

NOVA SCOTIA COURT OF APPEAL

Citation: International Union of Operating Engineers, Local 721 v. Granite Environmental Inc., 2005 NSCA 141

Date: 20051109

Docket: CA 238180

Registry: Halifax

Between:

International Union of Operating Engineers, Local 721

Appellant

v.

Granite Environmental Incorporated and Labour Relations Board (Nova Scotia)

Respondents

Judge: The Honourable Justice Fichaud

Appeal Heard: October 4, 2005

Subject: Judicial review of Labour Relations Board Construction Industry Panel - Patent unreasonableness

Summary: Construction Industry Panel of Labour Relations Board defined the bargaining unit with reference to on-site construction work. Nova Scotia Supreme Court set aside the criteria as patently unreasonable.

Issue: Did Supreme court properly apply the patent unreasonableness standard of review?

Result: Decision of Supreme Court is reversed and Panel's decision is restored. Court of Appeal reviewed the principles to apply the patent unreasonableness standard. The Panel's decision was rationally supportable. It did not matter whether or not there may be other conclusions which might be preferable. Panel's decision was not patently unreasonable.

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 33 pages.

