

**SUPREME COURT OF NOVA SCOTIA**

**Citation:** *Public Service Alliance of Canada v. Commissionaires Nova Scotia*  
2014 NSSC 286

**Date:** 20140724  
**Docket:** Hfx No. 419612  
**Registry:** Halifax

**Between:**

Public Service Alliance of Canada

Applicant

v.

Commissionaires Nova Scotia

Respondent

---

LIBRARY HEADING

---

**Judge:** The Honourable Justice M. Heather Robertson

**Heard:** February 19, 2014, in Halifax, Nova Scotia

**Decision:** July 24, 2014

**Subject:** Judicial Review of a decision of an Arbitration Board appointed pursuant to the *Canada Labour Code*.

**Summary:** Arbitration Board upheld the termination of the grievor finding he committed an unprovoked physical assault on a co-worker.

**Issue:** The appropriate standard of review – reasonableness; was the Arbitration Board’s decision reasonable?

**Result:** The Arbitration Board made obvious errors in law reversing the onus upon the grievor to show mitigating factors as to why the penalty of discharge should be substituted by a lesser penalty. Arbitration Board decision set aside. The matter to be resubmitted back to the Arbitration Board for reconsideration.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.***

***QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***