

Soldier sues Alberta

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The Golden Rule is Grant McLean's motto as he goes up against Alberta's government bureaucracy.

As a prison supervisor, McLean has learned the best way to solve a conflict is to apply the same simple rule all children learn.

"I use the golden rule," said McLean. "If we're wrong we tell the person we're wrong and we make it right."

The senior manager with the Alberta government and former army veteran only wishes the Alberta government would do the same in the dispute over his pension, which has been dragging on for 25 years. McLean is seeking \$450,000, or the equivalent of 14 years worth of his military pension, which he earned before becoming an Albertan civil servant.

Before taking the job as Deputy Director of the Calgary Correctional Centre in 1982, McLean was assured in writing by his prospective employer that his pension from the Canadian Armed Forces was fully transferable to his new job. However, soon after quitting the military and taking the new job he found out there was no such agreement between the Armed Forces and the Alberta government, meaning he lost 14 years worth of his pension.

"I was never told there'd be a shortfall until I left the military," he said, saying the government violated their own rules by telling him the pension was transferable. "If she [the regional personnel manager] had followed the directives it wouldn't have

happened."

As part of the pre-trial proceedings an Examination for Discovery was carried out on Jan. 17, 2003. The manager responsible for McLean's hiring admitted under oath to being new to the job, but said she had made due diligence inquiries to the Alberta Government Management Pension Plan. She said she had been assured McLean's pension was fully transferable.

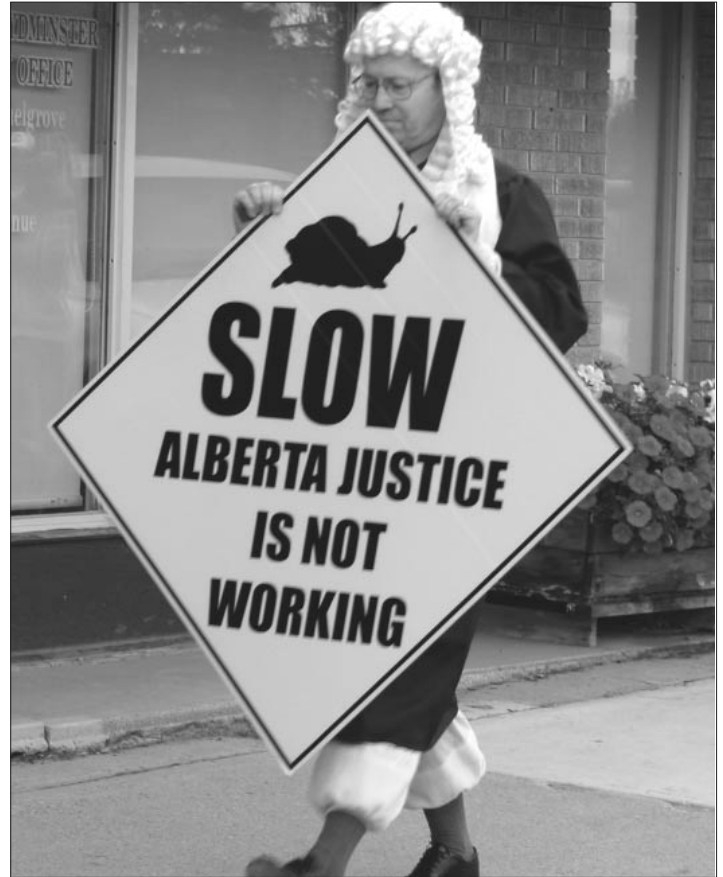
Although the evidence would suggest the mix-up is on the government's end, McLean has yet to receive any compensation. Frustrated after years of no response, he filed a lawsuit against the government in 1999.

"I don't believe in suing my employer. I guess I'm from the old school where you just don't do that," he said, adding it was the only way he could get justice.

Instead of waiting on the lawsuit, some friends of McLean's decided to take action. In February, while he was ill, they formed a group called Friends of Grant McLean and began publicly campaigning on his behalf. In better health, on Aug. 29 McLean decided to pay a visit to MLA Lloyd Snelgrove's office in Vermilion and then continued onto the Alberta provincial building in Lloydminster.

In his capacity as minister responsible for Personnel Administration Office, Snelgrove has the power to offer McLean a settlement.

With that in mind, McLean wanted to speak with him personally but Snelgrove wasn't present at the time. Later, in a phone interview from his Edmonton office, the minister made it clear he is not considering an out of



Charlotte Smith

Grant McLean protests outside of Lloyd Snelgrove's constituency office in Vermilion.

court compromise.

"Sometimes emotion can't run the day," said Snelgrove. "We need to have a sound basis for the decisions that we make with response to pensions and other liabilities."

In cases such as these, it is not the sum of money the government is worried about, but the precedent that could be set if they settle, said Barbara Billingsley, associate professor at the University of Alberta Faculty of Law.

"They don't want to pay unless somebody says 'you have to' because otherwise they create a bad situation for themselves," said Billingsley.

If they deal with McLean's issue on an ad-hoc basis then others with

similar grievances will expect the same settlement, said Snelgrove.

"One could only imagine how some of the decisions could have huge implications just because of the number of people," he said.

McLean agrees this case is about setting a precedent, but not the kind Snelgrove is talking about. He worries about what kind of message the government is sending to its men and women in uniform who risk their lives daily for their country.

"Just imagine how this would read," he said. "Canada's richest province giving a former soldier this kind of run around. Makes you proud to be Albertan, doesn't it?"