposé aujourd’hui auprès du registraire le jugement dans l’appel suivant.

Motifs de jugement disponibles sous peu à: <http://scc.lexum.org/decisia-scc-csc/scc-csc/fr/nav.do>

34763

Telecommunications Employees Association of Manitoba Inc. – International Federation of Professional & Technical Engineers, Local 161; Communications, Energy and Paperworkers Union of Canada, Local 7; International Brotherhood of Electric Workers, Local Union 435; Harry Restall, on his own behalf and on behalf of certain retired employees or the Widows/Widowers thereof of Manitoba Telecom Services Inc., MTS Communications Inc., MTS Mobility Inc. and MTS Advanced Inc.; and Larry Trach, on his own behalf and on behalf of all unionized employees of Manitoba Telecom Services Inc., MTS Communications Inc., MTS Mobility Inc. and MTS Advanced Inc. and all unionized employees of MTS Media Inc. who were transferred to Yellow Pages Group Co. pursuant to a sale on October 2, 2006 v. Manitoba Telecom Services Inc. and MTS Allstream Inc. (as successor to MTS Communications Inc., MTS Mobility Inc. and MTS Advanced Inc.) (Man.)
2014 SCC 11 / 2014 CSC 11

Coram: McLachlin C.J. and LeBel, Fish, Rothstein, Cromwell, Moldaver and Karakatsanis JJ.

The appeal from the judgment of the Court of Appeal of Manitoba, Number AI 10-30-07355, 2012 MBCA 13, dated February 10, 2012, heard on May 16, 2013, is allowed with costs throughout, including those for the application for leave to appeal in this Court, on a solicitor-and-client basis, to be paid out of the New Plan trust fund. The trial judge’s order requiring MTS to make the amount of the Initial Surplus plus interest at the New Plan rate of return available to the plan members to be used to pay for enhancements to their pension benefits is reinstated. The trial judge’s remedial order to negotiate is also reinstated, and the matter shall be remanded to the trial judge should the parties prove unable to reach an agreement.

L'appel interjeté contre l'arrêt de la Cour d'appel du Manitoba, numéro AI 10-30-07355, 2012 MBCA 13, en date du 10 février 2012, entendu le 16 mai 2013, est accueilli avec dépens devant toutes les cours, y compris ceux relatifs à la demande d'autorisation d'appel devant la Cour, sur la base procureur-client, prélevés sur la caisse fiduciaire du nouveau régime. Le jugement de première instance qui ordonne à MTS de mettre à la disposition des participants le surplus initial majoré de l'intérêt couru au taux de rendement du nouveau régime, en vue de la bonification de leurs prestations de retraite, est rétabli. L'ordonnance de réparation du juge de première instance qui enjoint aux parties de négocier est rétablie, et l'affaire lui sera renvoyée si les parties n'arrivent pas à s'entendre.

Supreme Court of Canada / Cour suprême du Canada :

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