

CASE NO.

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HALIFAX EMPLOYERS
ASSOCIATION (Workers'
Compensation Board Claim
No. 134981-18)

- and - THE NOVA SCOTIA WORKERS'
COMPENSATION APPEALS TRIBUNAL
and THE WORKERS' COMPENSATION
BOARD OF NOVA SCOTIA

(Appellant)

(Respondents)

Halifax, N.S.

**Cite as: Halifax Employers Association v. Nova Scotia (Workers'
Compensation Appeals Tribunal), 2000 NSCA 86]**

APPEAL HEARD:

May 30, 2000

JUDGMENT DELIVERED:

July 14, 2000

SUBJECT:

**Workers' Compensation - Accident Fund - Assessment of
Employers**

SUMMARY:

The appellant is designated bargaining agent of all employers of unionized employees in the longshoring industry in the Port of Halifax. It was classified, for assessment purposes, by the Workers' Compensation Board as part of the marine cargo-handling industry. The appellant appealed to the Workers' Compensation Appeals Tribunal arguing that it should be classified as part of the labour organizations industry, or alternatively, that it should receive a multiple classification including both marine cargo-handling and labour organization. WCAT dismissed the appeal and the appellant appealed to the Court of Appeal.

ISSUES:

1. What is the appropriate standard of review?
2. Did the Tribunal commit reviewable error?

RESULT:

Appeal dismissed. The applicable standard of review is determined by having regard to the nature of the problem before the Tribunal, the relevant law properly interpreted in light of its purpose and the area of the Tribunal's specialization and expertise. Taking all of these factors into account, the appropriate standard of review in this particular case is reasonableness *simpliciter*. It may be that with respect to other sorts of questions arising under the **Act** or Board policies, a different standard may be appropriate. Viewed in the context of the Board's policies relating to assessment and the

Board's philosophy of industrial classification, the interpretation given by the Board and upheld by the Tribunal was reasonable.

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 28 pages.