

**NOVA SCOTIA COURT OF APPEAL**

**Citation:** Casino Nova Scotia/Casino Nouvelle Ecosse v. Nova Scotia (Labour Relations Board) , 2009 NSCA 4

**Date:** 20090121

**Docket:** CA 298319

**Registry:** Halifax

**Between:**

Casino Nova Scotia/Casino Nouvelle Ecosse

Appellant

v.

Nova Scotia Labour Relations Board and Service Employees  
International Union, Local 902

Respondents

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**Judge:** The Honourable Justice Fichaud

**Appeal Heard:** December 5, 2008

**Subject:** Labour Law - bargaining unit - definition of “employee” - conflict of interest by union

**Summary:** The Labour Relations Board certified the Union for a unit of security officers at a casino. The Casino submitted that the security officers performed managerial and confidential functions and were outside the definition of “employee”. The Casino also submitted that the Union was in a conflict of interest because it represented other staff. The Nova Scotia Supreme Court dismissed the Casino’s application for judicial review. The Casino appealed.

**Issue:** Did the Supreme Court judge err by dismissing the Casino’s application to set aside the Board’s certification?

**Result:** The standard of review to the Board was reasonableness. The Board’s ruling that the security officers were not managerial or confidential and the Board’s ruling that separate bargaining units avoided any conflict of interest were reasonable under standard of review analysis. The Court of Appeal dismissed the appeal.

**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 22 pages.**