

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Western Electrics Ltd. v. International Brotherhood of Electrical Workers, Local 625, 2004
NSSC 129

Date: 20040624
Docket: S.H. 207988
Registry: Halifax

Between:

Western Electrics Limited

Applicant

- and -

The International Brotherhood of Electrical Workers,
Local 625 (the "Union")

Respondent

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Judge: The Honourable Justice Suzanne M. Hood

Heard: May 11, 2004 in Chambers, at Halifax, Nova Scotia

Written Decision: June 24, 2004

Subject: *Trade Union Act; certiorari; Rule 56.06(1); Rule 3.03; Rule 2.02.*

Summary: A unionized employer sub-contracted work to a non-union employer. The employer had a collective bargaining relationship with I.B.E.W., Local 625 under Part II of the *Trade Union Act*. The Union filed a grievance which went to arbitration. The Employer applied for judicial review of the arbitration award pursuant to the *Arbitration Act*.

Issue: What is the proper form of judicial review where the parties are involved in the construction industry?

Result: S. 107 of the *Trade Union Act* mandates an application in the nature of *certiorari* where the dispute is with respect to a collective agreement in the construction industry. There is no alternative procedure of consensual arbitration under the collective agreement in such cases.

The time limit for filing an application in the nature of *certiorari* has expired. The court should not exercise its inherent jurisdiction to extend the time for filing of the application because of the wording of *Rule 56.06(1)*. It provides that *Rule 3.03*, which allows for extensions of time, does not apply. Nor can *Rule 2.02* override the specific wording of *Rule 56.06(1)*.

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