



Social Security
Tribunal of Canada

Tribunal de la sécurité
sociale du Canada

Citation: *M. A. et al v. Canada Employment Insurance Commission and U.S. Steel Canada Inc.*,
2016 SSTADEI 222

Tribunal File Number: AD-15-1346 et al

BETWEEN:

M. A. et al

Appellants

and

Canada Employment Insurance Commission and U.S. Steel Canada Inc.

Respondents

SOCIAL SECURITY TRIBUNAL DECISION
Appeal Division – Leave to Appeal

DECISION BY: Mark BORER

DATE OF DECISION: April 21, 2016

DECISION: Leave to appeal granted

DECISION

[1] This decision involves approximately 475 individual appeals of which the Applicant is the lead file, these appeals having been joined together earlier by a member of the General Division. On October 30, 2015, that General Division member issued a decision dismissing the appeals. That decision applied equally to all 475 appeals.

[2] In due course, all 475 individuals filed identical applications requesting leave to appeal this decision to the Appeal Division. As before, the Applicant is the lead file.

[3] Subsection 58(1) of the *Department of Employment and Social Development Act* (The Act) states that the only grounds of appeal are that:

- (a) the General Division failed to observe a principle of natural justice or otherwise acted beyond or refused to exercise its jurisdiction;
- (b) the General Division erred in law in making its decision, whether or not the error appears on the face of the record; or
- (c) the General Division based its decision on an erroneous finding of fact that it made in a perverse or capricious manner or without regard for the material before it.

[4] The Act also states that leave to appeal is to be refused if the appeal has “no reasonable chance of success”.

[5] The Applicant in his submissions, alleges that the General Division member breached the principles of natural justice by allowing an “intimidating and disruptive atmosphere” at the hearing which “negatively impacted on the Appellants’ ability to present their case, and on the Tribunal’s ability to hear it [sic]”.

[6] The Applicants also argues that the General Division member erred in law and in fact in concluding that he and his fellow employees lost their employments due to a stoppage of work attributed to a dispute, and provides case law to support his views.

[7] Although I make no finding on this matter, I agree that if proven either of these grounds could result in a successful appeal. For that reason, I find that this application has a reasonable chance of success and that therefore this application for leave to appeal must be granted.

[8] As this file is a procedurally complex one, I believe that it would benefit from a pre-hearing teleconference to discuss next steps. Tribunal staff are currently in the process of contacting the parties to find a mutually acceptable date for such a pre-hearing. At that time a number of issues, including timelines and next steps, will be discussed.

Mark Borer

Member, Appeal Division