

SUPREME COURT OF NOVA SCOTIA

Citation: Slack v. Capital District Health Authority, 2014 NSSC 235

Date: 20140625

Docket: Hfx. No. 408380

Registry: Halifax

Between:

Stephen Slack and Elizabeth Gidney

-and-

Capital District Health Authority, a body corporate, and Linda Fougere

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Judge: The Honourable Justice Cindy A. Bourgeois

Heard: April 9, 2014 at Halifax, Nova Scotia

Written

Decision: June 25, 2014

Subject: Motion for summary judgment on evidence; jurisdiction of Court.

Summary: Two plaintiffs brought an action against the defendant Health Authority and a former employee alleging the employee had inappropriately accessed their private health records. One of the plaintiffs was also an employee of the Health Authority whose employment was governed by the terms of a Collective Agreement. The defendants sought summary judgment in relation to the plaintiff Gidney, arguing her dispute was exclusively governed by the Collective Agreement, and as such this Court did not have jurisdiction.

Issue: Should motions be granted?

Result: Motions dismissed. After considering **Webber v. Ontario Hydro** [1995] 2 S.C.R. 929 and the authorities arising therefrom, the Court concluded the “essential character” of the dispute did not arise from the Collective Agreement, rather from the patient-hospital relationship.

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