

NOVA SCOTIA COURT OF APPEAL

Citation: *Cherubini Metal Works Ltd. v. Nova Scotia (Attorney General)*,
2007 NSCA 38

Date: 20070405
Docket: CA 269398
Registry: Halifax

Between:

The United Steel Workers of America and The
United Steel Workers of America, Local 4122

Appellants

v.

Cherubini Metal Works Limited, a body corporate

Respondent

Judge: The Honourable Justice Thomas Cromwell

Appeal Heard: February 16, 2007

Subject: Exclusive jurisdiction of labour arbitrators – Jurisdiction of courts – **Weber v. Ontario Hydro**, [1995] 2 S.C.R. 929

Summary: The respondent sued the appellant unions and the Province alleging conspiracy, negligence, intentional interference with economic interests and abuse of public authority. The local union was a party to a collective agreement with the respondent. The international union, although not a party to the agreement, had defined roles under it. The respondent made two main claims in its law suit. First, it alleged that the local union, acting in concert with the international union, abused the grievance process in the collective agreement to harass and cause harm to the respondent's business interests. Second, it alleged that the

unions and the Province conspired to and did abuse the occupational health and safety provisions of the collective agreement and the Province's statutory regulatory power to inflict injury on the respondent.

The unions applied for summary judgment on a number of grounds including that the respondent's claims against them were within the exclusive jurisdiction of an arbitrator acting under the terms of the collective agreement. The judge dismissed the summary judgment application and the unions appealed.

Issues: The main issue was whether the judge had erred in finding that the court had jurisdiction to hear the respondent's law suit.

Result: Appeal allowed and respondent's action against the unions dismissed. The claims against the unions in their essential character arose out of the collective agreement and such claims fell within the exclusive jurisdiction of the grievance and arbitration process established under the **Trade Union Act**, R.S.N.S. 1989, c. 475 and the collective agreement.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 24 pages.