

Court File Number: **A-57-22**

FEDERAL COURT OF APPEAL

BETWEEN:

MICHAEL DAVID SIELUZYCKI

-and-

CANADA INDUSTRIAL RELATIONS BOARD

FEDERAL COURT OF APPEAL COUR D'APPEL FÉDÉRALE	
Applicant	
MAR 09 2022	
E. RABOUIN	
FILED	DEPOSE
OTTAWA, ON	

Respondent

-and-

COCA-COLA BOTTLING COMPANY CANADA

Respondent

-and-

**UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION, LOCAL
175**

Respondent

APPLICATION UNDER *section 18.1 and section 28 of the Federal Courts Act and Rule 300 and Rule 317 of the Federal Court Rules.*

NOTICE OF APPLICATION FOR A JUDICIAL REVIEW

TO THE RESPONDENT:

A PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the applicant. The relief claimed by the applicant appears below.

THIS APPLICATION will be heard by the Court at a time and place to be fixed by the Judicial Administrator. Unless the Court orders otherwise, the place of hearing will be as requested by the applicant. The applicant requests that this application be heard at the National Capital Region of Canada.

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or a solicitor acting for you must file a notice of appearance in Form 305 prescribed by the *Federal Courts Rules* and serve it on the applicant's solicitor or, if the applicant is self-represented, on the applicant, WITHIN 10 DAYS after being served with this notice of application.

Copies of the *Federal Courts Rules*, information concerning the local offices of the Court and other necessary information may be obtained on request to the Administrator of this Court at Ottawa (telephone 613-992-4238) or at any local office.

IF YOU FAIL TO OPPOSE THIS APPLICATION, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU.

Issued by:



(Registry Officer)

Address of local office:

Registries of the Federal Courts
Thomas D'Arcy McGee Building
90 Sparks Street, 5th Floor
Ottawa, Ontario
K1A 0H9

**E. RABOUIN
REGISTRY OFFICER
AGENT DU GREFFE**

TO: Canada Industrial Relations Board
C.D. Howe Building, 4th Floor West
240 Sparks Street
Ottawa, Ontario
K1A 0X8

AND TO: United Food and Commercial Workers International Union, Local 175
102-177 Colonnade Road
Ottawa, Ontario
K2E 7J4

AND TO: Coca-Cola Bottling Company Canada
885 boulevard de la Carrière
Gatineau, Quebec
J8Y 6S6

AND TO: Attorney General of Canada
284 Wellington Street
Ottawa, Ontario
K1A 0H8

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**UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION, LOCAL
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Respondent

**APPLICATION UNDER *section 18.1* and *section 28* of the *Federal Courts Act* and *Rule 300*
and *Rule 317* of the *Federal Court Rules*.**

1. This is an application for judicial review in respect of the seventeenth of November decision of the Canada Industrial Relations Board (CIRB)—in the year of two thousand and twenty-one—pertaining to the CIRB’s File number 035015-C or Document number 0606489-D—which was signed by (Mrs./Ms.) Louise Fecteau whom is the Vice-Chairperson for the CIRB; specifically, the Canada Industrial Relations Board held that the Coca-Cola Bottling Company is not an employer whose employees are employed on or in connection with a federal work, undertaking or business.
2. The applicant makes application for:
 - a. An order setting aside the Canada Industrial Relations Board’s seventeen of November decision of two thousand and twenty-one concerning the CIRB File Number 035015-C.


- b. An order to set aside and refer back the contentions—CIRB File Number 035015-C—to the Canada Industrial Relations Board
 - c. An order to award costs to Michael David Sieluzycki for this application.
 - d. Orders that this Court considers appropriate under the circumstances.
3. The grounds for the application are:
- a. The Canada Industrial Relations Board erred in fact and law by:
 - i. Denying that the City Motor Vehicle Operator classification of employees pertains to a federal work, undertaking, or business.
 - b. The Canada Industrial Relations Board based its decision on a erroneous finding of fact that it made without regard for the material before it by:
 - i. Refusing to exercise the Canada Industrial Relations Board’s jurisdiction in the decision of the Canada Industrial Relations Board’s File Number 035015-C on the seventeenth of November.
 - c. Other grounds that this Court may permit and that may develop within the course of these proceedings.
 - d. Michael David Sieluzycki relies on:
 - i. *Subsection 28(1)(h), subsection 28(2), and section 18.1 of the Federal Courts Act, R.S.C., 1985, c. F-7.*
 - ii. *Rule 300 and Rule 317 of the Federal Court Rules, SOR/98-106.*
 - iii. *Subsection 97(1) of the Canada Labour Code, R.S.C., 1985, c. L-2.*
 - iv. *The Motor Vehicle Operators Hours of Work Regulations, C.R.C., c. 990.*
 - v. Other Statutes, Regulations, Orders and Provisions that this Court permits and that become relevant during the course of the proceeding.

4. This application will be supported by the following material:

Please refer to the "List of Documents Concerning the Application for Judicial Review (January 2022)" (on a separate page).

