

February 21, 2008

Le 21 février 2008

Coram: McLachlin C.J. and Fish and  
Rothstein JJ.

Coram : La juge en chef McLachlin et les  
juges Fish et Rothstein

**BETWEEN:**

**ENTRE :**

Daniel E. MacDougall, Arthur J. Tiernay,  
Angus Baker, Malcolm Kerr and Garry  
Besserer

Daniel E. MacDougall, Arthur J. Tiernay,  
Angus Baker, Malcolm Kerr et Garry  
Besserer

Applicants

Demandeurs

- and -

- et -

Ontario Northland Transportation  
Commission, National Automobile,  
Aerospace, Transportation and General  
Workers Union of Canada and its Local 103  
(the “CAW”) and Brian Stevens on his own  
behalf and on behalf of the Employees of the  
Defendant,, Ontario Northland  
Transportation Commission (“ONTC”)  
represented by the CAW, United  
Transportation Union (“UTU”) and Philip  
Koning, on his own behalf and on behalf of  
all members of the UTU and its Local 1161  
employed by the Defendant ONTC,  
Brotherhood of Maintenance of Way  
Employees (“BMWE”) and Richard Paulin

Ontario Northland Transportation  
Commission, National Automobile,  
Aerospace, Transportation and General  
Workers Union of Canada and its Local 103  
(the “CAW”) and Brian Stevens on his own  
behalf and on behalf of the Employees of the  
Defendant,, Ontario Northland  
Transportation Commission (“ONTC”)  
represented by the CAW, United  
Transportation Union (“UTU”) and Philip  
Koning, on his own behalf and on behalf of  
all members of the UTU and its Local 1161  
employed by the Defendant ONTC,  
Brotherhood of Maintenance of Way  
Employees (“BMWE”) and Richard Paulin

on his own behalf and on behalf of all members of the BMWE and its Locals 3 and 2697 employed by the Defendant ONTC, International Brotherhood of Electrical Workers - System Council NO. 11 Local 2061 ("IBEW") and Gordon Louttit on his own behalf and on behalf of all members of IBEW - System Council NO. 11, Local 2601 employed by the Defendant ONTC, United Steel Workers of America and its Local 1976 ("USWA Local 1976") and Ron Marleau on his behalf and on behalf of all members of the USWA, Local 1976 employed by the Defendant ONTC and Brotherhood of Locomotive Engineers ("BLE"), and Shawn O'Donnell, on his own behalf and on behalf of all members of the BLE employed by the Defendant ONTC

Respondents

JUDGMENT

The application for leave to appeal from the judgment of the Court of Appeal for Ontario, Number M34862, dated July 31, 2007, is dismissed with costs.

on his own behalf and on behalf of all members of the BMWE and its Locals 3 and 2697 employed by the Defendant ONTC, International Brotherhood of Electrical Workers - System Council NO. 11 Local 2061 ("IBEW") and Gordon Louttit on his own behalf and on behalf of all members of IBEW - System Council NO. 11, Local 2601 employed by the Defendant ONTC, United Steel Workers of America and its Local 1976 ("USWA Local 1976") and Ron Marleau on his behalf and on behalf of all members of the USWA, Local 1976 employed by the Defendant ONTC et Brotherhood of Locomotive Engineers ("BLE"), and Shawn O'Donnell, on his own behalf and on behalf of all members of the BLE employed by the Defendant ONTC

Intimés

JUGEMENT

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel de l'Ontario, numéro M34862, daté du 31 juillet 2007, est rejetée avec dépens.

C.J.C.  
J.C.C.