

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Nova Scotia Government and General Employees Union v.
Capital District Health Authority, 2008 NSSC 7

Date: 20080110

Docket: S.H. No. 270615

Registry: Halifax

Between: Nova Scotia Government and General Employees Union

Applicant

v.

Capital District Health Authority

Respondent

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Judge: The Honourable Justice Gerald R P Moir

Heard: 8 February 2007 at Halifax

Subject: Judicial Review; Labour Arbitration; Job Classification.

Summary: Employer classified new employees into two classes; one new, one existing. Union sought arbitration of pay rates. Employer took the position that union had to follow grievance procedures. Arbitrator agreed to give preliminary ruling. Ruled that grievance was unnecessary, but went on to decide that classification into an existing class could not be arbitrated.

Issue: Standard of Review? Whether union was afforded procedural fairness?

Result: The decision must be reviewed for compliance with *audi alteram partem*. The second determination was not in compliance because the union had no reason to believe the issue would be decided and had no opportunity to present evidence or make submissions on that issue. Preliminary ruling will be set aside to that extent.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***