

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Nova Scotia Public Service Commission v. Nova Scotia Government and General Employees Union.*, 2003 NSSC 34

**Date:** 20030218  
**Docket:** SH 184187  
**Registry:** Halifax

**Between:**

The Nova Scotia Public Service Commission, representing Her Majesty the Queen in the Right of the Province

Appellant

and

Nova Scotia Government and General Employees Union and Bruce Outhouse, Q.C.

Respondent

---

**LIBRARY HEADING**

---

**Judge:** The Honourable Associate Chief Justice Michael MacDonald in Chambers

**Heard:** January 8th, 2003 in Halifax, NS

**Written Decision:** February 18, 2003

**Subject:** Administrative Law; *Certiorari* re: Implied Jurisdiction of an Arbitrator to Award Interest on an Award; Crown Immunity

**Summary:** Certain Nova Scotia Government employees classified as “Buyers” felt that, over the years, their responsibilities had changed to the point where they deserved a pay raise. Failing to negotiate the same, they grieved under the terms of the existing *Collective Agreement*. In August of 1999, this grievance went to adjudication before Arbitrator Bruce Outhouse, Q.C.

Mr. Outhouse’s first task was to determine whether the classifications were substantially altered so as to trigger a corresponding pay increase. In July of 2001, Arbitrator Outhouse found that they had.

A negotiated settlement could not be reached so in February of 2002 Arbitrator Outhouse set the rates. In his award, he also included an award of interest.

**Issue:** Thus the narrow questions are:

1. did Arbitrator Outhouse have an implied jurisdiction to award interest and
2. does it matter that his Order is against the Crown?

**Result:**

1. In the circumstances of this case, Arbitrator Outhouse has an implied jurisdiction to award interest.
2. It makes no difference that the employer is the Crown.

The Crown’s Application was dismissed.

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