5. The applicant requests the Canada Industrial Relations Board to send a certified copy of the following material that is not in the possession of the applicant but is in the possession of the Canada Industrial Relations Board or the Administrative Tribunals Support Service of Canada to Michael David Sieluzycki (the applicant) and to the Registries Office of the Federal Courts:

The Canada Industrial Relations Board's records pertaining to Michael David Sieluzycki's complaints about the Coca-Cola Bottling Company Canada or the Canada Industrial Relations Board's File number 035015-C.

 Recoverable Signature

X 

Michael David Sieluzycki

Applicant: Federal Court of Appeal

Signed by: e5c2714a-7c72-4331-828e-1fb1eb20567d

Date of Signing of this Application to the Federal Court by the applicant is January 17, 2022.

Applicant:

Michael David Sieluzycki

85 Morin Street

Gatineau, Quebec

J8X 0A1

Applicant's telephone number: 438 836 7925

Applicant's email address: mike.researchinmotion@gmail.com

Michael David Sieluzycki's Mailing Address:

207 Bank Street, Suite 270

Ottawa, Ontario

K2P 2N2

List of Documents Concerning the Application for Judicial Review (January 2022):

1. The Canada Industrial Relations Board's seventeenth of November decision in the year of two thousand and twenty-one regarding the Document Number 0606489--D and the File Number 035015-C.
2. The Coca-Cola Bottling Company Canada's Job Posting (Job Bank #1768017) for "Truck Driver" through the Employment and Social Development Canada's Job Bank website with posting date of the twenty-sixth of July in the year of two thousand and twenty-one.
3. Michael David Sieluzycski's Application for Reconsideration of Mr. Trevor Craig's seventeenth of August decision in the year of two thousand and twenty-one with regards to the Administrative Tribunals Support Services of Canada for the Canada Industrial Relations Board.
4. Michael David Sieluzycski's stance about a hearing with regards to the Application for Reconsideration or document number three in this list.
5. The email response from Mrs./Ms. Shannon Epp (UFCW) to Michael David Sieluzycski with regards to Michael David Sieluzycski's Access to Information request on the eleventh of August of two thousand and twenty-one.
6. Michael David Sieluzycski's email job application to Coca-Cola Bottling Company Canada (Jennifer Pocasangre) regarding the Canada Job Bank posting number 1768017 on the twenty-sixth of July in the year of two thousand and twenty-one.
7. Jennifer Pocasangre's email response (on behalf of Coca-Cola Bottling Company Canada) to Michael David Sieluzycski's application for employment.
8. Michael David Sieluzycski's access to information request to Coca-Cola Bottling Company Canada and to the United Food and Commercial Workers International Union (Local 175) on the twelfth day of August in the year of two thousand and twenty-one.
9. Jennifer Pocasangre's email denial (on behalf of Coca-Cola Bottling Company Canada) and accusations in response to Michael David Sieluzycski's (twelfth of August) written access to information request.
10. Michael David Sieluzycski's written access to information request to the United Food and Commercial Workers International Union (local 175) on the tenth day of August in the year of two thousand and twenty-one.
11. A copy of the resume that Michael David Sieluzycski did submit to Coca-Cola Bottling Company Canada for the Canada Job Bank posting #1768017.
12. Mr. Trevor Craig's (on behalf of the Administrative Tribunals Support Services of Canada for the Canada Industrial Relations Board) email response to Michael David Sieluzycski's—on the thirteenth of August—inquiry.

13. Michael David Sieluzycki's email (inquiry) to Mr. Trevor Craig on the seventeenth of August.
14. Mr. Trevor Craig's—seventh of August—response to Michael David Sieluzycki's inquiry.
15. Michael David Sieluzycki's complaint to the “Commission des normes, de l'équité, de la santé, et de la sécurité du travail” in regards to *section 227* of the *Act respecting Occupational Health and Safety* (of Quebec).
16. A copy of the resume (version two) that Michael David Sieluzycki did submit to Coca-Cola Bottling Company Canada for the Canada Job Bank posting #1768017.
17. Michael David Sieluzycki's—twelfth of August (2021)—*section 97* of the *Canada Labor Code* complaint to the Canada Industrial Relations Board regarding Coca-Cola Bottling Company Canada on the “Section 37” complaint form.
18. Michael David Sieluzycki's—seventeenth of August (2021)—*section 97* of the *Canada Labor Code* complaint to the Canada Industrial Relations Board regarding Coca-Cola Bottling Company Canada on the “Section 37” complaint form.
19. Mrs./Ms. Louise Fecteau's decision (on behalf of the Canada Industrial Relations Board) on the seventeenth of November in the year of two thousand and twenty-one for the Board's file number 035015-C.
20. The Office of the Privacy Commissioner of Canada's—fourteenth of December (2021)—decision regarding Michael David Sieluzycki's complaint to the Office of the Privacy Commissioner about Coca-Cola Bottling Company Canada and the United Food and Commercial Workers International Union's Local 175.