

**CASE NO.****VOL. NO.****PAGE**

MARILYN KEDDY

- and -

WESTERN REGIONAL  
HEALTH BOARD

(Appellant)

(Respondent)

CA 155824

Halifax, N.S.

BATEMAN, J.A.

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[Cite as: Keddy v. Western Regional Health Board, 1999 NSCA 141]

**APPEAL HEARD:**

November 9, 1999

**JUDGMENT DELIVERED:**

November 18, 1999

**SUBJECT:      WRONGFUL DISMISSAL**

**SUMMARY:** Ms. Keddy was director of the South Shore Drug Dependency Program. Through government reorganization responsibility for four drug dependency programs devolved to the newly created Western Regional Health Board. She accordingly became an employee of the WRHB but her job position was eliminated. She applied for the new senior management position overseeing the four programs and for two more subordinate positions. She was not successful in these competitions. Her contract with the SSDDP called for dismissal on two months notice. She rejected an offer of six months pay in lieu and sued for wrongful dismissal including aggravated damages. Finding that the contract governed her continuing employment with the WRHB, and that she was thus entitled only to the notice period specified in the contract, the trial judge dismissed her action.

**ISSUES:** Did the trial judge err in holding that the contract with the SSDDP governed Ms. Keddy's continuing employment with the WRHB. Did the trial judge err in finding that the WRHB did not breach a duty of good faith (assuming such a duty to exist) in the manner in which she was dismissed including the Board's failure to hire her for any of the new positions?

**RESULT:** Appeal dismissed. No error by the trial judge. Court expressed reservations as to whether a claim exists in relation to the Board's

failure to hire Ms. Keddy. It was unnecessary to decide this issue as, in any event, the judge did not err in finding that the hiring process was not actionably flawed.

**This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 8 pages.**