

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** Capital District Health Authority v. Nova Scotia Government and General Employees Union, 2009 NSSC 174

**Date:** 20090909  
**Docket:** Hfx 305818  
**Registry:** Halifax

**Between:**

Capital District Health Authority

Applicant

v.

Nova Scotia Government and General Employees Union

Respondent

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**Judge:** The Honourable Justice Gerald R. P. Moir

**Heard:** July 30, 2009 at Halifax

**Subject:** Judicial review, Arbitration, Interpretation of Collective Agreement

**Summary:** An arbitrator held that the employer had to interview an applicant in a job competition even though the applicant did not have one of the minimum posted qualifications, a nursing degree. In doing so, he gave effect to a principle of equivalent qualification, which some arbitrators do not accept, and he interpreted the management rights clause to be restricted by the clause for seniority rights.

**Issue:** Whether the award was reasonable?

**Result:** Reasonableness is the applicable standard. The award follows an expressed path that is intelligible. The path leads to a possible outcome that is rational. Review is dismissed.

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