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McLean wins suit

Forces veteran denied pension for years by province

By Ryan Tumilty

Staff Writer

Grant McLean's 25-year-plus fight with the provincial government came to an end in an Edmonton courtroom yesterday with a judgment in his favour for \$271,625.

Queen's Bench Justice Vital Ouellette sided largely with McLean in his lawsuit against the provincial government and awarded him the lump sum payment as compensation to him for years of pensionable service the government denied he had.

Ouellette also said the government had to recognize the 14 years he served with the armed forces as part of his pensionable service and compensate him accordingly.

McLean's battle with the government started in 1982 when he was serving in the Canadian Forces and was set to be transferred out of Alberta.

McLean and his family didn't want to leave the province and he was thrilled when he was offered a job with the provincial government at the Calgary Correctional Centre as deputy director of operations.

During interviews for the position, the human resources person on the file told McLean he would be allowed to transfer his 14 years of pension with the Forces to the provincial government's plan.

Soon after being hired, he learned this wasn't the case and immediately began taking up the issue with his supervisors.

After being turned down at every level, including the Alberta Ombudsman and the deputy minister of his department, McLean launched a lawsuit in 1999.

He subsequently became well known at the Alberta legislature, often dressing in a pig costume and protesting the government's refusal to settle the issue.

He said he took as long as he did to sue because he believed it would hurt his employment with the government to sue them.

"I didn't want to jeopardize my career and my wife said you are going to get fired," he said. "As I started raising these points, I never got one more promotion."

During a 2003 deposition of personnel manager Donna McWilliams, she admitted she told McLean his time in the military would transfer to the provincial pension plan. She also confirmed that in the letter of employment she sent to McLean.

McLean said, given those pieces of information, he is at a loss as to why the government refused to settle the issue without having to go to trial.

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"I wish I knew and if you can find out I would like to know."

McLean said while he won the victory in court he still wants to know why so many people refused to budge on the issue.

He said he intends to continue to protest until someone in government explains their actions.

"There are two in St. Albert and I am going to hold them to account, because the pig is not dead," he said. "Who was making the calls behind the scenes for this. I want to know what their rationale was for essentially wrecking my life."

McLean, now 60, was seeking a total of \$664,042, which would have been his total pension payment had he retired at age 55 with a full pension, which the additional 14 years would have allowed him to do in 2003.

McLean said he is just happy the case got the light of day.

"I am pleased that I got this to trial and I am pleased that I got to tell my story to the public and when members of the public read the transcript I think they are going to see that the actions of the government in this case were deplorable."

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